

As finalized by the Inter-governmental Meeting (Malé, 25-26 May 2011)

Annex VI

SAARC AGREEMENT ON RAPID RESPONSE TO NATURAL DISASTERS

The Member States of the South Asian Association for Regional Cooperation (SAARC), comprising the Islamic Republic of Afghanistan, the People's Republic of Bangladesh, the Kingdom of Bhutan, the Republic of India, the Republic of Maldives, Nepal, the Islamic Republic of Pakistan and the Democratic Socialist Republic of Sri Lanka, hereinafter referred to as the Parties;

Reaffirming their commitment to the objectives and principles of the South Asian Association for Regional Cooperation (SAARC) as enshrined in its Charter;

Concerned at the increasing frequency and scale of natural disasters in the South Asian region and their damaging impacts both short-term and long-term;

Reiterating the commitment of the SAARC Comprehensive Framework on Disaster Management to develop an efficient disaster management system which professionalizes disaster management system and strengthens emergency response system in the Region;

Guided by the Declaration of Fifteenth SAARC Summit to create a Natural Disaster Rapid Response Mechanism to adopt a coordinated and planned approach to provide timely relief and humanitarian assistance in emergencies arising out of natural disasters;

Convinced that the regional cooperation on disaster response should be institutionalized through an Agreement among the Member States;

Have agreed as follows:

PART A - GENERAL PROVISIONS

Article I Definitions

For the purposes of this Agreement:

1. "Assisting Party" means a State that renders assistance to a Requesting Party in the event of a disaster emergency.
2. "Competent Authorities" means one or more entities designated and authorized by each Party to act on its behalf in the implementation of this Agreement.
3. "Natural Disaster" (hereinafter "Disaster") means a natural hazard event causing serious disruption of the functioning of a community or a society involving widespread human, material, economic or environmental losses and impacts, which exceeds the ability of the affected community or society to cope using its own resources.
4. "Disaster management" means the range of activities, prior to, during and after the disasters, designed to maintain control over disasters and to provide a framework for helping at-risk persons and/or communities to avoid, minimize or recover from the impact of the disasters.

5. "Head of Assistance Operation" is the designated person of Assisting Party who shall exercise such supervision in cooperation with the competent authorities of the Requesting Party.
6. "National Focal Point" means an entity/entities designated and authorized by each Party to receive, transmit and exchange information pursuant to the provisions of this Agreement.
7. "Member State" means a Member Country of the South Asian Association for Regional Cooperation (SAARC).
8. "Requesting Party" means a Party that requests assistance from another Party or Parties in the event of a disaster emergency.
9. "Response" means provision of assistance during or immediately after a disaster to reduce loss of life and assets and provide humanitarian assistance in the affected area. Such response should be for a period as agreed upon by Assisting and Requesting Parties.

Article II Objective

The objective of this Agreement is to provide effective regional mechanisms for rapid response to disasters to achieve substantial reduction of disaster losses in lives and in the social, economic and environmental assets of the Parties, and to jointly respond to disaster emergencies through concerted national efforts and intensified regional cooperation based on the Principles outlined in Article III.

Article III Principles

The Parties shall be guided by the following principles in the implementation of this Agreement:

1. Each affected Party shall have the primary responsibility to respond to disasters occurring within its territory and external assistance shall only be provided upon the request and with the consent of the affected Party.
2. The Requesting Party shall exercise the overall direction, coordination and supervision of the assistance within its territory.
3. The sovereignty, territorial integrity and national unity of the Parties shall be respected, in accordance with the SAARC Charter in the implementation of this Agreement.
4. The Secretary General of SAARC, (hereinafter referred to as Secretary General) shall be the overall coordinator of the Rapid Response Mechanism in accordance with this Agreement. The Secretary General may utilize the expertise of existing SAARC mechanisms and institutions including the SAARC Disaster Management Centre (SDMC) in the discharge of his/her responsibilities as the overall coordinator. This should be done in consultation with and consent of concerned Member States.

Article IV General Obligations

In pursuing the objective of this Agreement, the Parties shall:

1. Cooperate in developing and implementing measures for Disaster Risk Reduction (DRR) including identification of disaster risk, development of monitoring, assessment and early warning systems, standby arrangements for disaster relief and emergency response, exchange of information and the provision of mutual assistance;
2. Immediately respond to a disaster occurring within their territories and share information if the disaster is likely to impact other Member State(s), with a view to minimizing the consequences;
3. Promptly respond to a request for assistance from an affected Party;
4. Share technical know-how and information on the best practices and lessons learnt in reducing disaster losses; and
5. Take legislative, administrative and other measures as necessary to implement their obligations under this Agreement within the framework of the legal system prevailing in the respective Member States.

PART B - DISASTER PREPAREDNESS

Article V Standard Operating Procedures

1. The Parties shall, jointly or individually, develop strategies and contingency/response plans to reduce losses from disasters.
2. The Parties shall, as appropriate, by consensus and according to their respective national legislation prepare Standard Operating Procedures (SOPs) for regional cooperation and national action required under this Agreement including the following:
 - a. regional standby arrangements for disaster relief and emergency response;
 - b. utilization of personnel, transportation and communication equipment, facilities, goods and services and facilitation of their smooth and expeditious movement; and
 - c. coordination of disaster relief and emergency response operations.
3. The Parties shall enhance their national capacities, as appropriate, *inter alia*, to:
 - a. facilitate mobilization of national resources to support such regional standby arrangements for disaster relief and emergency response;
 - b. conduct training and exercises to attain and maintain the relevance and applicability of such Standard Operating Procedures.

4. Member State(s) shall organize periodic mock drills/forums wherein other Member States may be invited to test the effectiveness of regional preparedness for response.
5. The Secretary General shall facilitate the establishment, maintenance and periodical review of regional standby arrangements for disaster relief and emergency response.
6. The Secretary General shall facilitate periodic review of regional standard operating procedures.

Article VI

Standby Arrangements for Disaster Relief and Emergency Response

1. On a voluntary basis, each Party shall earmark assets and capacities, which may be available for the regional standby arrangements for disaster relief and emergency response, such as:
 - a. emergency response/search and rescue directory;
 - c. emergency stockpiles of disaster relief items; and
 - d. disaster management expertise and technologies.
2. Such earmarked assets and capacities shall be communicated to each Party through the Secretary General and updated as necessary by the Party concerned.
3. The Secretary General shall consolidate, update and disseminate the data on such earmarked assets and capacities, and communicate with the Parties for their utilization.
4. To facilitate the utilization of assets provided for in Article VI, Clause 1, each Party shall designate entry points for supplies and expertise from Assisting Parties.

PART C - EMERGENCY RESPONSE

Article VII

National Emergency Response

1. Each Party shall ensure according to its national legislation that the necessary measures are taken to mobilize equipment, facilities, materials, human and financial resources required to respond to disasters.
2. Each Party may inform the Secretary General and other Parties of such measures.

Article VIII

Joint Emergency Response through Provision of Assistance

1. If a Party needs assistance in the event of a disaster emergency within its territory, it may request such assistance from any Member State, directly under intimation to or through the Secretary General.

2. The Requesting Party shall specify the scope and type of assistance required and, where practicable, provide the Assisting Party with such details as may be necessary for that Party to determine the extent to which it is able to meet the request. In the event that it is not practicable for the Requesting Party to specify the scope and type of assistance required, the Requesting Party and Assisting Party shall, in consultation, jointly assess and decide upon the scope and type of assistance required.
3. Each Party to which a request for assistance is directed shall promptly decide and notify the Requesting Party, directly or through the Secretary General, whether it is in a position to render the assistance requested, and of the scope and terms of such assistance.
4. Each Party to which an offer of assistance is directed shall promptly decide and notify the Assisting Party, directly under intimation to or through the Secretary General, whether it is in a position to accept the assistance offered, and of the scope and terms of such assistance.
5. The Parties shall, within the limits of their capabilities, identify and notify the Secretary General of personnel, experts, equipment, facilities and materials which could be made available for the provision of assistance to other Parties in the event of a disaster emergency as well as the terms under which such assistance could be provided.

Article IX

Direction and Control of Assistance

Unless otherwise agreed:

1. The Requesting Party shall exercise the overall direction, coordination and supervision of the assistance within its territory. The Assisting Party shall, where the assistance involves personnel, designate in consultation with the Requesting Party, a person who shall be in charge of and retain immediate operational supervision over the personnel and the equipment provided by it. The designated person, referred to as the Head of Assistance Operation, shall exercise such supervision in consultation and cooperation with the appropriate authorities of the Requesting Party.
2. The Requesting Party shall provide, to the extent possible, local facilities and services for the proper and effective administration of the assistance. It shall also ensure the protection of personnel, equipment and materials brought into its territory by or on behalf of the Assisting Party for such purposes. Such personnel shall not carry any type of weapons, explosives, arms, ammunition or surveillance equipment.
3. The Assisting Party and the Requesting Party shall consult and coordinate with each other with regard to any claims, other than an act of gross negligence or contractual claims against each other, for damage, loss or destruction of the other's property or injury or death to personnel of both Parties arising out of the performance of their official duties.
4. The relief goods and materials provided by the Assisting Party should meet the quality and validity requirements of the Parties concerned for consumption and utilization.

Article X
Respect of National Laws and Regulations

1. The Members of the assistance operation shall:
 - a. Refrain from any action or activity incompatible with the nature and objective of this Agreement;
 - b. Respect and abide by all national laws and regulations of the Requesting Party. The Head of the Assistance Operation shall take all appropriate measures to ensure observance of national laws and regulations;
 - c. Be sensitive to and respect the local customs and traditions of the Requesting Party; and
 - d. Be limited in their operation to the disaster affected area, as defined by the Requesting Party.

Article XI
Exemptions and Facilities in Respect of the Provision of Assistance

In accordance with its national laws and regulations, the Requesting Party shall:

1. Accord the Assisting Party exemptions from taxation, duties and other charges of a similar nature on the importation and use of equipment including vehicles and telecommunications, facilities and materials brought into the territory of the Requesting Party for the purpose of the assistance;
2. Facilitate the entry into, stay in and departure from its territory of personnel and of equipment, facilities and materials involved or used in the assistance; and
3. Cooperate with the Secretary General, where appropriate, to facilitate the processing of exemptions and facilities in respect of the provision of assistance.

Article XII
Identification

1. Personnel involved in the assistance operation shall be permitted to wear uniforms with distinctive identification while performing official duties.
2. For the purpose of entry into and departure from the territory of the Requesting Party, members of the assistance operation shall be required to have:
 - a. An individual or collective movement order issued by or under the authority of the Head of Assistance Operation or any appropriate authority of the Assisting Party; and
 - b. A personal identity card issued by the appropriate authorities of the Assisting Party.

3. All modes of transportation used by the personnel of the Assisting Party may use their registration and easily identifiable license plates.
4. All modes of transportation used by the personnel of the Assisting Party into the territories of the concerned Parties shall be according to immigration laws and fulfilling legal/visa formalities. The Requesting Party shall facilitate visa, customs and other formalities. Details of the type of the equipment on board aircraft and vessels shall be shared with all Parties concerned, prior to its entry/landing in the territory of the Requesting Party. The Requesting Party shall reserve the right to inspect equipment/luggage on board aircraft and vessels.

Article XIII

Movement of Personnel, Equipment, Facilities and Materials in Respect of the Provision of Assistance

1. Each Party shall, according to its national legislation, at the request of the Party concerned, facilitate the movement of duly notified personnel, equipment, facilities and materials involved or used only in the humanitarian assistance to the Requesting Party. The Party concerned shall exempt from taxation, duties and other charges of a similar nature for such equipment, facilities and materials. However, such personnel, equipment, facilities and materials may be inspected by the transit Member State concerned to deny any undue exemption or movement.
2. Such request for facilitation of movement may only be for rapid response under this Agreement. The details of the movement shall be decided by the transit Member State.
3. The Secretary General, where possible and appropriate, shall facilitate the processing of movement of personnel, equipment, facilities and materials in respect of the provision of assistance.

PART D - INSTITUTIONAL ARRANGEMENTS

Article XIV

National Focal Point and Competent Authorities

1. Each Party shall designate a National Focal Point and one or more Competent Authorities for the purpose of implementation of this Agreement.
2. Each Party shall inform other Parties and the Secretary General, of its National Focal Point and Competent Authorities, and of any subsequent changes in their designations.
3. The Secretary General shall regularly and expeditiously provide to the Parties the information referred to in Article XIV, Clause 2.

**Article XV
Financial Arrangements**

1. Each Assisting Party shall incur from its own sources all the expenses required for rendering assistance to a Requesting Party in the event of a disaster emergency.
2. Expenses incurred by the Secretary General in coordinating regional response shall be debited to the Secretariat's budget.

PART E - FINAL CLAUSES

**Article XVI
Amendments**

A Party may propose an amendment to the Agreement to the Secretary General of SAARC, who shall communicate the proposed amendment to all Parties for consideration. Any amendment to the Agreement shall be adopted by consensus. Such amendment shall enter into force upon ratification by all Parties.

**Article XVII
Relationship with other Treaties, Conventions and Agreements**

This Agreement shall not affect the rights and obligations of the Parties under other bilateral or multilateral Treaties, Conventions and Agreements to which they are a Party.

**Article XVIII
Settlement of Disputes**

Any dispute between Parties as to the interpretation or application of, or compliance with, this Agreement or any protocol thereto, shall be settled amicably by consultation or negotiation. In case a settlement cannot be reached, the dispute shall be referred to the higher SAARC mechanisms for resolution.

**Article XIX
Ratification**

This Agreement shall be subject to ratification by all Parties and the Instruments of Ratification by the Parties shall be deposited with the Depository as defined in Article XX.

**Article XX
Depository**

The Secretary General of SAARC shall be the Depository for this Agreement.

**Article XXI
Entry into Force**

This Agreement shall enter into force on the thirtieth day after the date of deposit of the eighth Instrument of Ratification. The Secretary General shall notify the Member States of signatures of this Agreement and the deposit of Instruments of Ratification and

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shall transmit certified copies of the Instruments of Ratification to each Member State. The Secretary General shall also notify Member States of the date of entry into force of the Agreement.

Article XXII
Authentic Texts

IN WITNESS WHEREOF, the undersigned plenipotentiaries, being duly authorized by their respective Governments have signed this Agreement.

Done in _____ On This _____ of _____ in Ten Originals In The English Language, All Texts Being Equally Authentic.

For the Islamic Republic of Afghanistan

For the People's Republic of Bangladesh

For the Royal Government of Bhutan

For the Republic of India

For the Republic of Maldives

For the Government of Nepal

For the Islamic Republic of Pakistan

For the Democratic Socialist Republic of Sri Lanka
