Committed to Connecting the World Helping the world communicate



The Tampere Convention: its importance and challenges to its ratification and implementation

Mar del Plata Argentina, 29 August 2011

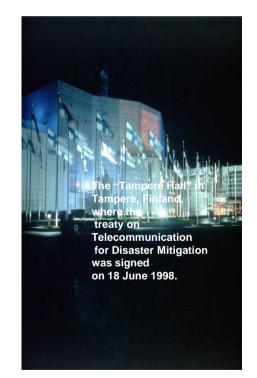


What is the Tampere Convention? "Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation

and Relief Operations."

International treaty that simplifies:

- The trans-border importation and use of telecoms equipment
- Use of allocated frequencies
- Customs duties, fees and procedures
- Restrictions on movement of personnel





- Provides the legal framework for the use of telecommunications in international humanitarian assistance
- Reduces regulatory barrier
- Fully protects the interests of the States requesting and receiving assistance. The host government retains the right to supervise the assistance.
- Foresees the establishment of bilateral agreements between the provider(s) of assistance and the State requesting/receiving such assistance.



The **Preamble** of the Convention notes the essential role of telecommunications in humanitarian assistance and the need for its facilitation, and **recalls the major legal instruments**, such as respective Resolutions of *United Nations* and of the *International Telecommunications Union*, which prepared the way for the Tampere Convention.

Definitions

Article 1: defines the **terms used in the Convention**. Of particular significance are the definitions of non-governmental organizations and non-State entities, as the Tampere Convention is the first treaty of its kind which attributes **privileges and immunities** to their personnel.

Coordination

Article 2 describes the **operational coordination**, to be carried out by the United Nations Emergency Relief Coordinator (i.e. through the United Nations Office for the Coordination of Humanitarian Affairs, OCHA).

General Provisions

Article 3 defines the overall **framework for the cooperation** among States Parties and all other partners in international humanitarian assistance, including non-State entities.

4



Provision of Telecommunication Assistance

Article 4 describes the **procedures** for request and provision of telecommunications assistance, specifically recognizing the right of a State Party to direct, control and coordinate assistance provided under this Convention within its territory.

Privileges, Immunities, and Facilities

Article 5 defines the **privileges, immunities and facilities** to be provided by the Requesting State Party, again emphasizing that nothing in this Article shall prejudice rights and obligations pursuant to international agreements or international law.

Termination of Assistance

Articles 6, 7 and 8 define **specific elements** and aspects of the provision of telecommunication assistance, such as Termination of Assistance, Payment or Reimbursement of Costs or Fees, and establishment of a Telecommunications Assistance Inventory.

Payments or Reimbursement of Costs or Fees

Article 9 can be considered as <u>the core element of the Tampere Convention</u>, as the **Removal of Regulatory Barriers** has been the primary aim of the work towards this treaty since 1990.



The remaining Articles, 10 to 17, contain the standard provisions concerning:

•Article 10: Convention's Relationship to Other International Agreements,

•Article 11: Dispute Settlement

•Article 12: Entry into Force

•Article 13: Amendments

•Article 14: Reservations

•Article 15: Denunciation

•Article 16: Depository (is the Secretary-General of the United Nations)

•Article 17: Authentic texts



Process of Ratification

When the Convention was adopted, a State could express its consent to be bound by the Convention by any of the following means:

- By definitive signature
- By signature subject to ratification, acceptance, or approval followed by deposit of an instrument of ratification, acceptance or approval
- By deposit of an instrument of ratification



Tampere Convention: Current Status

- Tampere Convention was concluded in 1998
- Came into force on January 8 of 2005
- Currently, there are 40 countries that have ratified the treaty
- More than 10 countries in various regions are currently working on the ratification of this treaty