

OCHA

Office for the Coordination
of Humanitarian Affairs

Oslo Guidelines

GUIDELINES ON THE USE OF FOREIGN MILITARY AND CIVIL DEFENCE ASSETS IN DISASTER RELIEF

Revision 1.1 November 2007



UNITED NATIONS

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The “Oslo Guidelines” were originally prepared over a period of two years beginning in 1992. They were the result of a collaborative effort that culminated in an international conference in Oslo, Norway, in January 1994 and were released in May 1994. The following States and Organizations were involved in this effort:

Argentina, Austria, Belgium, Germany, Indonesia, Italy, Japan, Kenya, the Netherlands, Norway, Russian Federation, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America, AFDRU, Brown University’s Watson Institute, DHA, European Union/ECHO, ICDO, ICRC, IFRC, INSARAG, NATO, Steering Committee for Humanitarian Response, UNHCR, UN Legal Liaison Office, University of Naples, University of Ruhr, WHO and Western European Union. Over 180 delegates from 45 States and 25 organizations attended the conference.

The unprecedented deployment in 2005 of military forces and assets in support of humanitarian response to natural disasters, following an increasing trend over the past years, confirmed the need to update the 1994 “Oslo Guidelines”. The Consultative Group on the Use of Military and Civil Defence Assets (MCDA), at its annual meeting in December 2005, tasked OCHA’s Civil-Military Coordination Section (CMCS) with this facelift, to reflect current terminology and organizational changes, following a layout similar to the 2003 “Guidelines on the Use of Military and Civil Defence Assets to Support United Nations Humanitarian Activities in Complex Emergencies” (“MCDA Guidelines”).

The Oslo Guidelines were re-launched at an event hosted by the Government of Norway, in Oslo, on 27 November 2006, held in conjunction with the annual meeting of the Consultative Group on the Use of MCDA. Norway, Switzerland and Sweden took the lead in the update, facilitated by OCHA’s Civil-Military Coordination Section / Emergency Services Branch.

Changes in this Revision 1.1 concern the addition of the word “foreign” in the title, as well as additions for clarification to paragraph 5, as per consensus in the Extraordinary Session of the Consultative Group on the Use of MCDA, on 28 November 2007.

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Introduction

Key Terms and Definitions

The following terms are essential for establishing a common understanding of the terminology used by the guidelines as set out in this document.

- 1. Humanitarian Assistance:** Humanitarian assistance is aid to an affected population that seeks, as its primary purpose, to save lives and alleviate suffering of a crisis-affected population. Humanitarian assistance must be provided in accordance with the basic humanitarian principles of humanity, impartiality and neutrality. For the purposes of these guidelines, assistance can be divided into three categories based on the degree of contact with the affected population. These categories are important because they help define which types of humanitarian activities might be appropriate to support with international military resources under different conditions, given that ample consultation has been conducted with all concerned parties to explain the nature and necessity of the assistance.
 - **Direct Assistance** is the face-to-face distribution of goods and services.
 - **Indirect Assistance** is at least one step removed from the population and involves such activities as transporting relief goods or relief personnel.
 - **Infrastructure Support** involves providing general services, such as road repair, airspace management and power generation that facilitate relief, but are not necessarily visible to or solely for the benefit of the affected population.
- 2. International Disaster Relief Assistance (IDRA):** In the context of the present Guidelines, international disaster relief assistance means material, personnel and services provided by the international community to an Affected State to meet the needs of those affected by a disaster. It includes all actions necessary to grant and facilitate movement over the territory, including the territorial waters and the airspace, of a Transit State. IDRA delivered in accordance with the humanitarian principles identified above is humanitarian assistance.
- 3. Military and Civil Defence Assets (MCDA):** MCDA comprise relief personnel, equipment, supplies and services provided by foreign military and civil defence organizations for IDRA. Further, for the purpose of this project, civil defence organization means any organization that, under the control of a Government, performs the functions enumerated in paragraph 61 of Additional Protocol I to the Geneva Conventions of 1949. When these forces are under UN control they are referred to as UN MCDA.

4. **Other Deployed Forces:** These are all military and civil defence forces deployed in the region other than UN MCDA. They include the forces deployed by the Affected State and any foreign forces deployed under bilateral agreements or under the auspices of organizations other than the UN.
5. **Last Resort:** Military and civil defence assets should be seen as a tool complementing existing relief mechanisms in order to provide specific support to specific requirements, in response to the acknowledged «humanitarian gap» between the disaster needs that the relief community is being asked to satisfy and the resources available to meet them. Therefore, foreign military and civil defence assets should be requested only where there is no comparable civilian alternative and only the use of military or civil defence assets can meet a critical humanitarian need. The military or civil defence asset must therefore be unique in capability and availability. However, foreign civil protection assets, when civilian in nature and respecting humanitarian principles, can provide an important direct and indirect contribution to humanitarian actions based on humanitarian needs assessments and their possible advantages in terms of speed, specialisation, efficiency and effectiveness, especially in the early phase of relief response. The use of civil protection assets should be needs driven, complementary to and coherent with humanitarian aid operations, respecting the overall coordinating role of the UN.
6. **Resident Coordinator and Humanitarian Coordinator:** The Resident Coordinator (RC) is the head of the UN Country Team. In a natural disaster emergency, the Resident Coordinator or another competent UN official may be designated as the Humanitarian Coordinator (HC). In large-scale emergencies, a separate Humanitarian Coordinator is often appointed. If the emergency affects more than one country, a Regional Humanitarian Coordinator may be appointed.
7. **Emergency Relief Coordinator and Inter-Agency Standing Committee:** The Emergency Relief Coordinator (ERC) is the Under-Secretary-General for Humanitarian Affairs and coordinates the international response to humanitarian emergencies and disasters. The Inter-Agency Standing Committee (IASC) is chaired by the ERC and has the membership of all UN operational humanitarian agencies, with standing invitation to ICRC, IFRC, IOM, UNHCHR, the Representative of the Secretary-General on IDPs, the World Bank and the three NGO consortia (ICVA, InterAction and SCHR). The decision whether to and who to appoint as Humanitarian Coordinator is made by the Emergency Relief Coordinator (ERC), in consultation with the Inter-Agency Standing Committee.
8. **UN Humanitarian Civil Military Coordination (UN-CMCoord):** The essential dialogue and interaction between civilian and military actors in humanitarian emergencies that is necessary to protect and promote humanitarian principles,

avoid competition, minimize inconsistency, and when appropriate pursue common goals. Basic strategies range from coexistence to cooperation. Coordination is a shared responsibility facilitated by liaison and common training.

Aim

- 9.** The aim of the present Guidelines on the Use of Military and Civil Defence Assets in Disaster Relief (hereinafter referred to as «Oslo Guidelines») is to establish the basic framework for formalizing and improving the effectiveness and efficiency of the use of foreign military and civil defence assets in international disaster relief operations.

Scope

- 10.** The “Oslo Guidelines” address the use of MCDA following natural, technological and environmental emergencies in times of peace. The principles, mechanisms and procedures concerning military forces participating in peacekeeping operations or the delivery of humanitarian assistance in situations of armed conflict are not encompassed by this document. The use of MCDA in armed conflict situations is covered in the “Guidelines On The Use of Military and Civil Defence Assets To Support United Nations Humanitarian Activities in Complex Emergencies” (“MCDA Guidelines” - March 2003).
- 11.** These guidelines cover the use of United Nations Military and Civil Defence Assets (UN MCDA) -- military and civil defence resources requested by the UN humanitarian agencies and deployed under UN control specifically to support humanitarian activities -- as well as other foreign military and civil defence assets that might be available. These other forces on other missions are referred to as “other deployed forces”.
- 12.** Principles, concepts, and procedures are provided for requesting and coordinating military and civil defence assets when these resources are deemed necessary and appropriate, and for interfacing with foreign military forces who are conducting activities which impact on UN humanitarian activities.
- 13.** These guidelines are primarily intended for use by UN humanitarian agencies and their implementing and operational partners, Resident and Humanitarian Coordinators, UN MCDA commanders and commanders of other deployed forces performing missions in support of the UN humanitarian agencies and liaison officers coordinating UN humanitarian activities with foreign military forces. All humanitarian actors should also be familiar with the principles, concepts and procedures set out herein and encouraged to adhere to them, as appropriate.

14. They could also be used by decision-makers in Member States and regional organizations when considering the use of military and civil defence assets to provide assistance to civilian populations in natural disasters and technological or environmental emergencies in times of peace.
15. This document focuses on the use of military and civil defence assets in disaster relief operations. The foundation for effective coordination of military and civilian assistance during reconstruction and rehabilitation is often established during the first phase of an international response. However, reconstruction and rehabilitation activities are beyond the scope of this document.

Status

16. The UN Inter-Agency Standing Committee (IASC) and the UN humanitarian agencies have agreed to these guidelines. Implementing and operational partners are encouraged to follow this guidance. Member States and regional organizations engaged in relief or military operations in response to natural disasters are also encouraged to use the principles and procedures provided herein. While a significant number of Member States have participated in the development of the guidelines and endorsed their use, they are not binding on Member States. The guidelines are considered a living document and may be reviewed as appropriate in the future.
17. These guidelines will not, in any way, affect the rights, obligations or responsibilities of States and individuals under international law. This includes, but is not limited to, the obligation to allow and facilitate rapid and unimpeded delivery of relief consignments, equipment and personnel, protect such consignments, and facilitate their rapid distribution. Nor will these guidelines affect the obligations of States that are parties to the United Nations Conventions on the Safety and Security of United Nations Personnel, the Geneva Conventions of 1949 and their Additional Protocols of 1977, or the Charter of the United Nations.

Organization

18. The remainder of the document is divided into two parts. The first section contains principles that guide the use of foreign military and civil defence assets in disaster relief operations. The second section describes the tasks and responsibilities of key actors in situations where UN MCDA are used and in situations when other deployed forces are requested by the United Nations to support humanitarian activities. Three Annexes are attached to the document:

- Annex I: Model Agreement Covering the Status of MCDA
- Annex II: Example of CMCS Request for MCDA
- Annex III: Abbreviations

Comments, Recommendations and Future Changes

19. This document was prepared under the auspices of the UN MCDA Project. It complements the existing “Guidelines On the Use of Military and Civil Defence Assets in Support of United Nations Humanitarian Activities in Complex Emergencies” (“MCDA Guidelines” - March 2003). The Civil-Military Coordination Section (CMCS) of the UN Office for the Coordination of Humanitarian Affairs (OCHA) provides the Secretariat for the UN MCDA Project and is responsible for maintaining these guidelines. Comments should be directed to the Chief, CMCS, Emergency Services Branch, OCHA (Geneva), Palais des Nations, CH-1211 Geneva 10, Switzerland, or cmcs@un.org. Proposed changes will be brought forward annually in the Consultative Group On The Use Of MCDA and incorporated in consultation with the Advisory Panel to CMCS, and when necessary referred to the ERC and IASC.

Principles and Concepts

Core Principles

- 20.** As per UN General Assembly Resolution 46/182 humanitarian assistance must be provided in accordance with the principles of humanity, neutrality and impartiality.
- **Humanity:** Human suffering must be addressed wherever it is found, with particular attention to the most vulnerable in the population, such as children, women and the elderly. The dignity and rights of all victims must be respected and protected.
 - **Neutrality:** Humanitarian assistance must be provided without engaging in hostilities or taking sides in controversies of a political, religious or ideological nature.
 - **Impartiality:** Humanitarian assistance must be provided without discriminating as to ethnic origin, gender, nationality, political opinions, race or religion. Relief of the suffering must be guided solely by needs and priority must be given to the most urgent cases of distress.
- 21.** In addition to these three humanitarian principles, the United Nations seeks to provide humanitarian assistance with full respect for the sovereignty of States. As also stated in General Assembly Resolution 46/182:
- “The sovereignty, territorial integrity and national unity of States must be fully respected in accordance with the Charter of the United Nations. In this context, humanitarian assistance should be provided with the consent of the affected country and in principle on the basis of an appeal by the affected country.”
- 22.** The United Nations humanitarian agencies involved in humanitarian activities subscribe to these principles and have incorporated these concepts in their respective mandates and operational guidelines.
- 23.** As a matter of principle, the military and civil defence assets of forces that may be perceived as belligerents or of units that find themselves actively engaged in combat in the affected country or region shall not be used to support UN humanitarian activities.

Complementarity

- 24.** Military and civil defence assets should be seen as a tool complementing existing relief mechanisms in order to provide specific support to specific requirements, in response to the acknowledged «humanitarian gap» between the disaster needs that the relief community is being asked to satisfy and the resources available to meet them.

Responsibility and Management

25. MCDA can be mobilized and deployed bilaterally or under regional or alliance agreements as “other deployed forces” or as part of a United Nations operation as “UN MCDA”. All disaster relief, including MCDA should be provided at the request or with the consent of the Affected State and, in principle, on the basis of an appeal for international assistance.
26. All relief actions remain the overall responsibility of the Affected State and are complemented by foreign MCDA operating bilaterally or within an international relief effort.

Costing and Funding

27. Foreign MCDA assistance should be provided at no cost to the Affected State, unless otherwise agreed between concerned States or regulated by international agreements.
28. An Assisting State deciding to employ its MCDA should bear in mind the cost/benefit ratio of such operations as compared to other alternatives, if available. In principle, the costs involved in using MCDA on disaster relief missions abroad should be covered by funds other than those available for international development activities.

Identification and Security

29. In principle, foreign military and civil defence personnel deploying on disaster relief missions will do so unarmed and in national uniforms. The overall responsibility for providing adequate security for authorized foreign MCDA support remains with the Affected State.

Legal Status

30. On the basis of Article 105 of the Charter of the United Nations, individual UN MCDA personnel, alerted, mobilized and deployed at the request of OCHA may be granted the status of experts on mission for the United Nations according to article VI of the Convention on the Privileges and Immunities of the United Nations adopted by the General Assembly on 13 February 1946.
31. Most foreign MCDA deployed in a natural disaster will be deployed based on bilateral agreements or multilateral treaties. These agreements should address the status of forces deployed on relief operations. If such agreements have not been concluded, it is recommended that States, wishing to act bilaterally, should make use of the Model Agreement covering the Status of MCDA set out in Annex I of this document.

Key Concepts For Use Of Military and Civil Defence Assets (MCDA) by UN Agencies

- 32.** In addition and in the framework of the above-mentioned principles, the use of MCDA by UN agencies in response to a natural disaster shall be guided by the six following standards:
- i. Requests for MCDA to support UN agencies must be made by the Humanitarian Coordinator/Resident Coordinator, with the consent of the Affected State, and based solely on humanitarian criteria.
 - ii. MCDA should be employed by UN humanitarian agencies as a last resort, i.e. only in the absence of any other available civilian alternative to support urgent humanitarian needs in the time required.
 - iii. A UN humanitarian operation using military assets must retain its civilian nature and character. While MCDA may remain under military control, the operation as a whole must remain under the overall authority and control of the responsible humanitarian organization. This does not infer any civilian command and control status over military assets.
 - iv. Humanitarian work should be performed by humanitarian organizations. Insofar as military organizations have a role to play in supporting humanitarian work, it should, to the extent possible, not encompass direct assistance, in order to retain a clear distinction between the normal functions and roles of humanitarian and military stakeholders.
 - v. Any use of MCDA should be, at its onset, clearly limited in time and scale and present an exit strategy element that defines clearly how the function it undertakes could, in the future, be undertaken by civilian personnel.
 - vi. Countries providing MCDA to support UN humanitarian operations should ensure that they respect the UN Codes of Conduct and the humanitarian principles.
- 33.** Implementing and operational partners and members of international civil society, are expected to adhere to these core principles and have been encouraged to adopt the «Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organizations (NGOs) in Disaster Relief”.

Avoiding Reliance on Military Resources

- 34.** Most MCDA provided by Member States explicitly for UN use are diverted from other missions and are only temporarily available. When higher priority military missions emerge these assets and/or forces may be recalled by the Member States or regional organizations concerned. Therefore, as a general principle, UN

humanitarian agencies must avoid becoming dependent on military resources and Member States are encouraged to invest in increased civilian capacity instead of the ad hoc use of military forces to support humanitarian actors.

- 35.** However, there are circumstances when most requirements or security conditions are such that military assets provide the means of last resort for addressing the needs in a timely, effective way. In such cases, military resources, when available, may be appropriate for use. In general these assets can be divided into two categories: United Nations Military and Civil Defence Assets (UN MCDA) and resources from other deployed forces.
- 36.** The principal distinctions between these two types of resources are that UN MCDA have been placed under the control of the UN humanitarian agencies and deployed on a full-time basis specifically to support UN humanitarian activities. Only a limited number of these resources are normally available for most emergencies. Other deployed forces are under the direction, and/or support of other entities, including foreign forces stationed in the Affected State or region, military resources provided under bilateral or multilateral agreements, and UN peacekeeping forces.

Operational Standards for the Use of UN MCDA

- 37.** To be effective, the direction and coordination of the overall humanitarian effort requires the leadership of professional humanitarian staff. As such, UN MCDA should always remain under civilian control. However, humanitarian agencies making use of MCDA must understand that ultimately the safety and security of these assets is the responsibility of the designated military or civil defence commander, and Assisting States will normally direct their commanders to decline missions they view as unnecessarily risky or inappropriate.
- 38.** In principle, unarmed UN MCDA, accepted as neutral and impartial, and clearly distinguished from other military units, can be used to support the full range of humanitarian activities. However, their involvement in direct assistance should be weighed on a case-by-case basis and only if it satisfies the criteria of last resort. Their activities should focus on indirect assistance and infrastructure support missions.
- 39.** Military and civil defence personnel employed exclusively in the support of UN humanitarian activities should be clearly distinguished from those forces engaged in other military missions, including the military component of peacekeeping missions, peace operations and peace support, and accorded the appropriate protection by the Affected State and any combatants.
- 40.** Acceptable means for distinguishing UN MCDA from security and forces engaged in military operations are the markings of the supported UN humanitarian agency

or the use of civil defence markings accorded protection under the Geneva Conventions. When UN MCDA are from military organizations the appropriate white markings and UN symbols may be used. When civil defence assets are employed they should be marked in accordance with the Geneva Conventions.

- 41.** Military personnel providing direct assistance should not be armed and should rely on the security measures of the supported humanitarian agency. Guidelines for the security of UN personnel are set by the UN Department of Safety and Security (UN DSS)
- 42.** Under no circumstance will the request for UN MCDA be construed as an endorsement of any military operations or be used as a justification for undertaking combat operations, resorting to the use of force, or the violation of State sovereignty.
- 43.** Under no circumstance will UN MCDA be used to provide security for UN humanitarian activities. A separate security force may, however, be used to ensure security in areas where humanitarian personnel may be attacked while delivering humanitarian assistance. Such assistance, however, is not addressed in this document. Further reference can be found in the Non-Binding Guidelines on The Use of Military and Armed Escorts for Humanitarian Convoys (text of 14 September 2001 approved by the IASC Working Group).

Operational Standards for the Use of Other Deployed Forces

- 44.** Military forces deployed by Member States or regional organizations may also provide support to UN humanitarian agencies when requested by the UN Humanitarian Coordinator or other designated officials. When these forces undertake activities in support of UN humanitarian agencies or their implementing and operational partners, this support will be on a case-by-case basis, subject to a request. These military assets will remain under the control of the military force commander.
- 45.** Military or civil defence forces undertaking missions to support UN humanitarian activities should reconcile their modus operandi with the circumstances of the operating environment. Under these conditions only, and provided the modus operandi in question respects all appropriate humanitarian principles, should the Humanitarian Coordinator, or other responsible UN authority, authorize the mission.
- 46.** Military and Civil Defence units, other than UN MCDA, performing assistance missions are in principle not granted any special protection other than those granted by the Affected State, nor are they authorized to display the emblems of the supported UN humanitarian agencies.
- 47.** As with UN MCDA the use of other deployed forces by UN agencies should be coordinated with the Affected State.

United Nations Humanitarian Civil-Military Coordination (UN-CMCoord) in Natural Disasters

- 48.** In response to most major natural disasters the United Nations will deploy a United Nations Disaster Assessment and Coordination (UNDAC) Team. When there are major international search and rescue operations to be coordinated, this team will establish an On-site Operations Coordination Centre (OSOCC). These relief coordination tools are deployed in support of the Local Emergency Management Authority (LEMA), normally at the request of the Humanitarian Coordinator or Resident Coordinator. Civil-military coordination will often take place within this framework and in close coordination with the local and national authorities.
- 49.** Critical areas for coordination include security, logistics, medical, transportation, and communications. In these areas, the steady flow of timely information is essential for the success of humanitarian missions. Within these areas there will often be opportunities for task division and planning at both senior levels of the UN and the military and at the field level.
- 50.** One of the effective ways to share information, and when appropriate share tasks and participate in planning, is through the exchange of liaison personnel from the appropriate UN humanitarian agencies and the military at the necessary levels. OCHA's Civil-Military Coordination Section (CMCS) offers training to military and civilian actors in civil-military coordination and liaison in both natural disasters and complex emergencies. Several UN humanitarian agencies have built up cadres of personnel experienced in liaising with military personnel. Trained liaison personnel are also available through the CMCS to UN humanitarian agencies and other actors responding to natural disasters and complex emergencies.

Tasks and Responsibilities

Affected State and Transit States

- 51.** The Affected State has primary responsibility for providing humanitarian assistance on its territory. The Affected State has the right to decline the use of MCDA on a case-by-case basis, even though UN humanitarian agencies may have been requested by the Affected State or the UN Secretary General to provide assistance.
- 52.** States adopting a specific policy on the use of foreign MCDA within its borders may consider making this position known to the UN Resident Coordinator and/or UN Humanitarian Coordinator (if present), and the UN Office for the Coordination of Humanitarian Affairs (OCHA).
- 53.** National authorities in potential Affected States are responsible for disaster preparedness plans, which should include the receipt of international assistance, procedures for receipt and use of foreign MCDA, and training for the coordination and employment of these assets.
- 54.** The Affected State should provide to the international community timely and accurate information on the nature and magnitude of the disaster, in order to enhance the effectiveness of external assistance. (If necessary, OCHA can assist the Affected State in this task through its UNDAC programme.)
- 55.** Disaster-prone States that are potential recipients of foreign MCDA should advise OCHA of their anticipated relief assistance needs, appoint a single national point of contact to facilitate the receipt of these resources, and confirm their policy and point of contact at the onset of an emergency.
- 56.** States that permit UN humanitarian agencies to call on MCDA already deployed by other nations within their borders should make any restrictions on the use of these forces known to OCHA and should include these restrictions in the Status of Forces Agreements (SOFA) established between their governments and the governments or responsible alliance/coalition which have forces stationed in their country. This does not preclude States from imposing restrictions on the use of military forces deployed within its borders on a case-by-case basis.
- 57.** Affected States should provide security for UN MCDA operating in support of UN humanitarian activities in the same manner that they would provide security for other UN humanitarian personnel and resources. UN MCDA shall have at least the same freedom of movement, immunities, privileges, and exemptions afforded the UN humanitarian agencies when working in support of these activities, including when en route and returning to their units or stations.

- 58.** If international assistance is necessary, it should be requested or consented to by the Affected State as soon as possible upon the onset of the disaster to maximize its effectiveness. It should also provide Assisting States with information on how to tailor international assistance to its particular customs and traditions. (OCHA can assist the Affected State through the dissemination of situation reports and emergency appeals.)
- 59.** Affected States should also inform OCHA and any Assisting States of the structure of the Local Emergency Management Authority and how they intend to manage any foreign MCDA. This information as well as points of contact should be as widely disseminated as possible.
- 60.** Affected States should advise the necessary ministries and local governance structures of the impending arrival of foreign MCDA and facilitate their deployment by ensuring:
- Overflight and landing permission
 - Waiver of commercial documentation
 - Exemption from customs duties
 - Waiver of visa requirements
 - Free access to disaster zones
 - Recognition of certificates
 - Authorization of transport and communication usage
 - Security of MCDA
- 61.** Affected States that are signatories of the Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations should extend the provisions of this treaty to include the foreign MCDA deployed on their territory.
- 62.** The Affected State should notify the Assisting States, OCHA and other assisting parties when relief operations are to cease and facilitate the withdrawal plans for the foreign MCDA and other assisting organizations.
- 63.** Transit States are those States whose national borders, territorial waters, and airspace are crossed by foreign MCDA moving to and from and conducting operations in the Affected State. Transit States, especially those bordering the Affected State, will facilitate the movement of MCDA requested by the Affected State in the same manner that they facilitate the movement of relief goods and personnel.
- 64.** Transit States should confirm to OCHA and concerned States the transit facilities and assistance available, as well as possible preconditions.

- 65.** The Transit State should confirm to States involved the government organ having the responsibility for the monitoring, facilitation and coordination of foreign MCDA in transit and notify OCHA immediately.
- 66.** The Transit State is responsible for the safety of the UN MCDA while in transit of its territory. It should fully recognize their status and grant appropriate privileges and immunities, and provide security during their transit.
- 67.** If procedures have not already been established for resolution of claims and disputes they should be settled in accordance with the Model Agreement covering the Status of MCDA provided in Annex I.

Humanitarian Coordinator (HC) / Resident Coordinator (RC)

- 68.** When a Humanitarian Coordinator has been designated, he or she is responsible for initiating requests for UN MCDA or approving the use of other military and civil defence resources. If a HC has not been appointed, the decision to request UN MCDA or use other military and civil defence resources rests with the Resident Coordinator, after consultation with the UN Humanitarian Country Team. The individual charged with coordinating the UN effort will ensure that Affected State clearance is obtained prior to processing the request at the country level.
- 69.** Before requesting these assets the HC/RC will consult with the appropriate authorities of the Affected State and the Emergency Relief Coordinator (ERC), as appropriate. If the Affected State is capable of and willing to provide the coordination structure for a natural disaster, this arrangement should be used.
- 70.** In the absence of a HC or RC, the decision to use MCDA to support UN humanitarian activities, will be made by the ERC, in consultation with the IASC.
- 71.** The HC or RC will ensure that the coordination mechanisms and specific guidelines are in place to effectively employ these by the UN humanitarian agencies responding to the natural disaster, to include means for the sharing of information and, where appropriate, the exchange of liaison personnel.
- 72.** The HC/RC will plan for the earliest possible release of MCDA and ensure that UN humanitarian activities do not become dependent on these or any other military and civil defence resources, once the natural disaster has passed.
- 73.** In circumstances where there is likely to be a protracted emergency and relief conditions are likely to re-emerge, the supported UN humanitarian agencies will make arrangements for these needs to be met with resources available from the Affected State or other civilian sources.

- 74.** When MCDA are used by UN humanitarian agencies or their implementing and operational partners, the HC/RC will ensure that procedures, consistent with these Guidelines and UN policies/regulations, is put in place to control the use of UN MCDA.
- 75.** When other deployed forces are providing support on a case-by-case basis to UN humanitarian agencies and their implementing and operational partners, the HC/RC will ensure that the provision of humanitarian assistance by military forces does not compromise the humanitarian actors and that the military forces performing these missions understand the importance and humanitarian purpose of such missions. The HC/RC will also seek to ensure that assistance activities carried out by other deployed forces on their own behalf do not compromise UN humanitarian efforts.
- 76.** The HC/RC or the designated UN authority requesting the MCDA, should review regularly, with MCDA commanders, the modus operandi of supporting forces and offer appropriate advice and guidance. This review should include such considerations as: the types of task that can be performed, how the unit is armed and its rules of engagement, types of uniforms and equipment, the chain of command, use of liaison officers, exit criteria for the mission or task, status of the forces to include privileges or immunities, claims and insurance matters such as damage compensation.

UN Humanitarian Agencies

- 77.** UN humanitarian agencies will request the use of UN MCDA through the Humanitarian Coordinator or Resident Coordinator that has coordination responsibilities for the disaster.
- 78.** Except in situations where there is imminent loss of life or acute suffering, UN humanitarian agencies will avoid ad hoc local requests for MCDA and the uncoordinated use of other military and civil defence resources. If in exceptional situations UN MCDA or other military and civil defence resources are used, UN humanitarian agencies will report this use to the responsible coordinator, including when they expect the assets to be released and how they intend to minimize their use in the future.
- 79.** UN humanitarian agencies supported by MCDA will respect the integrity and chains of command of the supporting units. They will clearly state what they want the unit to accomplish and leave the unit commander as much latitude as possible in determining how he or she will accomplish the desired outcome, provided that core humanitarian principles are fully respected.

- 80.** MCDA supporting UN humanitarian activities will normally not be used in the direct delivery of assistance. When possible the supported UN humanitarian agencies will try to use MCDA in a manner that does not call into question the neutrality or impartiality of the agency, implementing and operational partners or other humanitarian actors.
- 81.** UN humanitarian agencies should acknowledge the MCDA support being provided, but avoid making any public statements on behalf of the UN MCDA units.
- 82.** UN humanitarian agencies making use of MCDA will report the arrival, departure and status of these assets to the Civil-Military Coordination Section of OCHA, through the Humanitarian Coordinator / Resident Coordinator, to ensure that the assets are properly tracked and the contribution is recorded and acknowledged by the United Nations.

Office for the Coordination of Humanitarian Affairs (OCHA)

- 83.** Within the Office for the Coordination of Humanitarian Affairs, Geneva, the Civil-Military Coordination Section (CMCS) has the primary responsibility for the mobilization of UN MCDA and civil-military coordination in an emergency.
- 84.** CMCS will process the request for UN MCDA, make the necessary arrangements with the Member States, and track the use of these assets by the UN humanitarian agencies. A sample CMCS Request for MCDA can be found in Annex II.
- 85.** CMCS, with donor support, will maintain a training programme for those involved in the use of military and civil defence assets to support UN humanitarian activities, with special attention to the training of liaison personnel and the procedures and methods for UN Humanitarian Civil-Military Coordination (UN-CMCoord).
- 86.** On behalf of the Member States, CMCS will maintain a roster of UN-CMCoord trained liaison personnel and assist in mobilizing these personnel to support the Humanitarian Coordinator/Resident Coordinator and the UN humanitarian agencies.
- 87.** If a UN Joint Logistics Centre (UNJLC) is established, CMCS will coordinate the UN MCDA used to support logistics with the UNJLC, which is a primary tool for humanitarian logistics in most large-scale emergencies. Likewise, CMCS will assist OCHA Humanitarian Information Centres (HIC) in obtaining relevant information from the military where a HIC or similar information-sharing activity has been established.
- 88.** CMCS will maintain the necessary tools to facilitate UN-CMCoord and the mobilization of MCDA, to include databases and communications capacity.

- 89.** General Assembly Resolution 46/182 mandates OCHA to establish and maintain a central register of all specialized personnel and teams of technical specialists, as well as relief supplies, equipment and services, including MCDA, available within the United Nations system and from Member States and intergovernmental and non-governmental organizations, that can be called upon at short notice by the United Nations.
- 90.** CMCS maintains the Directory of MCDA of the Central Register of Disaster Management Capacities. Based on information provided by States, this Directory enables OCHA to match resources and assets to the needs of specific disasters. States and organizations owning military-related disaster relief capabilities will be contacted on the basis of the information provided in their answers to OCHA questionnaires and included in the MCDA Directory of the Central Register database.
- 91.** If requested by Member States, OCHA and CMCS will facilitate the mobilization and deployment of MCDA, especially those assets registered in the Central Register.
- 92.** At the request of the HC/RC, or at the direction of the ERC, CMCS will deploy UN-CMCoord Officers, either independently or as a part of the UNDAC Team, to facilitate foreign MCDA requested or approved by the Affected State.

Assisting State and Foreign Military or Civil Defence Commanders

- 93.** States or regional organizations and peacekeeping forces involved in military operations beyond their borders should include in the guidance or orders issued to force or contingent commanders the parameters for the use of their resources to support relief operations. Commanders should establish their force modus operandi taking into account the operational circumstances, International Law, and core Humanitarian Principles and consult with the Affected State, ERC and Humanitarian / Resident Coordinator or cognizant humanitarian authority, including the OCHA Civil-Military Coordination Section (CMCS) for further technical advice, before deploying into the disaster area.
- 94.** In an emergency, prospective Assisting States with military resources deployed in the affected area, or in reasonable proximity, should take appropriate action to facilitate relief operations. This could include information on any assets available to support essential humanitarian functions including the transport of relief goods, the movement of persons at risk, and the reestablishment of basic human services, including medical care.

- 95.** The commanders of UN MCDA assigned specifically to support UN humanitarian activities, and other deployed forces performing humanitarian support missions at the request of the UN, will avoid compromising the neutrality and impartiality of these agencies, their implementing and operational partners and other humanitarian actors responding to a natural disaster. Likewise, all supporting activities will be conducted in a manner that respects the dignity, culture, religions, and laws of the affected population.
- 96.** Military or civil defence organizations dispatched to support relief activities should be self-supporting for the duration of their mission in terms of transport, fuel, food rations, water and sanitation, maintenance and communications, in order to avoid placing additional stress on overburdened local authorities or the supported humanitarian actors.
- 97.** Unless specifically exempted, UN MCDA will abide by the security and movements procedures set by the UN Department of Safety and Security to ensure the safety of UN personnel and be prepared to provide non-security related assistance in the relocation or evacuation of UN personnel, should the need arise.
- 98.** States providing UN MCDA will not exploit these missions for the purpose of intelligence collection, propaganda, or psychological operations.
- 99.** When military forces have assumed responsibility for vital civilian functions, such as delivery of water, provision of power, or the safe operation of an airfield, regardless of how this responsibility was acquired, they will facilitate a smooth transfer of these functions to the appropriate civilian authority, in coordination with the UN Humanitarian Coordinator/Resident Coordinator and/or Local Emergency Management Authorities (LEMA), and as soon as possible. This will be done in a timely manner, well prior to terminating this support, to ensure that any disruption of services will not have an adverse impact on relief and recovery activities.
- 100.** All Member States are requested to make known to OCHA their MCDA, which could be made available for relief operations, and complete the necessary records in the MCDA Directory of the Central Register maintained by OCHA. At a minimum, the following information should be provided: national points of contact, the type and quantity of resources and services that may be made available, and criteria, preconditions and limitations (cost, deployment time, geographical range of action, etc.) for the use of its MCDA. Providing this information does not obligate the government to make available these or any assets in case of a disaster.

- 101.** Assisting States intending to deploy MCDA should prepare adequate contingency plans addressing the functional disciplines of disaster relief and ensure that their forces are adequately equipped and trained.
- 102.** States should, immediately after receiving a request for assistance, indicate to OCHA their capacity to assist. Any preconditions and operational requirements should also be confirmed.
- 103.** The Assisting State should provide, in respect of its MCDA contribution, appropriate information to the Affected State and OCHA, if appropriate, in accordance with the standard movement certificate proposed in the Convention On Temporary Admission (Istanbul, 26 June 1990).
- 104.** The Assisting State should ensure that international standards for the quality, packaging and marking of relief supplies are met, bearing in mind the needs, customs and traditions of the Affected State.
- 105.** The Assisting State should ensure that its military and civil defence personnel act in accordance with the status agreed upon with the Affected State. UN MCDA deployed at the request of and cooperating with OCHA will conform to the provisions of article IV of the Convention on the Privileges and Immunities of the United Nations adopted by the General Assembly on 13 February 1946.
- 106.** The Assisting State should notify in a timely manner the Affected State, OCHA and other assisting parties of the duration of its assistance and withdrawal plans for its MCDA.
- 107.** If procedures have not already been established for resolution of claims and disputes they should be settled in accordance with the Model Agreement covering the Status of MCDA provided in Annex I.

Annexes

ANNEX I - MODEL AGREEMENT COVERING THE STATUS OF MCDA

Basing itself upon established practice, the Consultative Group on the Use of MCDA has prepared a model agreement covering the status of MCDA, which appears below. The model is intended to serve as a basis for the drafting of individual agreements to be concluded between States or the United Nations and States on whose territory MCDA in IDRA operations are deployed. As such it is subject to modifications that may be agreed upon between the parties in each case.

The model, *mutatis mutandis*, may also serve as the basis for an agreement with an Affected State in operations where no OCHA personnel are deployed.

I. DEFINITIONS

1. For the purpose of the present Agreement the definitions contained in the United Nations Oslo Guidelines on the Use of Military and Civil Defence Assets in Disaster Relief shall apply. Also for the purpose of this Agreement the employment of military and civil defence/protection teams, units and/or experts in IDRA, will be referred to as the “MCDA operation”.

II. APPLICATION OF THE PRESENT AGREEMENT

2. Unless specifically provided otherwise, the provisions of the present Agreement apply only in the territory of the Affected State.

III. APPLICATION OF THE CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS¹

3. The Convention on the Privileges and Immunities of the United Nations of 13 February 1946 (hereafter referred to as “the Convention”) shall apply to the MCDA operation if the military and civil defence personnel are alerted, mobilized and deployed at the request of OCHA and operating within the field coordination mechanisms, subject to the provisions specified in the present Agreement.
or
4. The Affected State grants to the MCDA operation, including its property, funds, assets and members, the privileges and immunities specified in the present Agreement, as well as those provided for in the Convention to which the Affected State and the Assisting State are Parties.

¹ United Nations, Treaty Series, vol. 1, p. 15, and vol. 90, p. 327 (corrigendum to vol. 1).

IV. STATUS OF THE MCDA OPERATION

5. The MCDA operation and its members shall refrain from any action or activity incompatible with the humanitarian nature of their duties or inconsistent with the spirit of the present arrangements. The MCDA operation and its members shall respect all local laws and regulations. The Head of the MCDA operation shall take all appropriate measures to ensure the observance of these obligations.

A. Identification And Vehicle Markings

6. The Government of the Affected State grants to the MCDA operation the right to display the national flag or other suitable identification at its headquarters, camps or other premises, and on its vehicles and vessels. Military and civil defence personnel deployed under the auspices of OCHA and holding the status of experts on mission for the United Nations will wear an appropriate marking.

B. Communications

7. The Government of the Affected State grants to the MCDA operation the right to use the facilities with respect to communications as may be required for the performance of its task. Issues with respect to communications, which may arise and which are not specifically provided for in the present Agreement shall be dealt with pursuant to the relevant provisions of the Tampere Convention on the Provision of Telecommunications Resources for Disaster Mitigation and Relief Operations.
8. Subject to the provisions of the Tampere Convention:
 - a) The MCDA operation is given the right to install and operate radio sending and receiving stations as well as satellite systems to connect appropriate points within the territory of the Affected State, with each other and with its national telecommunications network. The telecommunication services shall be operated in accordance with international telecommunication conventions and regulations and the frequencies on which such stations may operate shall be decided upon in cooperation with the Government of the Affected State.
 - b) The MCDA operation is given, within the territory of the Affected State, the right to unrestricted communication by radio (including satellite, mobile and hand-held radio), telephone, telegraph, facsimile or any other means, and of establishing the necessary facilities for maintaining such communications within and between premises of the MCDA operation, including the laying of cable and land lines and the establishment of fixed and mobile radio sending, receiving and repeater stations. The frequencies on which the radio will operate shall be decided upon in cooperation with the Government of the Affected State.

- c) The MCDA operation is allowed to make arrangements through its own facilities for the processing and transport of private mail addressed to or emanating from members of the MCDA operation. The Government of the Affected State shall be informed of the nature of such arrangements and undertakes not to interfere with or apply censorship to the mail of the MCDA operation or its members. In the event that postal arrangements applying to private mail of members of the MCDA operation are extended to transfer of currency or the transport of packages and parcels, the conditions under which such operations are conducted shall be agreed with the Government of the Affected State.

C. Travel And Transport

- 9. The Government of the Affected State grants to the MCDA operation and its members together with its vehicles, vessels, aircraft and equipment, freedom of movement within the disaster zone of the Affected State and any other area necessary for the fulfillment of its task. The Government undertakes to supply the MCDA operation with any information which may be useful in facilitating its movements.
- 10. Vehicles, including all military vehicles, vessels and aircraft of the MCDA operation shall not be subject to registration or licensing by the Government of the Affected State provided that all such vehicles shall carry third-party insurance required by the relevant legislations.
- 11. The MCDA operation may use roads, bridges, tunnels, canals and other waterways, port facilities and airfields without the payment of dues, tolls or charges.

D. Privileges And Immunities Of The MCDA Operation

- 12. The Government of the Affected State grants the MCDA operation the status, privileges and immunities as provided for in the present Agreement and in particular grants to the MCDA operation the right:
 - a) To import, free of duty or other restrictions, equipment, provisions, supplies and other goods, which are for the exclusive and official use of the MCDA operation;
 - b) To clear ex customs and excise warehouse, free of duty or other restrictions, equipment, provisions, supplies and other goods which are for the exclusive and official use of the MCDA operation;
 - c) To re-export or otherwise dispose of equipment as far as it is still usable, all unconsumed supplies, and other goods so imported or cleared ex customs and excise warehouse which are not transferred or otherwise disposed of, on terms and conditions to be agreed upon, to the competent local authorities of the Affected State or to an entity nominated by them.

13. To the end that such importation, clearances, transfer or exportation may be effected with the least possible delay, a mutually satisfactory procedure along the lines recommended by the Oslo Guidelines, including documentation, shall be agreed between the MCDA operation and the Government of the Affected State at the earliest possible date.

V. FACILITIES FOR THE MCDA OPERATION

14. The Government of the Affected State undertakes to provide without cost to the MCDA operation and in agreement with the Head of the MCDA operation such areas for headquarters, camps or other premises as may be necessary for the conduct of the operational and administrative activities of the MCDA operation and for the accommodation of its members. Without prejudice to the fact that all such premises remain the territory of the Affected State, the Government of the Affected State undertakes to treat them as being subject to the exclusive control and authority of the Head of the MCDA operation.
15. The Government of the Affected State undertakes to assist the MCDA operation as far as possible in obtaining and making available, where applicable, water, electricity and other facilities free of charge, or, where this is not possible, at the most favourable rate, and in the case of interruption or threatened interruption of service, to give as far as possible within its powers the same priority to the needs of the MCDA operation as to essential government services. Where such utilities or facilities are not provided free of charge, payment shall be made by the MCDA operation on terms to be agreed upon with the competent authority. The MCDA operation shall be responsible for the maintenance and upkeep of facilities so provided.
16. The MCDA operation shall be given the right, where necessary, to generate electricity for its use and to transmit and distribute such electricity.

A. Provisions, Supplies, Services And Sanitary Arrangements

17. The Government of the Affected State undertakes to assist the MCDA operation as far as possible in obtaining equipment, provisions, supplies and other goods and services from local sources required for its subsistence and operations. In making purchases on the local market, the MCDA operation shall, on the basis of observations made and information provided by the Government of the Affected State in that respect, avoid any adverse affect on the local economy. The Government of the Affected State shall exempt the MCDA operation from sales taxes in respect of all official local purchases.

18. The MCDA operation shall cooperate with the Government of the Affected State with respect to sanitary services and matters concerning health, particularly with respect to the control of communicable diseases, in accordance with international conventions.

B. Recruitment Of Local Personnel

19. The MCDA operation may recruit locally such personnel as it requires. Upon the request of the Head of the MCDA operation, the Government of the Affected State undertakes to facilitate the recruitment of qualified local staff by the MCDA operation and to accelerate the process of such recruitment.

VI. STATUS OF THE MEMBERS OF THE MCDA OPERATION

A. Privileges And Immunities

20. The Head of the MCDA operation and other members, as may be agreed upon with the Government of the Affected State, shall be accorded the privileges and immunities, in accordance with sections 19 and 27 of the Convention, provided that the privileges and immunities referred therein shall be those accorded to diplomatic envoys by national or international law.
21. If MCDA operate within the OCHA field coordination mechanism as UN MCDA, as provided for in the Oslo Guidelines, members of the MCDA operation shall be considered as experts on mission within the meaning of article VI of the Convention.
22. In any other case, members of the MCDA operation shall enjoy the privileges and immunities specifically provided for in the present Agreement.
23. Unless otherwise specified in the present Agreement, locally recruited members of the MCDA operation shall enjoy the immunities concerning official acts carried out within the MCDA operation.
24. Members of the MCDA operation shall be exempt from taxation on the pay and emoluments received from an Assisting State and any income received from outside the Affected State. They shall also be exempt from all other direct taxes and from all registration fees and charges.
25. Members of the MCDA operation shall be granted the right to import free of duty their personal effects in connection with their arrival in the Affected State. Special facilities will be granted by the Government of the Affected State for the speedy processing of entry and exit formalities for all members of the MCDA operation.

26. On departure from the Affected State, members of the MCDA operation may, notwithstanding the above-mentioned exchange regulations, take with them such funds as the Head of the MCDA operation certifies were received or represent a reasonable residue thereof.
27. The Head of the MCDA operation shall cooperate with the Government of the Affected State and shall render all assistance within his or her power to ensure the observance of the customs and fiscal laws and regulations of the Affected State by the members of the MCDA operation, in accordance with the present Agreement.

B. Entry, Residence And Departure

28. The Government of the Affected State grants to the members of the MCDA operation the right to enter, reside in and depart from the Affected State.
29. The Government of the Affected State undertakes to facilitate the entry into and departure from its territory of the members of the MCDA operation and shall be kept informed of such movements. For that purpose, the members of the MCDA operation shall be exempt from passport and visa regulations and immigration inspection and restrictions on entering or departing from the Affected State. They shall also be exempt from any regulation governing the residence of aliens in the Affected State, including registration, but shall not acquire any right to permanent residence or domicile in the Affected State.
30. For the purpose of such entry and departure, members of the MCDA operation shall be required to have:
 - a) An individual or collective movement order issued by or under the authority of the Head of the MCDA operation or any appropriate authority of the Assisting State;
 - b) A personal identity card issued by the appropriate authorities of the Assisting State.

C. Identification

31. The Head of the MCDA operation shall issue to all locally recruited personnel an identity card, which shall contain the following information: full name; date of birth; service (if appropriate); date of issue and date of expiration, and a photograph.
32. Members of the MCDA operation, as well as locally recruited personnel, shall be required to present, but not to surrender, their identity cards upon demand by an appropriate official of the Government of the Affected State.

D. Uniforms And Arms

- 33.** Members of the MCDA operation shall be permitted to wear the national military or civil defence uniforms of their State. Those military and civil defence personnel deployed as UN MCDA shall be identified by appropriate markings.
- 34.** The Affected State will determine as part of this Agreement if Members of the MCDA operation may carry arms for their own protection, while performing official duties.

E. Permits And Licenses

- 35.** The Government of the Affected State agrees to accept as valid, without tax or fee, a certificate provided on request by the Head of the MCDA operation in respect of the technical and professional qualifications of any of its members practicing a profession or similar occupation in connection with the MCDA operation.

F. Maintenance Of Discipline And Mutual Assistance

- 36.** The Head of the MCDA operation shall take all appropriate measures to ensure the maintenance of discipline and good order among its members, as well as locally recruited personnel. To this end personnel may be designated by the Head of the MCDA operation to police its premises as well as such areas where its members are deployed. Elsewhere such personnel shall be employed only subject to arrangements with the Government of the Affected State and in liaison with it in so far as such employment is necessary to maintain discipline and order among members of the MCDA operation.
- 37.** The personnel mentioned in paragraph 36 above may take into custody any unauthorized person found on the premises of the MCDA operation. Such a person shall be delivered immediately to the nearest appropriate official of the Government of the Affected State responsible for dealing with any offence or disturbance on such premises.
- 38.** Subject to the provisions of paragraphs 20 and 21 above, officials of the Government of the Affected State may take into custody any member of the MCDA operation:
 - a) When so requested by the Head of the MCDA operation;
 - b) When such a member of the MCDA operation is apprehended in the commission or attempted commission of a criminal offence. Such a person shall be delivered immediately, together with any weapons or other items seized, to the Head of the MCDA operation.

39. The MCDA operation and the Government of the Affected State shall assist each other in carrying out all necessary investigations into offenses in respect of which either or both have an interest.
40. The Government of the Affected State shall ensure the prosecution of persons subject to its criminal jurisdiction who are accused of acts in relation to the MCDA operation or its members, which, if committed in relation to the officials of the Government of the Affected State, would have rendered such acts liable to prosecution.

VII. JURISDICTION

41. The Government of the Affected State grants to all members of the MCDA operation, including locally recruited personnel, immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity. Such immunity shall continue even after they cease to be members of, or employed by, the MCDA operation and after the expiration of the other provisions of the present Agreement.
42. Should the Government of the Affected State consider that any member of the MCDA operation has committed a criminal offence, it shall promptly inform the Head of the MCDA operation and present to him any evidence available.
43. The Government of the Assisting State gives its assurance to the Government of the Affected State that it will exercise jurisdiction with respect to crimes or offences, which may be committed by members of the MCDA operation.
44. If any civil proceeding is instituted against a member of the MCDA operation before any court of the Affected State, the Head of the MCDA operation shall be notified immediately, and he or she shall certify to the court whether or not the proceeding is related to the official duties of the member:
 - a) If the Head of the MCDA operation certifies that the proceeding is related to official duties, such proceedings shall be discontinued and the provisions of paragraph 41 of the present Agreement shall apply.
 - b) If the Head of the MCDA operation certifies that the proceeding is not related to official duties, the proceeding may continue. If the Head of the MCDA operation certifies that a member of the MCDA operation is unable, because of official duties or authorized absence, to protect his or her interests in the proceeding, the court shall, at the defendant's request, suspend the proceeding until the elimination of the disability, but for not more than ninety days. Property of a member of the MCDA operation that is certified by the Head of the MCDA operation as necessary for the fulfillment of the member's

official functions shall be free from seizure for the satisfaction of a judgment, decision or order. The personal liberty of a member of the MCDA operation shall not be restricted in a civil proceeding, whether to enforce a judgment, decision or order, to compel an oath or for any other reason.

VIII. SETTLEMENT OF DISPUTES

- 45.** Except as provided in paragraph 47 of this Agreement, any dispute or claim of a private law character to which the MCDA operation or any member thereof is a party and over which the courts of the Affected State does not have jurisdiction because of any provision of the present Agreement, shall be settled by a Claims Commission to be established for that purpose. One member of the Commission shall be appointed by each Government and a chairperson shall be appointed jointly by the Secretary-General of the United Nations and the Governments (or the Governments only if the MCDA operation is not deployed under the provisions of UN MCDA). If no agreement as to the chairperson is reached within thirty days of the appointment of the first member of the Commission, the President of the International Court of Justice may, at the request of either the Secretary-General of the United Nations, if appropriate, or of any of the Governments, appoint the chairperson. Any vacancy on the Commission shall be filled by the same method prescribed for the original appointment, provided that the thirty-day period there prescribed shall start as soon as a vacancy occurs. The Commission shall determine its own procedures, provided that any two members shall constitute a quorum for all purposes (except for a period of thirty days after the occurrence of a vacancy) and all decisions shall require the approval of any two members. The awards of the Commission shall be final and binding, unless the Governments permit an appeal to a tribunal established in accordance with paragraph 47. The awards of the Commission shall be notified to the parties and, if against a member of the MCDA operation, the Head of the MCDA operation or the Government of the Assisting State shall use its best endeavours to ensure compliance.
- 46.** Disputes concerning the terms of employment and conditions of service of locally recruited personnel shall be settled by the administrative procedures to be established by the Head of the MCDA operation.
- 47.** Any other dispute between the MCDA operation and the Government of the Affected State, and any appeal that both of them agree to allow from the award of the Claims Commission established pursuant to paragraph 45 shall, unless otherwise agreed by the parties, be submitted to a tribunal of three arbitrators. The provision relating to the establishment and procedures of the Claims Commission shall apply, *mutatis mutandis*, to the establishment and procedures of the tribunal. The decisions of the tribunal shall be final and binding on both parties.

48. All differences between the Government of the Assisting State and the Government of the Affected State arising out of the interpretation or application of the present Agreement, which involve a question of principle concerning the Convention, shall be dealt with in accordance with section 30 of the Convention.

IX. SUPPLEMENTAL ARRANGEMENTS

49. The Head of the MCDA operation and the Government of the Affected State may conclude supplemental arrangements to the present Agreement.

X. LIAISON

50. The Head of the MCDA operation and the Government of the Affected State shall take appropriate measures to ensure close and reciprocal liaison at every appropriate level.

XI. MISCELLANEOUS PROVISIONS

51. Wherever the present Agreement refers to the privileges, immunities and rights granted to the MCDA operation, the Government of the Affected State shall have the ultimate responsibility for the implementation and fulfillment of such privileges, immunities, rights and facilities by the appropriate local authorities.
52. The present Agreement shall enter into force on the date specified in this Agreement or in an accompanying exchange of letters between the Assisting State and the Affected State.
53. The present Agreement shall remain in force until the departure of the final element of the MCDA operation from the Affected State excepting paragraphs 41, 43, 44 in section VII, paragraphs 45, 46, 47, 48 in section VIII and paragraph 50 in section X which shall remain in force until all claims have been settled that had arisen prior to the termination of the present Agreement and had been submitted prior to or within three months of such termination.

ANNEX II – CMCS SAMPLE REQUEST FOR MCDA

UNITED NATIONS



NATIONS UNIES

OFFICE FOR THE COORDINATION OF HUMANITARIAN AFFAIRS
BUREAU DE LA COORDINATION DES AFFAIRES HUMANITAIRES

Palais des Nations, CH-1211 Genève 10
TEL: +41 (0) 22 917 1234
FAX: +41 (0) 22 917 0023

FACSIMILE

To: A:	(see attached distribution list)
Fax:	(see attached distribution list)
Date:	[date / month / year]
From: De:	[name] Chief Civil-Military Coordination Section Emergency Services Branch
Subject: Objet:	Request for Military and Civil Defence Assets (MCDA)
Ref.:	[emergency title] - MCDA Request No. [insert]

YOU SHOULD RECEIVE..... PAGES (including cover sheet)

URGENT URGENT URGENT URGENT URGENT

In connection with the emergency: [emergency title and date of emergency].

The OCHA Civil Military Coordination Section (CMCS) has received a request from [requesting organization] in [location] for:

[MCDA MODULE - X]

DETAILS [example]:

Movement of 4 (four) snow clearing vehicles and associated snow clearing equipment from [departure location] to [destination]. Specifications as follows:

VEHICLES

2 x Unimog, U1650 Model:

- Length - 5100 mm
- Width - 2170 mm
- Height - 2855 mm
- Weight - 6,100 kg

1 x Unimog, 400L Model:

- Length - 5620 mm
- Width - 2200 mm
- Height - 2960 mm
- Weight - 6,700 kg

1 x Unimog, U2450 Model:

- Length - 5190 mm
- Width - 2340 mm
- Height - 2850 mm
- Weight - 6,800 kg

ACCESSORIES

4 x Snowblades (Tarron models):

- Width - 3200 mm
- Height - 1200 mm
- Depth - 1000 mm with mounting
- Weight with mounting 1200 kg (each)

2 x Snow blowers (VF5ZL models):

- Height - 1060 mm
- Length - 3200 mm
- Weight - 1066 kg (each)

BACKGROUND [example]:

The delivery of critical humanitarian aid to the remote mountain villages is being delayed through impassible roads resulting from heavy snowfall. These heavy-duty vehicles are urgently needed to provide immediate snow clearing capability to ensure aid reaches these vulnerable populations.

TIMING:

Immediate.

CONTACT INFORMATION:

Please inform CMCS NLT COB [insert deadline] if your country/organization is interested in supporting this operation, entirely or partly. Please also indicate if your country is willing to provide these assets free of charge. For further information please contact the Action Officer, coordinates detailed below.

ACTION OFFICER:

[name]

CMCS, ESB, OCHA - Geneva

Tel. +41 (0) 22 917 [...]

Mobile phone: +41 (0) 79 [...]

Fax. +41 (0) 22 917 0023

Back-up tel. nos. +41 (0) 22 917 5755/1394

Back-up fax no. +41 (0) 22 917 0363

E-mail: cmcs@un.org

PLEASE REPLY TO THIS REQUEST NO LATER THAN CLOSE OF BUSINESS
[INSERT DEADLINE].

ANNEX III – ABBREVIATIONS

AFCENT	Allied Forces Central Command
AFDRU	Austrian Forces Disaster Relief Unit
CMCS	Civil Military Coordination Section (Part of ESB, OCHA (Geneva))
CMCoord	Civil-Military Coordination
DHA	Department of Humanitarian Affairs (now OCHA)
ECHO	European Community Humanitarian Office
ERC	UN Emergency Relief Coordinator
ESB	Emergency Services Branch (Part of OCHA (Geneva))
HC	UN Humanitarian Coordinator
HIC	Humanitarian Information Centre
IASC	Inter-Agency Standing Committee
ICDO	International Civil Defence Organisation
ICRC	International Committee of the Red Cross
ICVA	International Council of Voluntary Agencies
IDP	Internally Displaced Person
IDRA	International Disaster Relief Assistance
IFRC	International Federation of Red Cross and Red Crescent Societies
INSARAG	International Search and Rescue Advisory Group
InterAction	American Council for Voluntary International Action
IOM	International Organisation for Migration
LEMA	Local Emergency Management Authority
MCDA	Military and Civil Defence Assets
NATO	North Atlantic Treaty Organisation
NGO	Non-Governmental Organisation
OCHA	UN Office for the Coordination of Humanitarian Affairs (Formerly DHA)
OSOCC	On-Site Operations Coordination Centre
RC	UN Resident Coordinator
SCHR	Steering Committee for Humanitarian Response
SHAPE	Supreme Headquarters Allied Powers Europe
SOFA	Status of Forces Agreement
UN	United Nations
UN-CMCoord	United Nations Humanitarian Civil-Military Coordination
UNDAC	United Nations Disaster Assessment and Coordination
UNDSS	UN Department of Safety and Security (formerly UNSECOORD)
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNJLC	United Nations Joint Logistics Centre
WHO	World Health Organisation

