



International Wildland Fire Summit Paper #2

International Wildland Fire Management Cooperation Agreements Template and Issues Concerning Such Agreements

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Introduction

The 3rd International Wildland Fire Conference held in Sydney, Australia 4-6 October 2003 and the subsequent Summit on 8 October 2003 provides important forums for discussions of how to manage the future of international wildland fire management and share solutions to global problems. This paper offers a template and information on cooperation in wildland fire management to countries interested in entering into formal relationships and agreements with other countries facing similar issues.

This paper is intended to enhance current international coordination and cooperation by providing information on the following:

- A Template outlining areas to consider when developing international cooperative agreements;
- Listing of the types of cooperation and assistance that may occur between countries;
- The responsibilities of countries sending assistance and of those receiving assistance;
- Websites containing information and examples of existing cooperative agreements and arrangements.

Template for International Cooperative Agreements

The following is an outline for a template of areas that need to be considered when countries are developing international cooperative agreements. There may be other areas that need definition and consideration besides those listed below. This template is drawn from an annex of a UN Food and Agriculture Organization (FAO) document *Legal Frameworks for Forest Fire Management: International Agreements and National Legislation*. This FAO document provides excellent reference materials, which should be reviewed prior to entering into international agreements.

Developing countries will require special consideration because they may not be able to reciprocate in a partnership as fully as a developed country can.

The important role of Non-Government Organisations (NGOs) should be considered as part of any bilateral or regional assistance arrangement.

It is strongly recommended that the parties to a mutual assistance agreement should exercise the agreement through exchanges, field exercises and low-level assistance prior to it being activated at a time of crisis.

Outline for International Cooperative Agreements

1. Parties to the Agreement
 - Includes governmental and non-governmental agencies and organizations at a variety of levels.
2. Purpose
 - Defines areas and forms of cooperation.
 - Define the scope of the cooperation.
3. Definition of Terms
 - Defines terms used in the agreement to insure there is no confusion or misinterpretation as to the meaning of the content of the agreement.
5. Expenses and Costs
 - Personnel- Defines how personnel costs will be set such as per person, per crew, per day or per assignment.
 - Equipment - Defines how equipment cost use will be set such as per day or per assignment.
 - Reimbursement of costs – Sets the procedures, amount, and criteria for reimbursement. Some agreements call for reimbursement only after a certain threshold of time or level of support has been reached.
 - Non-reimbursable – Under certain agreements all parties may agree to assist each other on a mutual aid, non-reimbursable basis.
6. Information and Coordination
 - Communication channels – Defines the protocols and methods to coordinate and exchange information.
 - Information exchange – Defines the types, amount and timing of information exchange.
 - Notifications – Sets the notification procedures for emergencies or for other significant events.
 - Coordination of work – Defines how and under what organizational structure the coordination of work will take place.
7. Liabilities, Claims and Compensations
 - Cross-wavier of claims/exemption from liability – Lists and defines how and when the cross-waivers and exemptions are in force for personnel that are being exchanged.
 - Exemptions to cross-wavier of claims – Lists and defines those areas or circumstances where the exemptions do not pertain to personnel that are being exchanged.
 - Damage to a third party – Outlines remediation methods and limitations for third party damage.
 - Medical assistance for injured personnel – Defines the protocols and procedures for assisting and possibly evacuating injured personnel.

- Compensation in case of injury or death – Defines the timing, levels and limitations of compensation for injury or death. This may also be addressed above in the cross waivers and exemptions.
- Privileges and immunities for the assisting personnel – Describes and defines the levels and limitations of privileges and immunities that the receiving country will provide to assisting country personnel.

8. Operating Plans / Operational Guidelines

- Provision for operating plans/operational guidelines – Operating plans/operational guidelines are a critical component of all cooperative agreements. They should be carefully crafted and reviewed by all parties to the agreement. The plans and guidelines outline and define specific operational areas to insure that the agreement can be implemented in a timely and efficient manner. They include items such as points of contact, procedures for requesting resources, entry procedures, annual updates of costs, reimbursements, and cross waivers, and updated standards, qualifications or training requirements. Also identifies how often and by whom the plans and guidelines will be reviewed, updated and the method for revalidating the contents of the plans and guidelines.

9. Border Crossings

- Sets protocols and procedures for simplifying of border crossing taking into account sovereignty issues, including the following:
 - Opening of alternative border-crossing points to facilitate the assistance
 - Customs provisions:
 - Concerning personnel
 - Concerning equipment and materials
 - Concerning officer responsible for equipment
 - Concerning aircraft

Portions of this information will also be included in the operational plans and guidelines.

10. Link to Disaster Management Plan for the receiving country.

- Explains how the fire assistance plan sits within the wider disaster management plan for the receiving country, including legislation giving the necessary powers.

11. General Provisions

- Entry of force of the agreement - Defines when agreement is activated.
- Duration – Specifies how long the agreement will remain in force
- Withdrawal – Defines how countries or organizations can withdraw from the agreement.
- Termination – Defines under what circumstances the agreement will terminate.

- Interpretation – Provides understandings and interpretations for countries and organizations concerning under what circumstances and limitations each party is entering into the agreement.
- Settlement of disputes – Defines the method of dispute resolution.
- Amendments – Defines when and how amendments to the agreement may be submitted, reviewed, and acted upon.

11. Standard Operation Procedures

- These procedures describe in detail the methodology to be followed when the agreement is activated, especially in relation to command and control, fire suppression procedures to be followed, communications systems and safety procedures to be used.
- The SOPs should be tested and refined using tabletop exercises, dry field exercises and low scale operations before being deployed in a full scale emergency.

12. Other Provisions

- Provides the opportunity for any country, agency or organization signing this agreement to define other areas of cooperation that they want to include in the agreement such as:
 - Shared training activities, including materials
 - Study tours, technical exchanges, and joint exercises
 - Relationship of this agreement to other agreements
 - Standards for personnel
 - Safety equipment
 - Limitations on the type and use of telecommunications equipment
 - Method of recall of firefighting resources

12. Participating Countries/Agencies/Organizations Signature Page

- It is important that all potential participants review and confirm their authorities to sign such an agreement.

Types of Cooperation and Assistance

International cooperation and assistance occurs in a variety of ways. Some agreements are non-reimbursable while others call for reimbursement. Some assistance is offered on a technical non-reimbursable basis and other assistance is offered or solicited during periods of disaster. When countries develop international cooperative agreements the purpose and method of cooperation and assistance need to be clearly identified and understood between all parties. The following describes several types of cooperation and assistance that currently exist.

Mutual Assistance:

Mutual Assistance agreements often deal with fire management issues along shared borders. Assistance by one country to another is usually non-

reimbursable with the understanding that both countries may benefit at different times from assistance along mutual borders

Cooperative Assistance:

These agreements are for assistance and cooperation throughout the countries or states that have signed the agreement, not just for the border areas. These agreements are usually set up on a reimbursable basis.

They may also include non-reimbursable exchanges of experts. These exchanges may include areas such as fire prevention and mitigation, prescribed fire, personnel exchanges, and broad based study tours of fire management programs.

Technical Exchanges:

Activities carried out under technical exchanges are similar to cooperative assistance agreements but are much more informal and exchanges are not always tied directly to an ongoing agreement. These are usually self-funded, non-reimbursable activities that occur on an as needed or as desired basis. They remain at technical and informational exchange level and do not include exchanges of resources to help with direct fire suppression activities.

Technical Assistance:

An offer of or a request for technical assistance may or may not be a part of a formal agreement. Technical assistance provides experts from one country to another country in need of technical assistance, to improve and strengthen the receiving country's abilities and capacity to deal with wildland fire management issues. The goal of technical assistance should be to reduce the need for outside assistance in the future. This type of assistance is usually non-reimbursable and is paid for by the country offering the assistance.

Disaster Assistance:

When wildland fires involve trans-border issues from a humanitarian, ecological, medical, economic, or diplomatic standpoint, some countries will offer immediate disaster assistance to affected countries on a non-reimbursable basis. Disaster assistance is meant to assist the affected country during a critical time period and may or may not be based on existing cooperative agreements. Disaster assistance may be the genesis for future cooperative agreements or technical assistance programs.

Responsibilities of Sending Country and Receiving Countries

Countries sending or receiving assistance through the methods and agreements identified above need to understand that certain responsibilities are inherent in these relationships. The following paragraphs identify the responsibilities of all countries, agencies, or organizations involved. There are certainly more issues than those listed below that should be discussed prior to sending or receiving

assistance but the information below attempts to identify some of the key elements of the responsibilities involved in these types of arrangements.

Sending Countries:

It is important to note that as countries enter into formal cooperation agreements with other countries, the success or failure of those agreements rests just as much on the personal conduct of the sending country's representatives as it does on the effectiveness of their fire management capabilities. It is critical to always send the country's most appropriate and qualified personnel, as the receiving country will quickly detect whether they are receiving the help they need or individuals who were selected on rank or seniority and not on skills and capabilities. This is especially critical with reimbursable agreements. Of particular importance is cultural sensitivity towards the people of the receiving country. Personnel being sent will be seen as ambassadors for their country and qualities appropriate to such a role should be included in the selection criteria.

Teams and individuals must also be made aware of local issues dealing with laws, customs, language, dress, food, etc. They must also be briefed on the command and control arrangements and their role and responsibilities within the fire management system of the receiving country.

Sending countries should prepare lists of resources, funding, materials and manpower that may be made available to receiving countries. It is essential that this information is kept accurate and current.

Both sending and receiving countries should maintain and exchange data on the nature, extent and frequency of fires so that the level of assistance sought and made available can be anticipated in any particular season.

Receiving Countries:

Just as sending countries have certain responsibilities, receiving countries must also accept the responsibilities involved in hosting personnel from other countries. Receiving countries must be prepared to brief sending country teams and representatives on the issues mentioned above as well as fire issues such as fuels, weather, topography, safety, management structure on the fires, fire fighting techniques and equipment, types and lengths of assignments, etc. Of particular importance is briefing on communications and legal issues within fire management as well as political and social sensitivities within the wider community. Receiving countries must also be prepared to provide logistical and operational support including welfare support as required.

Websites with Examples of Cooperative Agreements and Arrangements

National authorities are encouraged to contribute brief case studies, based on their own national experiences, to illustrate the different types of cooperation/assistance agreements that are currently in place or being prepared. Case studies can be forwarded to the Executive Officer, International Wildland

Fire Summit, at Duncan.Sutherland@rfs.nsw.gov.au and to the Food and Agriculture Organization of the United Nations (FAO), Forestry Department (FORM) at Mike.Jurvelius@fao.org. The information will be incorporated into the FAO documentation “Legal Frameworks for Forest Fire Management: International Agreements and National Legislation” which will be updated continuously. This document and other supporting reports are provided on the websites of FAO and the GFMC at:

<http://www.fao.org>

http://www.fire.uni-freiburg.de/emergency/int_agree.htm

Conclusion

The fire management issues identified and discussed at the 3rd International Wildland Fire Conference highlight the connections and common concerns of the global community about wildland fire. This Summit represents an extension of the work accomplished at the Conference and provides a mechanism to identify ways to continue that progress. This paper has identified issues and provided a template to encourage countries to cooperate in dealing with wildland fire.