

# INTER-AMERICAN CONVENTION TO FACILITATE DISASTER ASSISTANCE

## Preamble

**CONSIDERING** the frequency of disasters, catastrophes, and calamities that take and threaten the lives, safety, and property of the inhabitants of the American hemisphere;

**MINDFUL** of the selfless spirit of cooperation that prompts the states of this region to respond to events of this kind, which are inimical to the peoples of the American hemisphere;

**CONVINCED** that the human suffering caused by such disasters can be relieved more effectively and swiftly by means of an instrument to facilitate such assistance and to regulate international procedures for providing it in such cases;

**AWARE** that a genuine spirit of solidarity and good-neighborliness between the American states has been expressed in cases of disaster and that this spirit can be strengthened through a preparedness that makes it possible to act more efficiently,

**THE STATES PARTIES** agree as follows:

## Article I

### Applicability

- a. This Convention shall apply whenever a state party furnishes assistance in response to a request from another state party, except as they otherwise agree.
- b. For the purposes of this Convention, acceptance by a state party of an offer of assistance from another state party shall be considered to be a request for such assistance.

## Article II

### Requests for and Offers and Acceptance of Assistance

- a. Requests for and offers and acceptance of assistance from one state party to another shall be communicated via diplomatic channels or the National Coordinating Authority, as the circumstances may warrant.
- b. Upon the occurrence of a disaster the assisting state shall consult with the assisted state to receive from the latter information on the kind of assistance considered most appropriate to provide to the populations stricken by the disaster.
- c. To facilitate assistance, a state party that accepts it shall promptly notify its competent national authorities and/or its National Coordinating Authority to extend the necessary facilities to the assisting state, in accordance with this Convention.

## Article III

### National Coordinating Authority

- a. For the purposes set forth in Article II, and pursuant to its domestic legislation, each state party shall designate a National Coordinating Authority, which shall have the following functions, among others:

- i. To transmit requests for assistance and to receive offers from other states parties, as the case may be.
  - ii. To coordinate assistance within its national jurisdiction, as set forth in Article IV of this Convention.
- b. Each state party shall inform the General Secretariat of the Organization of American States, as promptly as possible, of the designation of its National Coordinating Authority.
- c. The Chairman of the Inter-American Emergency Aid Committee of the Organization of American States shall coordinate cooperation between the National Coordinating Authorities of the states parties and that Committee.
- d. Upon the occurrence of a disaster in a state party, when the first official contacts are being established between that state and the Chairman of the Inter-American Emergency Aid Committee or his representative, the latter will offer the stricken state his services to alert the Office of the United Nations Disaster Relief Coordinator.
- e. The General Secretariat shall notify the states parties of the designation of the National Coordinating Authorities, and of any changes in them that the states parties report to it. The General Secretariat shall also circulate periodically an information bulletin on the structure, functions, procedures, and work methods of the National Coordinating Authorities.

#### **Article IV**

##### Direction and Control of Assistance

- a. Unless otherwise agreed, the overall direction, control, coordination, and supervision of the assistance within its territory shall be the responsibility of the assisted state.
- b. When the assistance includes personnel, the assisting state, in consultation with the assisted state, shall designate the person who shall be responsible for the immediate operational supervision of the personnel and equipment provided. The designated person shall exercise such supervision in coordination with the appropriate authorities of the assisted state.
- c. Unless otherwise agreed, the assisted state shall provide, to the extent of its capabilities, local facilities, and services for the proper and effective administration of the assistance. It shall also make its best efforts to protect personnel, equipment, and materials brought into its territory by or on behalf of the assisting state for such purpose.

#### **Article V**

##### Transport Vehicles Equipment. and Supplies

Transport vehicles, equipment, and supplies fully identified and sent by states parties for assistance purposes may enter, move about in, and leave the territory of the assisted state. They may also move across the territory of other states parties en route to where the assistance is to be provided. In the aforementioned cases, they shall be exempt from the payment of taxes, fees, and other charges. Also in the aforementioned cases, the assisted state or transit state shall make its best efforts to expedite or, if appropriate, dispense with customs formalities, and to facilitate the transit of such transport vehicles, equipment, and supplies. Further, in both cases, the restricted areas so designated by the assisted state or the transit state shall be respected. in accordance with the provisions of Article VIII.

#### **Article VI**

### Access and Transit Routes

The assisted state shall have the right to designate the access routes and final destination of the transport vehicles, equipment, and supplies. The transit state shall also have the right to designate the routes of the transport vehicles, equipment, and supplies.

## **Article VII**

### Personnel

- a. Personnel of the assisting state (hereinafter referred to as assistance personnel") may enter, cross, and leave the territory of the assisted state or of the transit state party to this Convention, as necessary to carry out their mission. To this end, each state party shall provide such personnel with the necessary immigration documents and facilities, in accordance with its laws.
- b. The assisting state and the assisted state shall make every possible effort to provide the assistance personnel with documentation or other means by which to identify them as such.

## **Article VIII**

### Restricted Areas

In the application of this Convention, the states parties shall respect any restricted areas so designated by the assisted state.

## **Article IX**

### Support from the Assisted State

The assisted state shall endeavor to provide such support as the assistance personnel may require, the appropriate guidance and information, and, if necessary, translation and interpretation services.

## **Article X**

### Risk

The states parties furnishing assistance shall make every possible effort to do so skillfully and to prevent negligence. However, this shall not constitute a guarantee against the occurrence of damage.

## **Article XI**

### Protection of Assistance Personnel

- a. Assistance personnel whose names have been duly communicated to the assisted state and who have been accepted by the assisted state and the respective National Coordinating Authorities and shall not be subject to the criminal, civil or administrative jurisdiction of the assisted state for acts connected with the provision of assistance.
- b. The provisions of paragraph (a) shall not apply to acts unrelated to the provision of assistance or, in civil or administrative actions, to willful misconduct or gross negligence.

c. In accordance with its domestic law, the assisted state may extend the treatment stipulated in paragraph (a) of this article to its nationals or permanent residents who are part of the assistance personnel.

d. Assistance personnel have the obligation to respect the laws and regulations of the assisted state and of states they may cross en route. Assistance personnel shall abstain from political or other activities that are inconsistent with said laws or with the terms of this Convention.

e. Judicial actions brought against assistance personnel or against the assisting state shall be heard and may be decided in the courts of the assisted state .

## **Article XII**

### Claims and Compensation

a. The assisted state waives any claim for loss or damage that could be brought against the assisting state or the assistance personnel as a result of the provision of assistance.

b. The assisted state shall substitute for the assisting state and for the assistance personnel with respect to claims for loss or damage that might arise from the provision of assistance and might be brought against the assisting state or the assistance personnel by third parties.

c. This article shall not apply to acts unrelated to the provision of assistance or to willful misconduct or gross negligence.

d. The affected assisting and assisted states shall closely cooperate in order to facilitate the resolution of any claims or legal proceedings to which this article applies.

e. The assisted state may take out insurance to cover the damages that the assisting state or the assisting personnel might be expected to cause.

## **Article XIII**

The provisions of articles XI and XII may be amended through the express agreement of the assisting and assisted states.

## **Article XIV**

### Costs

Except for the provisions of Articles IX and XII, the assistance shall be provided at the expense of the assisting state, without cost to the assisted state, except where these states agree otherwise.

## **Article XV**

### Relation to Existing Agreements

If there is any discrepancy between this Convention and other international agreements on the subject to which the assisting and assisted states are parties, the provision that affords the greatest

degree of assistance in the event of disaster and favors support and protection to personnel providing assistance shall take precedence.

## **Article XVI**

### **Governmental and Nongovernmental Organizations**

- a. Governmental international organizations that provide disaster assistance may, with the consent of the assisted state, have recourse, mutatis mutandis, to the provisions of this Convention.
- b. States and governmental international organizations that provide assistance may include private, physical, or juridical persons or nongovernmental international organizations within their relief missions, which persons shall enjoy the protection afforded by this Convention.
- c. A State party requesting assistance may, by agreement with a nongovernmental organization, be it national or international, apply the provisions of this Convention to the personnel of the organization, except that paragraph (a) of Article XI shall not be applicable to such personnel.
- d. The agreements mentioned in paragraphs (a) and 8 of this article shall not apply to third-party states.

## **Article XVII**

### **Signature**

This Convention shall be open for signature by the member states of the Organization of American States.

## **Article XVIII**

### **Ratification**

This Convention is subject to ratification. The instruments of ratification shall be deposited with the General Secretariat of the Organization of American States.

## **Article XIX**

### **Accession**

This Convention is open to accession by any other state. The instruments of accession shall be deposited with the General Secretariat of the Organization of American States.

## **Article XX**

### **Reservations**

The states parties may, at the time of approval, signature, ratification, or accession, make reservations to this Convention, provided that such reservations are not incompatible with the object and purpose of the Convention and concern one or more specific provisions.

## **Article XXI**

### **Entry into Force**

This Convention shall enter into force on the thirtieth day following the date of deposit of the second instrument of ratification. For each state that ratifies the Convention or accedes to it after the second instrument of ratification has been deposited, the Convention shall enter into force on the thirtieth day following the date on which that state has deposited its instrument of ratification or accession.

## **Article XXII**

### **Duration**

This Convention shall remain in force indefinitely, but any of the states parties may denounce it. The instrument of denunciation shall be deposited with the General Secretariat of the Organization of American States. After one year from the date of deposit of the instrument of denunciation, the Convention shall no longer be in effect for the denouncing state, but shall remain in effect for the other states parties.

## **Article XXIII**

### **Deposit. Registration, Publication. and Notification**

The original instrument of this Convention, the English, French, Portuguese, and Spanish texts of which are equally authentic, shall be deposited with the General Secretariat of the Organization of American States, which shall send an authenticated copy of its text to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of its Charter. The General Secretariat of the Organization of American States shall notify the member states of that Organization and the states that have acceded to the Convention of the signatures and deposits of instruments of ratification, accession, or denunciation, and reservations, if any.