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Love Thy Neighbor: The Tampere Convention as Global Legislation

ALLISON RAHRIG*

ABSTRACT

The Internet, 24-hour news sources, and a host of other telecommunications advances have allowed global citizens to become instantaneously informed. With the privilege of real-time updates and acute awareness of the world's events comes the responsibility of being more than a passive observer. Specifically, this Note focuses on the technological improvements in communication during natural disasters—improvements that can be used to assist and aid the victims of catastrophes. In the aftermath of a natural disaster, the country affected is rarely able to provide for its citizens; tsunamis, hurricanes, tornadoes, and earthquakes can (and often do) cripple an entire nation. This Note argues that a global responsibility exists to step in and help an affected country when it cannot help itself.

For instance, the 1998 Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations is the first global attempt to concretely define relief efforts by other nations, without demanding compliance or a singular rigid course of action. Instead, the Convention creates a flexible framework that each member nation can adapt to its own telecommunications infrastructure. In legislating on a global scale, the Convention acknowledges the interconnectedness of the world's people, and presents ways in which global citizens can improve one another's existence in the hours following a natural disaster—arguably when they need help most.

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INTRODUCTION

Modern communication is taking place upon an “increasingly global scale.”¹ Due to telecommunications advances and technological improvements, the world’s inhabitants are becoming instantaneously aware of events across the globe in a manner that has never before been conceived. The physical distance between humans is being “eclipsed” by the “growing interconnectedness” of globalization.² Understood in this way, “the concept of globalization implies, first and foremost, a *stretching* of social, political and economic activities across frontiers such that events, decisions, and activities in one region of the world can come to have significance for individuals and communities in distant regions of the globe.”³

For instance, on December 26, 2004, the Indian Ocean earthquake and tsunami killed nearly 230,000 people in eleven countries,⁴ an event that affected a broader region and more people than any other modern disaster.⁵ Only a few years later, on May 2, 2008, Cyclone Nargis made landfall in Myanmar, killing at least 85,000 people.⁶ Thanks to a network of global communication, the world had access to “information and communication which originate[d] from [these] distant sources.”⁷ This global characteristic of communication allows for an increased pooling and collaboration of worldwide knowledge and demonstrates how “people are [becoming] aware of many events, from all over the world, of which previously they would have remained ignorant.”⁸

As global communications have created a new way to connect the globe’s inhabitants, they have also created a new understanding of the possibility and potential of interaction between the globe’s citizens, specifically within the context of natural disasters. Globalization is not just a method to make others aware of world events; it is “the possibility

1. John B. Thompson, *The Globalization of Communication*, in *THE GLOBAL TRANSFORMATIONS READER: AN INTRODUCTION TO THE GLOBALIZATION DEBATE* 246, 246 (David Held & Anthony McGrew eds., 2003) [hereinafter *GLOBAL TRANSFORMATIONS*].

2. *Id.*

3. David Held et al., *Rethinking Globalization*, in *GLOBAL TRANSFORMATIONS*, *supra* note 1, at 67, 67.

4. U.S. Geological Survey, Earthquake Summary, <http://earthquake.usgs.gov/earthquakes/eqinthenews/2004/us2004slav/#summary> (last visited April 2, 2010).

5. LiveScience, The Worst Natural Disasters Ever, <http://www.livescience.com/history/080506-natural-disasters.html> (last visited Mar. 23, 2010).

6. *Cyclone Nargis*, N.Y. TIMES, April 30, 2009, available at http://topics.nytimes.com/top/news/international/countriesandterritories/myanmar/cyclone_nargis/index.html?scp=1-spot&sq=nargis&st=cse.

7. Thompson, *supra* note 1.

8. Anthony Giddens, *The Globalizing of Modernity*, in *GLOBAL TRANSFORMATIONS*, *supra* note 1, at 60, 65.

of action at a distance.”⁹ Once we become aware of events, problems, or disasters across the globe, we can now act on that awareness. There is nothing so critical as humanitarian relief and the world acting in concert to save human lives after an unspeakably devastating natural disaster.

Logically, global humanitarian relief efforts have to begin with *knowledge* of the event requiring aid. The 1998 Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations (Tampere Convention) is the first global treaty to create an international regulatory framework that facilitates the use of telecommunication resources for “disaster mitigation and relief.”¹⁰ The Convention is significant to disseminating knowledge of events requiring aid because it “recognizes publicly that telecommunications are essential to dealing with disasters, not just because telecommunications infrastructure is most vulnerable to disasters, but also because reliable telecommunications are a critical underpinning of all other mitigation and relief efforts.”¹¹ The Tampere Convention treaty is certainly illustrative of a global legislative effort that takes a decisive step toward improving the existence of global citizens in this ever-shrinking world, and similar future attempts at such global legislation ought to be encouraged.

I. GLOBAL TELECOMMUNICATIONS LAW AND DISASTER RELIEF AND MITIGATION

As the world population continues to expand, it is inevitable that more people will be affected by natural disasters, specifically those disasters in which little warning is given and people involved need immediate assistance. Indeed, the quantity of natural disasters recorded in 2007 was actually less than previous years, but the number of people affected increased dramatically.¹² The disasters, including earthquakes, droughts, floods, and storms, impacted more than 201 million people, a forty percent increase since 2006.¹³ In 2007, 23,167

9. Held et al., *supra* note 3.

10. Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations, art. 3, June 18, 1998, ICET-98 [hereinafter Tampere Convention].

11. Dr. Marco Ferrari, Deputy Head, Swiss Agency for Development and Cooperation, Humanitarian Aid Department, Statement at the World Summit on the Information Society: Easing the Way to Disaster Mitigation: The Tampere Convention (Feb. 22, 2005).

12. Canadian Red Cross, *Forty Per Cent More People Affected by Disasters, Says 2008 World Disasters Report*, June 26, 2008, <http://www.redcross.ca/article.asp?id=27856&tid=001>.

13. *See id.*

people died in 405 natural disasters reported worldwide. This total was the lowest of the past decade, and it was well below the ten-year average of 113,000 natural disaster deaths per year.¹⁴

Though a smaller body count is certainly encouraging, the problem has just begun for humanitarian relief workers because, as one author notes, “[d]ead people do not require relief; living people who have lost their homes, property, communities, and livelihoods do.”¹⁵ With more than two billion people affected by natural disasters in the past decade, global disaster relief and mitigation is clearly an issue of paramount importance.

One critically important component of disaster management is the reconstruction and rehabilitation of telecommunications devices and networks.¹⁶ When disaster strikes, communications links are often the first pieces of equipment damaged; earthquakes or flooding can destroy telecommunications systems entirely, while panic can congest a system with overuse.¹⁷

Yet for both those affected by the disaster and those assisting in disaster relief, communication is paramount and fundamental.¹⁸ Inadequate telecommunications can cause fatal delays because the first few hours of a disaster are the most crucial for saving the lives of those affected.¹⁹ For instance, certain information must be gathered and particular needs assessed as soon as disaster strikes, including “how many people have been injured or have died, where the injured are located, where [medical personnel] should be dispatched, and the extent of the medical help needed.”²⁰ Additionally, relief workers need communication links to coordinate “complicated logistics of rescue and

14. *See id.*

15. David Fisher, *Tsunamis, Hurricanes, Earthquakes, and Asteroids: Are We Ready for the Next 100 Years?*, 101 AM. SOC'Y INT'L L. PROC. 113, 115 (2007).

16. *See Helping Hands*, INTERCOMMS MAGAZINE, May 2008, available at <http://www.intercomms.net/issue-10/dev-5.html> [hereinafter *Helping Hands*].

17. *See* International Federation of Red Cross and Red Crescent Societies, International Disaster Response Law Fact Sheet No. 04: IDRL Telecommunications: The Tampere Convention (Oct. 2002), http://www.ifrc.org/Docs/pubs/disasters/FactSheet4_v2.pdf [hereinafter Fact Sheet]; Press Release, International Telecommunication Union, Tampere Convention on Emergency Telecommunications Comes into Force (Feb. 8, 2005), http://www.itu.int/newsroom/press_releases/2005/01.html [hereinafter Press Release].

18. *See* Richard Solomon & Sheryl J. Brown, Address at the Conference on Crisis Management and Information Technology: Creating a Common Communications Culture: Interoperability in Crisis Management (Sept. 12, 2003), http://www.usip.org/files/resources/common_communications_culture.pdf.

19. *See* Fact Sheet, *supra* note 17.

20. Press Release, *supra* note 17.

relief operations.”²¹

II. LIMITATIONS OF GLOBAL TELECOMMUNICATIONS POLICY PRIOR TO THE TAMPERE CONVENTION

Though the importance of emergency telecommunications use has generally been acknowledged, a variety of limitations prevented humanitarian organizations from taking full advantage of technological advances prior to the enactment of the Tampere Convention.²² First, humanitarian organizations were often prevented by regulatory barriers from transporting telecommunications equipment into the country requiring those materials for its emergency situation.²³ In fact, relief workers—both public and private—were “often stunned to learn that hefty import duties must be paid” for their telecommunications equipment. They often faced “serious problems” in attempting to import and operate their equipment and operators were required to “obtain operating licenses before communicating within the area of disaster relief operations and with the outside world.”²⁴ Clearly, these barriers disrupted, and often prevented altogether, relief workers’ attempts to rapidly rehabilitate destroyed communications systems.

Second, global telecommunications policy prior to the Tampere Convention created problems for the security and safety of relief workers in the field.²⁵ For instance, in 1977 alone, sixty-five U.N. staff members were killed while on duty, fifty-five “disappeared,” forty-seven were abducted and held hostage, and many more were subjected to assault, abuse, and rape.²⁶ In 2000, U.N. peacekeeping troops were forced to surrender to Sierra Leone rebels because they “were unable to call for help for lack of radio equipment.”²⁷ These types of atrocities are preventable, but policy prior to the Tampere Convention hindered their avoidance.

Finally, these policies also created problems for the safety and security of information and equipment, such as vehicles. Radio

21. *See id.*

22. *See generally* International Federation of Red Cross and Red Crescent Societies, Background Information Sheet: International Regulation of Telecommunications in Disaster Relief (April 2006), <http://www.ifrc.org/Docs/pubs/idrl/idrl-telecoms-background.pdf>.

23. *See* Press Release, *supra* note 17.

24. *See* Ferrari, *supra* note 11.

25. *See* Ryszard Struzak, Evaluation of the U.N. Office for the Coordination of Humanitarian Affairs Project on Emergency Telecommunications with and in the Field (Sept. 2000), http://www.ryszard.struzak.com/UN_OCHA_Rprt_2000.pdf.

26. *Id.* at xvi-xvii.

27. *Id.* at xvii (emphasis added).

communications and computers are vulnerable to information privacy and security issues. Especially in civil wars and related conflicts, messages can be intercepted and disruption of electronic devices and systems can be incredibly dangerous.²⁸ Even in the event of natural disasters, terrorists can purchase—often on the open market—components necessary to build electromagnetic weapons that can jam GPS devices and radio equipment of relief workers.²⁹ The lack of a cohesive telecommunications policy among nations during times of chaos creates more confusion for relief workers. These workers come from all parts of the world, and are often unfamiliar with a particular country's exclusive equipment. Thus, for instance, when terrorists try to impede communication, many relief workers lack the training to overcome those efforts.

It is unmistakable that the result of early telecommunications policy is the inability of relief workers to effectively assist those who need it most during a time of crisis. The U.N. Office for Coordination of Humanitarian Affairs (OCHA) is responsible for coordinating the efforts of the international community in meeting the needs of those suffering bodily or material harm resulting from natural disasters and other emergencies.³⁰ In trying to negotiate, organize, and assist in a disaster setting, without delay, OCHA requires reliable telecommunications; from its viewpoint, "in the field, communications is often the question of life or death."³¹ As search and rescue efforts, medical relief, food aid, and shelter issues change daily, "only a reliable two-way exchange of information between cooperating people can make [relief efforts] possible."³² When governments refuse to allow importation and use of wireless telecommunications equipment, for instance, OCHA cannot effectively do its job, nor can it restore telecommunications services to the affected population. The myriad regulatory processes and fragmented laws and practices of different nations create sometimes-insurmountable obstacles that end up harming those who really need help.

III. THE TAMPERE CONVENTION

Having established the importance of telecommunications in disaster relief and mitigation, and the hurdles faced by relief workers, telecommunications law and policy prior to the Tampere Convention

28. *Id.* at xvii-xviii.

29. *Id.* at xviii.

30. *See id.*

31. *Id.*

32. *Id.* at ix.

were ineffective and inefficient. The Tampere Convention is a global treaty aimed at facilitating the use of telecommunications resources to aid and assist in disaster mitigation and relief.³³ Ultimately, this Note seeks to clarify the processes by which nations, nongovernmental entities, and intergovernmental relief organizations can transport telecommunications equipment across geographical borders during and after a disaster emergency.³⁴

A. *The Path to the Tampere Convention*

The Tampere Convention resulted from the need to address the all-too-predictable and prevalent barriers encountered by international disaster relief workers who tried to import and use telecommunications equipment in emergency situations.³⁵ The International Institute of Communications, comprised of experts in telecommunications and disaster management from twenty-six countries, convened in Tampere, Finland, in 1991.³⁶ That group unanimously adopted the “Tampere Declaration on Disaster Communication,” which recommended an immediate international agreement that would facilitate and coordinate international telecommunications resources to be used in a natural disaster.³⁷

Though the Declaration was no doubt a theoretical step in the right direction, it did little in practice. Three years later, in 1994, the United Nations established the Working Group on Emergency Telecommunications (WGET), comprised of U.N. entities, major international and national governmental and nongovernmental organizations, scholars, and experts from the private sector.³⁸ After the International Telecommunication Union exhorted world leaders to complete the work begun in Tampere, WGET began drafting the Convention’s text.³⁹

33. See generally International Federation of Red Cross and Red Crescent Societies, Disaster Management: International Disaster Response Laws, Rules and Principles Programme, <http://www.ifrc.org/what/disasters/idrl/research/tampere.asp> (last visited Mar. 23, 2010) [hereinafter Disaster Management] (recognizing that many regulatory barriers in telecommunications exist, hampering effective communication for relief personnel).

34. See *id.*

35. See *id.*

36. GIGNOS CONSULTING, EVALUATION OF OCHA’S EMERGENCY TELECOMMUNICATIONS PROJECT 15 (Jan. 2003). See also Disaster Management, *supra* note 33.

37. *Id.*

38. See Disaster Management, *supra* note 33.

39. See GIGNOS CONSULTING, *supra* note 36.

For the next three years, WGET conducted discussions and consultations regarding the content of the Convention.⁴⁰ In June 1998, sixty nations attended the Intergovernmental Conference on Emergency Telecommunications in Tampere, Finland, and unanimously adopted the Tampere Convention.⁴¹ The Convention was not effective, however, until thirty days after at least thirty nations had ratified, accepted, approved, or acceded to the Convention.⁴² Since the ratification process was slow, the Convention did not come into full effect until January 8, 2005, just weeks after the Asian tsunami devastated countries bordering the Indian Ocean.⁴³

B. Core Provisions of the Tampere Convention

The Tampere Convention does not mandate specific methods to carry out its terms, nor does it impose particularized obligations on its member countries:

[I]t is not a technical, legal document that seeks to create detailed and binding rights. Given the subject matter, and the variety of [contexts] in which disasters occur, it could not be. Rather, it is a targeted effort to facilitate the provision of timely, effective telecommunication resources and rapid, efficient information flows for disaster prevention and response.⁴⁴

The document recognizes the essential role of telecommunications resources in humanitarian relief and provides a framework to ensure the reliable and expeditious availability of such resources.⁴⁵ Satisfying the often-contradictory requirements of all interested parties, the Convention is seen as “the best compromise possible at the time of its adoption.”⁴⁶ A discussion of its core provisions follows.

40. *See id.*

41. *See Disaster Management, supra* note 33.

42. *See Helping Hands, supra* note 16.

43. *See id.*

44. *See GIGNOS CONSULTING, supra* note 36.

45. *See generally* Tampere Convention, *supra* note 10, at art. 3 (declaring that humanitarian relief agencies require good telecommunication resources, and in efforts to ensure reliable availability of such resources, the ICET created an international agreement for participating countries to follow).

46. *See Struzak, supra* note 25, at x.

1. *Reducing and Waiving Regulatory Barriers*

Perhaps one of the most important provisions of the Tampere Convention is found in Article 9, wherein nations agree to “reduce or remove regulatory barriers to the use of telecommunications resources for disaster mitigation and relief.”⁴⁷ Such barriers can include licensing requirements to use specific radio frequencies, restrictions on the import or export of telecommunications equipment, and prohibitions on the movement of humanitarian workers and relief teams.⁴⁸

Additionally, nations are to grant pre-clearance to telecommunications resources that will likely be needed in disaster situations,⁴⁹ in addition to other applicable waivers that will aid in disaster mitigation and relief. Where possible, signatories agree to provide local facilities, equipment, and personnel for effective administration of telecommunications services.⁵⁰

2. *Ensuring Privileges and Immunities for Relief Personnel*

Another significant stipulation in the Tampere Convention is the Article 5 requirement that nations shall grant immunity from “arrest, detention, and legal process” to any humanitarian organization or relief worker who is providing disaster assistance.⁵¹ These individuals are also to be exempted from taxation and duties related both to disaster relief functions and those charges that may be incurred on the telecommunications equipment that they are required to transport into a disaster-stricken country.⁵²

The parties to the Convention also agree that they will grant exemption or facilitation of license procedures and protection of personnel and materials.⁵³ Though many provisions of the treaty are compelling, Article 5 is especially remarkable because it makes the

47. See Tampere Convention, *supra* note 10, at art. 9.

48. See *id.*; Press Release, *supra* note 17.

49. See Tampere Convention, *supra* note 10, at art. 9.

50. See *id.* See generally International Federation of Red Cross and Red Crescent Societies, International Disaster Response Laws Fact Sheet: Regulation of Emergency Telecommunications (2003), http://www.ifrc.org/Docs/pubs/idrl/Tampere_factsheet.pdf [hereinafter IDRL Fact Sheet] (explaining that one of the cardinal purposes of the Tampere Convention is for states receiving such relief to assist the personnel giving the relief).

51. See Tampere Convention, *supra* note 10, at art. 5.

52. See *id.*

53. See *id.* See generally Disaster Management, *supra* note 33 (noting that two of the core provisions of the treaty aim to reduce regulatory barriers and to ensure necessary privileges and immunities for relief workers).

Tampere Convention the first international legal agreement to extend privileges and immunities to humanitarian relief workers who are “not otherwise diplomats or attending diplomatic conferences.”⁵⁴ In this sense, the document is the “first treaty-like instrument formed by the people it most directly affects—relief organizations and telecommunications equipment and service suppliers—not by government diplomats and lawyers. It is a model for how governmental and nongovernmental institutions can work together to solve multinational problems.”⁵⁵

3. *Respect for State Sovereignty*

A third critical provision of the Convention allows each nation to retain control over the initiation and termination of telecommunications assistance, as well as the power to reject any or all offers of assistance.⁵⁶ Each nation preserves its authority to “direct, control, coordinate and supervise telecommunication assistance . . . within its territory.”⁵⁷ Moreover, all nations and organizations that enter another country with the purpose of facilitating the use of telecommunications resources have a “duty not to interfere in the domestic affairs of the State Party into whose territory they have entered.”⁵⁸ Since these provisions create a system that is respectful of other nations’ procedures and values, they encourage cooperation among state in times of disaster and emergency; a country stricken with disaster knows that it will be able to receive assistance while still maintaining primary authority in relief coordination.⁵⁹

4. *Entry into Force*

Any nation that is a member of the United Nations or of the International Telecommunication Union can sign the Tampere Convention and become a party to it.⁶⁰ Although seventy-five countries are signatories to the treaty, only forty have ratified it.⁶¹ Pakistan is the

54. See Struzak, *supra* note 25, at xxxii.

55. *Id.*

56. See Tampere Convention, *supra* note 10, at arts. 4, 6.

57. *Id.* at art. 4(8).

58. *Id.* at art. 5(7).

59. See Disaster Management, *supra* note 33.

60. See Tampere Convention, *supra* note 10, at art. 12.

61. International Telecommunication Union, The Tampere Convention—A Life-Saving Treaty, <http://www.itu.int/ITU-D/emergencytelecoms/tampere.html> (last visited Mar. 23, 2010).

most recent party to the Convention, ratifying it on March 1, 2009.⁶²

IV. THE IMPACT OF THE TAMPERE CONVENTION AS GLOBAL LEGISLATION

A. *Empirical Evidence of the Tampere Convention's Effectiveness*

In countries that have already instituted the Tampere Convention, empirically assessing whether the Convention has made a difference in relief efforts is difficult. For instance, following the 2001 Gujarat earthquake in India, attempts to implement the Convention proved futile, as instructions and Convention principles had not “trickled down to the local administration level,” and some humanitarian rescue workers were nearly arrested for installing radio equipment in emergency vehicles.⁶³

Though the problems were solved in the end, this situation highlights one of the limitations inherent in global legislation: “the problem is therefore not with the Convention itself, but with its entry into force and, especially, the adoption of administrative procedures for its implementation on the part of the individual States.”⁶⁴ The problem is one of practice, not of theory. The general concept of global legislation is workable, but the specific procedures and policies implemented by nation-states will determine the effectiveness of the global legislation. In viewing the Tampere Convention as one of the first attempts at global legislation, its successes and failures provide important lessons.

B. *Deconstructing the Motivation and Rationale Behind Ratifying (or Not) the Tampere Convention*

In evaluating the impact of the Tampere Convention as a first attempt at global telecommunications legislation, a key aspect to examine is why some countries have ratified it while others have not. After all, the topic of this treaty would seem to make it ripe for success: certainly, few can argue with attempts at streamlining and improving humanitarian relief efforts. Indeed, one of the most important implications of the Convention is its “multinational moral persuasion.”⁶⁵ By recognizing not only that telecommunications resources are vulnerable to destruction during a disaster, but also that these

62. *Id.*

63. See GIGNOS CONSULTING, *supra* note 36, at 16.

64. *Id.*

65. *Id.*

resources are critical in relief efforts, the Convention places moral pressure on countries to sign and ratify the document.⁶⁶

Yet, of the sixty countries that unanimously signed the treaty at its inception, only forty have ratified it.⁶⁷ Deconstructing this discrepancy may provide important lessons useful to future global legislative attempts. Unfortunately, with no legislative history available, speculation will have to suffice in assessing the rationale behind ratification for some countries and non-ratification for others. In theorizing as to the motivation of countries that have ratified the Convention—and, perhaps more importantly, those that have not—a conclusion may be drawn about the necessary shape of future efforts at global legislation in this humanitarian area.

1. Ratifying Countries

As a preliminary matter, it is important to note that, though humanitarian relief laws may be noble, no country will consider ratification without reassurance that it stands to gain from the provisions. After all, “[s]elf-interest and ideology, not humanitarian reasons, are what drive these actors.”⁶⁸ For any number of reasons, the ratifying countries have determined that they will achieve greater results and effectiveness together than on their own. Countries that lack high level resources and tools have obvious incentive to pool the equipment and technology that they do possess in exchange for the communications advancements of others. Similarly, countries that have recently been devastated by natural disasters, such as Pakistan, know the difficulty inherent in managing relief efforts and stand to benefit from outside aid. For the ratifying countries, then, the economic and technological benefits of the treaty have far outweighed the costs.

2. Non-Ratifying Countries

On the other hand, the non-ratifying countries likely have not yet identified any benefits to themselves. Many of the signatories to the Convention that have yet to ratify are larger, more self-sufficient nations, such as the United States, the Russian Federation, and Germany.⁶⁹ At its core, “cooperation presupposes that many states and

66. See generally GIGNOS CONSULTING, *supra* note 36.

67. See International Telecommunication Union, *supra* note 61.

68. Stanley Hoffmann, *Clash of Globalizations*, in GLOBAL TRANSFORMATIONS, *supra* note 1, at 106, 109.

69. See International Telecommunication Union, *supra* note 61 (follow “List of signatories to the Tampere Convention” hyperlink).

rich private players operate altruistically . . . or practice a remarkably generous conception of their long-term interests. But the fact remains that most rich states still refuse to provide sufficient development aid or to intervene in crisis situations.”⁷⁰ Though this is a powerful indictment, perhaps there is a “weakness of the humanitarian impulse when the national interest in saving non-[national] victims is not self-evident.”⁷¹

There are, however, additional, less provocative grounds behind the non-ratifying countries’ lack of action. For instance, most prosperous nations have created telecommunications networks and resources to meet their own specific needs and have no interest or incentive in extending those networks to poorer regions that are unable to return the investment.⁷² In the United States, for example, changing the existing communications network would be very cumbersome. Given that the current U.S. emergency telecommunications system is a “patchwork of various technologies, protocols, and equipment,”⁷³ transforming it to meet the Tampere Convention specifications would likely be prohibitively expensive.

Moreover, many of the world’s larger powers may not be enthused about the transparency that would likely accompany the Convention’s provisions. Non-ratifying nations may not relish the thought of inviting other countries into their nations during an extremely vulnerable time: the immediate aftermath of a disaster or emergency. Moreover, for some countries—including the Russian Federation, which has been criticized for “systematic human rights abuses” and “rampant racial discrimination”⁷⁴—having potential adversaries and critics on their soil, even for the purpose of disaster aid, may be an unworkable premise.

Further, these larger, non-ratifying nations are in a better position to have their own disaster relief organizations and agencies. Germany’s Red Cross Society, for example, is the third largest in the world and includes a 160,000-member medical service unit.⁷⁵ Additionally, in 1984, the U.S. Congress created the Institute of Peace, an independent federal organization.⁷⁶ Its task is to “focus on the great, unresolved challenges involved in controlling international violence in an interdependent

70. Hoffman, *supra* note 68, at 109.

71. *Id.*

72. See Struzak, *supra* note 25, at xvi.

73. *Id.*

74. Amnesty International USA, Russian Federation Human Rights, <http://www.amnestyusa.org/all-countries/russian-federation/page.do?id=1011228> (last visited Mar. 23, 2010).

75. Deutsches Rotes Kreuz [German Red Cross], <http://www.drk.de> (last visited April 15, 2010).

76. See Solomon & Brown, *supra* note 18.

world,” including issues related to humanitarian crises.⁷⁷ Ultimately, the Institute of Peace has a mission similar to that of the Convention; given that the organization is located on domestic soil⁷⁸ and controlled by U.S. tax dollars,⁷⁹ it makes sense that the United States would want to work through its own agency. Similarly, Italy, an original signatory, has little incentive to ratify the Tampere Convention due to the success of its Cesvi humanitarian organization. Founded in 1985, that institution provides assistance in emergency situations and, most importantly for Convention purposes, “supports reconstruction after disasters.”⁸⁰ Because any disaster mitigation and relief efforts would likely be spearheaded by their domestic organizations, these countries have no need or incentive to ratify the Convention.

V. LESSONS LEARNED AND RECOMMENDATIONS FOR THE FUTURE

The potential reasons behind non-ratification of the Tampere Convention are specific and narrowly drawn to each country. This seems to indicate that nothing is systemically wrong with the Tampere Convention or with the concept of the treaty as a whole. Thus, the more informative topic for inquiry is the Tampere Convention as an attempt at legislating globally. Further attempts at global legislation ought to be encouraged and can be perfected using lessons learned from Tampere.

As an initial matter, the Tampere Convention no doubt “stands for international, trans-border cooperation,” and is “a milestone in the area of international law applicable to disasters.”⁸¹ But, the new legal environment it has created must be examined closely.⁸² For instance, the treaty does not create detailed or binding regulations on its members; instead, it *facilitates* resources and efficiency.

This is a subtle distinction, to be sure, but an important one. For example, instead of requiring countries to develop a single, preapproved, chain of command or procedure during natural disasters, it merely establishes a framework for managing communications and minimizing obstacles to telecommunications assistance.⁸³ Additionally, the Convention identifies model agreements and best practices used by

77. *Id.*

78. United States Institute of Peace, Contact Us, <http://www.usip.org/contact> (last visited Mar. 23, 2010).

79. United States Institute of Peace Act, 22 U.S.C. §§ 4601-4611 (1984).

80. Cesvi: Cooperazione e Sviluppo [Cesvi: Cooperation and Development], <http://www.cesvi.org> (last visited April 15, 2010).

81. See Ferrari, *supra* note 11.

82. See generally Struzak, *supra* note 25.

83. See generally GIGNOS CONSULTING, *supra* note 36.

disaster mitigation organizations, but it does not require that any country subscribe to those practices. Instead, it requires that each nation develop its own model in furtherance of the themes and ideals of the Convention.⁸⁴

Ultimately, then, the key element of the Tampere Convention is its flexibility. By creating a “framework”⁸⁵ of communication resources and networks, as opposed to strict, unalterable mandates, nations can continue to operate as they see fit. For instance, nothing in the Convention interferes with the right of a country to “direct, control, coordinate and supervise telecommunication assistance.”⁸⁶ The Convention also provides “substantial flexibility [in] ensuring that [states] maintain primary authority in relief coordination”⁸⁷ within their own borders. The primary obstacle in any piece of global legislation will likely be the “reluctance of states to accept global directives that might constrain the market or further reduce their sovereignty.”⁸⁸ The role of state regulation is essential and will never be completely eclipsed by globalization; recognizing its importance in global legislation is paramount to the success of future legislating attempts.⁸⁹ Though it will no doubt be a difficult task, any future successful piece of global legislation must establish a similar prominence of individual state sovereignty.

Moreover, the Tampere Convention is sufficiently flexible to remain effective even without complete global participation. This is another important element to be considered in any future global legislation. Success of the Convention does not rely on *every* nation ratifying or joining the effort; the Tampere Convention works for some countries and not for others. This is not a failure; rather, for those countries that *have* ratified the Convention, the realization of greater benefits as a unit than as individuals is a noteworthy success. Future global legislative efforts can recognize this same principle: depending on the provisions or the subject matter, some countries will simply have more incentive to cooperate.

84. *See id.*

85. *See generally* IDRL Fact Sheet, *supra* note 50.

86. *See* Tampere Convention, *supra* note 10, at art. 4(8).

87. *See* Disaster Management, *supra* note 33.

88. Hoffman, *supra* note 68.

89. *See* Fred Halliday, *Global Governance: Prospects and Problems*, in GLOBAL TRANSFORMATIONS, *supra* note 1, at 489, 497-98.

CONCLUSION

Globalization no doubt “means different things in different contexts,”⁹⁰ but it is a term that almost seems to transcend definition. In a world that appears to decrease in size every day—primarily through technological advancements and ease of movement between nations⁹¹—a “variety of forces outside the control” of local and national governments are now shaping countries.⁹² Nations can no longer isolate themselves from the rest of the world; they must now interact with one another. Globalization demands new methods of economic, legal, technological, financial, and communicative devices. Nations can no longer expect to operate within this new “global” sphere with old, outdated notions.

Globalization has created—or, arguably, *should* create—global citizens. Like its predecessor, the “global citizen” definition remains elusive. Perhaps it is merely “a state of mind,” that is, “saying ‘this place is my business’ and getting involved in it.”⁹³ Perhaps it is more—a call to service in a foreign country or fighting for causes and people outside of one’s geographic borders. At globalization’s core, and at a minimum to the global citizen, logic dictates that since technological advancements and other improvements have resulted in easier access to one another, no excuse remains for being ignorant or unconcerned about the joys and sorrows of other countries. Such matters are global because they affect us all as people. The world’s citizens are truly interconnected.

The Tampere Convention is one of the first legislative efforts to acknowledge this global connection. Improvements in telecommunications and technological advances have created a new era of globalization, one in which people all over the world are acutely and immediately aware of events spanning the globe. With the privilege of increased knowledge comes the responsibility of action and aid for fellow global citizens. The Tampere Convention, in legislating on a global scale, acknowledges that responsibility and presents concrete, practical steps toward improving the existence of global citizens in this world. Any similar future attempts ought to be welcomed and encouraged.

90. Alfred C. Aman, Jr., *Indiana Journal of Global Legal Studies: An Introduction*, 1 IND. J. GLOBAL LEGAL STUD. 1, 1 (1993).

91. Taso G. Lagos, *Global Citizenship – Towards a Definition*, (unpublished manuscript), available at <http://depts.washington.edu/gcp/pdf/globalcitizenship.pdf>.

92. Aman, *supra* note 90.

93. David Cullen, *What Does it Mean to be an Engaged Global Citizen?*, OPENDEMOCRACY, Mar. 26, 2007, [http://www.opendemocracy.net/globalization-
vision_reflections/engaged_citizen_4472.jsp](http://www.opendemocracy.net/globalization-
vision_reflections/engaged_citizen_4472.jsp).