

CHECKLIST OF ADMINISTRATIVE AND ORGANISATIONAL PROBLEMS WHICH COULD ARISE IN ASSISTANCE OPERATIONS AND POSSIBLE SOLUTIONS TO THOSE PROBLEMS

30.1 TRANSFRONTIER MOVEMENT OF AIRCRAFT, STATE-OWNED AND STATE-CONTROLLED SHIPS, NAVAL VESSELS, STATE-CONTROLLED VEHICLES, PERSONNEL AND EQUIPMENT

International formalities could cause inconvenient delays in an emergency situation and differ from one State to another. Possible remedies:

- a. the assisted State should make all appropriate efforts to facilitate transfrontier movements in an emergency situation and should send a liaison officer able to communicate with the assisting personnel in a language known to them to meet the assisting Party at the border. The rank of the liaison officer is left to the decision of the assisted State in each case;
- b. in cases of joint counter-pollution operations and joint exercises, and in implementing the aerial surveillance programme, Contracting Parties should undertake to facilitate the granting of all clearances and permissions required for the aircraft of other Contracting Parties to carry out their mission in their airspace and over their territory;
- c. each Contracting Party's formal procedures governing transfrontier movements could be recorded briefly in the Manual.

30.2 CUSTOMS QUESTIONS

30.2.1 There are at least four possible courses of action:

- a. instead of taking any specific action, solutions are left to be found on an ad hoc basis at the time of joint operations;
- b. bodies which are likely to be involved in joint operations should receive instructions in the Manual outlining the procedures to be followed in the event of joint operations involving the completion of customs formalities;
- c. the customs authorities should be asked to take part in the preparation of contingency plans for joint operations in order to advise on solutions to problems of formalities in both the despatch and receipt of assistance; where possible, documents should be prepared in advance. As well as customs documents, detailed lists of goods to be transported could be prepared before the operation begins;
- d. a mutual assistance network should be established so that there is a customs correspondent in each country who can be contacted by his opposite number in another country to facilitate operations.

30.2.2 It is necessary to recall that there is a customs duty to be paid on goods that are used in joint operations; such duty should be relieved by one or other of the following methods:

- a. if the goods are not to be re-exported (e.g. dispersants), they should enjoy relief from import duties;
- b. if the goods are to be re-exported (e.g., mechanical recovery means), they should be granted temporary importation arrangements.

30.3 SPECIAL TAXES AND TRAFFIC FEES APPLICABLE TO VEHICLES FOR ASSISTANCE PURPOSE

Possible remedies:

- a. The imposition of special taxes and traffic fees on assisting vehicles could be lifted on the initiative of the assisted State. Alternatively the State concerned should use all its influence to renounce the fees or special taxes arising at border passage; in future such costs could be a component of the later reimbursement by the assisted State.
- b. Information about national traffic regulations stipulating conditions for using vehicles to be given when necessary to the assisting Party at the border.

30.4 CONDITIONS OF WORK

There is no problem with the crew of vessels. For assistance on land, there would probably be difficulties in waiving the national laws of the assisted State, and in requiring the assisting State to comply with rules other than those applicable to them nationally.

Possible remedies:

It could be the responsibility of the SOSC to ensure that national rules are observed for personnel under his command. It should be the responsibility of the NOSC to ensure that the personnel under his command comply with the national rules of the assisting country. The respective authorities of the assisted State are responsible for informing the heads of strike teams about relevant labour protection regulations.

30.5 INSURANCE OF PERSONNEL

Possible remedies:

The insurance of Government personnel and employees of private firms under contract to Government should be the responsibility of the assisting Government which may claim reimbursement of costs from the assisted Government. The insurance of personnel of private firms acting independently would not be the responsibility of the Government.

30.6 CIVIL LIABILITY FOR INJURIES OR DAMAGE

Possible solution:

- a. Disputes over injuries or damages should be settled according to the rules of civil liability. Responsibility for the payment of costs would rest with the assisted State except in cases of ill intent, grave fault or gross negligence.
- b. The assisted Party should always be informed when a dispute with a third party is to be settled before a court of law. Where this is within the territory of the assisted State, the latter should help the assisting Party or person concerned.

30.7 ACCOMMODATION AND MEALS

Possible solution:

It should be the responsibility of the assisted State to arrange accommodation and meals for assisting personnel when necessary or wanted.

30.8 MEDICAL TREATMENT

Possible solution:

The assisted Party should always make provision for the medical treatment of personnel of the assisting Party when necessary or wanted.

30.9 EQUIPMENT AND REPAIRS

Possible solution:

The assisted Party should help the assisting Party to the best of its ability with maintenance and repairs of equipment which cannot be carried out by personnel of the assisting Party.

30.10 PASSAGE THROUGH THE TERRITORY OF A THIRD STATE

Possible solution:

The transit State, if member of the Bonn Agreement, should use its best endeavours to facilitate the passage of equipment through its territory.

30.11 LEADERSHIP AND AUTONOMY OF ASSISTANCE TEAMS

Possible solution:

- a. The assistance teams should be led by a civil servant of sufficient rank to deal with authority with the administration of the assisted State.
- b. The assistance teams on land should, like strike teams at sea, be allowed to be as autonomous and self-sufficient as possible.