

MODEL AGREEMENT

**Between the United Nations and the Government of Nepal
Concerning measures to expedite the import, export and transit of relief consignments
and possessions of relief personnel in the event of disasters and emergencies**

Whereas paragraph 3 of the Annex to United Nations General Assembly Resolution 46/182 underlines that humanitarian assistance should be provided with the consent of and in principle on the basis of an appeal by the affected country, and that the sovereignty, territorial integrity and national unity of States must be fully respected in accordance with the Charter of the United Nations;

Whereas paragraph 6 of the said Annex calls upon the States, whose populations are in need of humanitarian assistance, to facilitate the work of intergovernmental and non-governmental organizations in implementing this assistance;

Whereas paragraph 7 of the said Annex urges the States in proximity to emergencies to participate closely with the affected countries in international efforts, with a view to facilitating, to the extent possible, the transit of humanitarian assistance;

Whereas paragraph 28 of the said Annex instructs the United Nations to continue to make appropriate arrangements with interested Governments and intergovernmental and non-governmental organizations to enable it to have more expeditious access, when necessary, to their emergency relief capacities, including food reserves, emergency stockpiles and personnel, as well as logistic support;

Whereas paragraph 29 of the said Annex further instructs the United Nations to develop special emergency rules and procedures to enable all organizations to procure quickly emergency supplies and equipment;

Whereas paragraph 30 of the said Annex requests disaster-prone countries to develop special emergency procedures to expedite the rapid procurement and deployment of equipment and relief supplies;

Whereas paragraph 4 of United Nations General Assembly Resolution 47/168 calls upon potential donors to adopt necessary measures to increase and expedite their contributions, including setting aside, on a stand-by basis, financial and other resources that can be disbursed quickly to the United Nations system in response to the consolidated appeals of the Secretary General;

Whereas paragraph 8 of the said Resolution requests the Secretary General, after consultations with Governments, to report on ways and means to improve further United Nations capability in the areas of prevention and preparedness in relation to natural disasters and other emergencies, in particular emergencies involving food, medicines, shelter and health care, as provided in General Assembly resolution 46/182;

Ud.

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Whereas the Office for the Coordination of Humanitarian Affairs serves as the central focal point in the United Nations with Governments, intergovernmental and non-governmental organizations concerning the United Nations emergency relief operations;

Whereas the Customs Co-operation Council adopted, on 8 June 1970, a Recommendation to expedite the forwarding of relief consignments in the event of disasters;

Whereas the International Convention on the simplification and harmonization of Customs procedures (Kyoto Convention), the Customs Convention on the A.T.A. carnet for the temporary admission of goods (A.T.A. Convention), the Convention on Temporary Admission (Istanbul Convention), the Convention on International Civil Aviation (Chicago Convention) and the International Maritime Organization Convention on Facilitation of International Maritime Traffic recommend simplified procedures and other facilitation measures to be applied, *inter alia*, to the trans-border movement of relief consignments and possessions of disaster relief personnel;

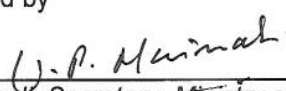
Whereas the Government of Nepal wishes to contribute to the expeditious delivery of international humanitarian assistance to the disaster-affected population;

Now therefore, the United Nations represented by



(Mr. Matthew G. Kahane, UN Resident/Humanitarian Coordinator)

And the Government of Nepal represented by



(Mr. Umesh Prasad Mainali, Secretary, Ministry of Home Affairs)

Hereby agree as follows:

ARTICLE 1

Definitions

For the purpose of this Agreement the term:

1.1. "Disaster" means:

A serious disruption of the functioning of the society, causing widespread human, material, or environmental losses which exceed the ability of affected society to cope using only its own resources.

The term covers all disasters irrespective of their cause (i.e. both natural and manmade).

1.2. "Disaster relief personnel" means:

Individuals, groups of individuals, teams and constituted units executing delivery of humanitarian assistance within the framework of a United Nations relief operation



Examples of disaster relief personnel that can be involved in any particular disaster are:

UN delegates;
Experts on mission for the United Nations;
Emergency response personnel to assist refugees and internally displaced persons;
International Search and Rescue teams;
Medical teams;
Specialised teams provided by foreign military, civil defense and civil protection organizations (MCDA teams);
United Nations Disaster Assessment and Co-ordination (UNDAC) team.

1.3. "*Possessions of disaster relief personnel*" means:

All equipment, provisions, supplies, personal effects and other goods brought for and/or by disaster relief personnel in order to perform their duties and to otherwise support them in living and working in the country of the disaster throughout the duration of their mission.

1.4. "*Relief consignment*" means:

Goods, such as vehicles and other means of transport, foodstuffs, medicaments, clothing, blankets, tents, prefabricated houses, water purifying and water storage items, or other goods of prime necessity, forwarded as aid to those affected by disaster.

1.5. "*United Nations relief operation*" means:

Assistance and/or intervention, by the United Nations, a United Nations Agency or on its behalf, during or after disaster to meet the life preservation and basic subsistence needs. It can be of emergency or protracted duration.

1.6. "*Emergency*" means:

A sudden and usually unforeseen event that calls for immediate measures to minimize its adverse consequences

ARTICLE 2

Organizations involved in United Nations relief operations

Included are:

- United Nations (UN)
- UN Agencies
- Governmental (GOV), intergovernmental (IGO) and non-governmental (NGO) organizations certified by the UN as *bona fide* participants within the framework of a United Nations relief operation
- Transport carriers contracted by the UN, a UN agency or a UN certified GOV/IGO/NGO for transportation of relief consignment(s) and/or possessions of disaster relief personnel.

ARTICLE 3

Facilitation measures for United Nations relief operations

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The Government of Nepal agrees to:

3.1. With respect to exports:

3.1.1. Waive any economic export prohibitions or restrictions, and any export duties or taxes, in respect of goods contained in relief consignments destined for countries having suffered disasters and in possessions of disaster relief personnel;

3.1.2. Accept at exportation, as a general rule, the written summary declarations made out by the UN, or its agencies, or organizations involved in UN relief operations as detailed in Article 2 of this Agreement, of relief consignments as evidence of the contents and of the intended use of such consignments;

3.1.3. Take such steps as may be necessary in order that the Customs authorities where the exports are made are in a position to:

a) expeditiously examine, only when necessary for security or narcotics/contraband control purposes and where appropriate by applying sampling or selective techniques against the summary declaration, the contents of the relief consignments and possessions of disaster relief personnel, and certify the results of this examination on that declaration;

b) Where possible, place such consignments under Customs seals where such action is likely to avoid delays in the forwarding of the goods at later stages in their journey;

c) Permit such consignments to be presented for export clearance at any approved Customs office and, in stockpile States, in advance of the need for actual export; and

d) Permit such consignments to be placed in a Customs warehouse for subsequent export, for providing humanitarian assistance;

3.2. With respect to transshipment or transit:

3.2.1. Allow operators, under supervision of the public authorities concerned, to disassemble transshipment cargo including shipments in containers and on pallets, so that they may sort and reassemble shipments for onward carriage without examination, except for reasons of security or in special circumstances, and subject only to simple documentation where required;

3.2.2. Facilitate as far as possible the carriage of relief consignments and possessions of disaster relief personnel in Customs transit, with due regard to any action taken under paragraph 3.1.3. above;

3.3. With respect to imports:

3.3.1. Allow admission free of import duties and taxes or charges having an equivalent effect and free of economic import prohibitions or restrictions in respect of:

a) all relief consignments imported by the UN, or its agencies, or organizations involved in UN disaster relief operations as detailed in Article 2 of this agreement, for distribution free of charge by them or under their control to victims of disaster in their territory, in particular where such consignments consist of foodstuffs, medicaments, clothing, blankets, tents, prefabricated houses or other goods of prime necessity;



b) Possessions of disaster relief personnel delivering humanitarian assistance;

3.3.2. Facilitate the temporary admission, with conditional relief from import duties and taxes of any equipment required by the UN or its agencies or organizations involved in disaster relief detailed in Article 2 of this Agreement, and used by them or under their control in action undertaken to alleviate the effects of a disaster; and whenever possible not to require security but accept an undertaking given by them to re-export such equipment;

This equipment covers *inter alia*:

- transmission and communication equipment;
- water purifying and water storage items;
- all equipment, machinery, tools and electronic devices required by technical specialists, such as doctors, engineers, communications technicians, logisticians, community workers, etc. to perform their duties;
- equipment not directly involved in relief operations but used to fight and eliminate the consequences of natural and similar disasters, e.g. for elimination of pollution of all types, decontamination of buildings and territories, inspection of industrial structures, etc.;
- administrative support items such as office equipment, e.g. computers, photocopiers and typewriters, expendable supplies, staff security items and administrative manuals and documents;
- tents, prefabricated and mobile staff accommodation units and associated materials including cooking and dining equipment and supplies, sanitation requirements and compound safety/security items;
- possessions of disaster relief personnel;
- means of transport and spare parts and equipment for their repair;
- animals for rescue operations, e.g. specially trained dogs.

3.3.3. Authorize and make suitable arrangements for the relief consignments, including those in containers and on pallets and the possessions of disaster relief personnel to be examined and/or released outside the hours and places normally prescribed, and to waive any charges for Customs attendance;

3.3.4. Allow operators and importers to submit manifest and entry details to Customs prior to arrival of the relief consignments in order to facilitate immediate release;

3.3.5. Accomplish physical examination of cargo, when required, on a sampling or selective basis, and carry out such examination as rapidly as possible;

3.3.6. Make arrangements whereby the maximum number of relief consignments can be released promptly after arrival upon presentation of a provisional entry document or a legally acceptable electronic equivalent, subject to complete fulfillment of Customs and other requirements within a specified time limit.

ARTICLE 4

Application of facilitation measures

The measures in Article 3 shall be applied:

- To relief consignments and possessions of disaster relief personnel sent to disaster-affected areas by any of the organizations referred to in Article 2 of this Agreement;



- By Customs at the points of entry and/or exit, whether or not they have been informed by their superior administration of a particular relief consignment and/or possessions of disaster relief personnel.

ARTICLE 5
Ad-hoc adjustments

The United Nations and the Government of Nepal may conclude ad-hoc adjustments to the present Agreement.

ARTICLE 6
Non-waiver of immunity

Nothing contained in this agreement shall be deemed a waiver, express or implied, of any immunity from suit or legal process, or of any privilege, exemption or other immunity enjoyed or which may be enjoyed by the United Nations and its personnel by virtue of the Convention on the Privileges and Immunities of the United Nations adopted by the General Assembly on 13 February 1946.

ARTICLE 7
Entry into force, amendment and termination

7.1 This Agreement shall enter into force (within 1 day) upon its signature by both parties.

7.2 This Agreement may be amended only by a written instrument signed by both parties.

7.3 This Agreement may be terminated by either party on 90 days written notice to the other party.

Dated This **31 Day of May 2007**

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ANNEX

UN Certificate

Issuing Organization

.....
(Office for the Coordination of Humanitarian Affairs)

TO WHOM IT MAY CONCERN

This is to certify that

.....
(Name of an organization, individual, group of individuals, team, constituted unit, etc.)
.....
.....

Is a *bona fide* participant of the United Nations relief operation undertaken at the request of the Government of Nepal

.....
In order to provide international assistance to meet the life preservation and basic subsistence needs resulting from

.....
(Name of the natural disaster, complex emergency, environmental emergency, etc.)

.....
and as such is entitled to the application of the Customs facilitation measures which are applied to the relief consignment(s) and/or possessions of disaster relief personnel involved in United Nations relief operations by Customs authorities at the points of entry and/or exit.

All those whom it may concern are requested to extend to the bearer the facilities, privileges and immunities which pertain to and facilitate by all suitable means the execution of the mission on which he is engaged.

The holder of this certification and his representative(s) will be held responsible for compliance with the laws and regulations of the country/Customs territory of departure and the countries/Customs territories of temporary admission.

This certification is valid until(year)...../.....(month)...../.....(day).....

Done in(place)..... on(year/month/day).....

(Signature of an authorised Official and stamp of the Issuing Organization)

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