

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

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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



Tampere Convention

- 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.

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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.

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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 the core element of the Tampere Convention, as the **Removal of Regulatory Barriers** has been the primary aim of the work towards this treaty since 1990.*

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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:** *Depositary (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