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# Regional Report on International Disaster Response Law (IDRL) for Central Asia

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## **Executive Summary**

As output of the IDRL mapping research for Central Asia, this report is designed to enhance the understanding of Governments of Central Asian states and all relevant stakeholders on the adoption of a regional instrument governing international disaster relief and initial recovery assistance in Central Asia. As a consequence, the legal framework that is applicable to disaster management would result to be more comprehensive, effective and aligned to the international standards and best practices. The present study has been conducted having regard to the rules provided by the 2021 Central Asia Regulation on the Regional Emergency Response Coordination Mechanism (adopted by the Decision of the Regional Forum – Meeting of the Heads of the emergency authorities of Central Asian countries on 5 November 2021 in Tashkent, Uzbekistan) (Regulation) and the consistency of existing legislation, regulation and policies of Central Asian states with the IFRC Guidelines on the Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance (IDRL Guidelines). Both instruments are not binding, although they are largely observed and complied with directly and/or indirectly.

The perspective of the adoption of a binding international instrument such as a treaty on international disaster response is to be paired with the establishment of a regional humanitarian coordination center for the Central Asian region, also in light of the relevant practices already developed by other regional humanitarian coordination bodies that support national states in the facilitation and regulation of international disaster assistance, such as the ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management (AHA Centre) and the Emergency Response Coordination Centre (ERCC) within the EU Civil Protection Mechanism. In this scenario, the mandate, capacities and resources of the Center for Emergency Situations and Disaster Risk Reduction (CESDRR) should be more robust and institutionalized so as to serve as basis for the development of the prospective regional humanitarian coordination center.

This report addresses the implementation of each single IDRL component in the Central Asian region upon reference to the international legal framework created by the IDRL Guidelines as contrasted to the rules on disaster law management that are applicable at the regional level, chiefly the Regulation, and the domestic practices of Central Asian states.

As to the Core Responsibilities of Affected States, Assisting Actors and Additional Responsibilities of All States, internal laws and regulations usually do not set forth a clear and specific determination of the competent executive organs in order to discharge the relevant responsibility. This also pertains to the identification of a national focal point for coordinating international disaster assistance. The relevant laws on disaster management, prevention and liquidation of emergency situations are often not tailored to the international dimension. This entails that the same domestic legal framework may be applicable both to international and internal disaster assistance. Moreover, in any case, local disaster management laws and regulations do not provide for substantive rights and obligations (for instance of assisting actors) adequately corresponding to the legal framework provided by the IDRL Guidelines about core responsibilities. Such an insufficiency concerning the domestic capacity of Central Asian states concerning the response to transboundary disasters represents an outstanding normative gap, which should be addressed through the adoption of more adequate and effective legal instruments.

As to Early Warning and Preparedness, the sharing of early warning information about disasters and hazards between Central Asian states or to neighbouring countries is not regulated under their domestic legal frameworks. Moreover, the legal provisions about the sharing of information concerning the prevention or minimisation of disasters are usually not conceived in connection with the supply of effective international assistance, as envisaged under the IDRL Guidelines.

As to the Initiation and Termination of International Disaster Relief and Initial Recovery Assistance, most of domestic legislations of Central Asian countries do not provide for substantive requirements concerning their obligation to formulate requests of international disaster assistance for those emergencies that by virtue of their scale exceed the sufficiency of national coping capacities, as provided under the IDRL Guidelines.

As to the Eligibility for Legal Facilities, the domestic legal frameworks of Central Asian states on disaster management are rather defective, especially with respect to assisting humanitarian organizations. Accordingly, it is advised that Central Asian states elaborate a regulation at the inter-state level that establishes prior and clear eligibility criteria for assisting humanitarian organizations in order to receive legal facilities and benefits during disaster relief and initial recovery assistance and also adopts regional systems of accreditation.

As to Legal Facilities for Entry and Operations, some countries provide a more advanced and effective legal framework in that they regulate legal facilities for entry and operations in international disaster scenarios organically through special laws and regulations on emergency assistance (Kyrgyzstan, Turkmenistan), while other legal orders provide various rules on the same issues dispersedly within general laws or statutes, for example customs codes, tax codes, migration laws, general budget laws, etc. (Kazakhstan, Tajikistan, Uzbekistan). In this respect, the regulation of these matters should be articulated comprehensively for all Central Asian states in a regional treaty governing the provision of international disaster assistance. The prospective regional legal framework should cover the following issues, inter alia: the recognition of professional qualifications; the complete exemption of disaster relief goods and equipment from all customs duties, taxes, tariffs or governmental fees, priority order for customs clearance and complete exemption from value-added and other taxes; the grant of temporary domestic legal status to international assisting actors.

As already stated, the role of CESDRR should be strengthened so as to function as regional humanitarian coordination center for Central Asia. Accordingly, it should coordinate the activities and tasks of key actors in the region in responding to emergency situations and providing international disaster assistance, operate 24/7 and be capable to monitor and share information about a threat or occurrence of emergency situations in the shortest possible time to Central Asian states. This requires the modernization of the existing emergency situation room through the adoption of more up-to-date technologies (e.g., Copernicus satellite facilities), staff expansion and budget endowment. The personnel allocated to the emergency situation room could be recruited from among the nationals of the Parties to CESDRR in a manner that is inclusive and conducive to synergies with the Emergency Management Authorities of Central Asian countries. As mentioned above, the establishment of a regional emergency coordination center is in line with the previous experiences already developed in the ASEAN region (AHA Centre) and in the EU (ERCC). By analysing the two models, some common elements and best practices can be isolated, e.g. the creation through a binding international/supranational legal instrument; the institutionalized role of coordination hubs (with endowment of personnel/resources/budget); advanced monitoring and early warning systems; tailored funding arrangements between participating States (e.g., stand-by agreements); administration of emergency tools.

This report is intended to be beneficial across Emergency Management Authorities of Central Asian states and all relevant stakeholders in the region, notably by advising the following recommendations:

1) the adoption of a binding regional instrument on international disaster response, regulating also those IDRL areas that are not covered by the Regulation or addressed therein but not implemented in domestic legal systems of Central Asian countries, and providing a key role and robust mandate and resources of the CESDRR as regional humanitarian coordination center in the region;

2) the expansion of the subjective scope of actors currently covered by the Regulation for the purposes of offering international assistance (also beyond the region);

3) in the medium term, the adoption of bilateral agreements and the creation of regional cooperation schemes (e.g., simulation exercises), especially concerning those areas of IDRL that are not adequately addressed under the Regulation.

# IDRL CENTRAL ASIA REGIONAL REPORT

## 1. Introduction

The present regional report (the “**Report**”) constitutes the outcome of the International Disaster Response Law (IDRL) mapping research for Central Asia (the “**Research**” or the “**Project**”) commissioned by the International Federation of Red Cross and Red Crescent Societies (IFRC) in partnership with the Center for Emergency Situations and Disaster Risk Reduction (CESDRR). The Project consisted in the collection, categorization and systematization of national laws, regulations, policies and all relevant legal documents relating to international disaster assistance that have been adopted and enacted in Central Asian countries, i.e. the Republic of Kazakhstan, the Republic of Kyrgyzstan, the Republic of Tajikistan, Turkmenistan and the Republic of Uzbekistan. Notably, the domestic practice has been analysed in light of the applicable universal and regional legal framework on international disaster relief and initial recovery assistance.

The Report embodies the results of the overview of each country’s national legal framework on the facilitation and regulation of international disaster response with the view to provide a regional analysis of the actual and potential strengths and gaps of domestic legal frameworks of Central Asian states, especially for consideration by the ministerial stakeholders. While the domestic legal framework of each Central Asian state is characterized by its own specificities, the Research focuses globally on the legal preparedness of Central Asian states for cross-border and international humanitarian assistance in times of largescale and/or transboundary emergencies. Accordingly, the Project analyses how the national legislation of each state can support the implementation of the 2021 Central Asia Regulation on the Regional Emergency Response Coordination Mechanism (the “**Regulation**”), adopted by the Decision of the Regional Forum – Meeting of the Heads of the emergency authorities of Central Asian countries on 5 November 2021 in Tashkent, Uzbekistan. Even more broadly, and fundamentally, the Research assesses the correspondence of the national legal framework of each Central Asian state to the Guidelines on the Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance (the International Disaster Response Law Guidelines or the “**IDRL Guidelines**” or the “**Guidelines**”), and its accompanying tools, that have been endorsed by states and the International Red Cross and Red Crescent movement through Resolution 4 of the 30th International Conference of the Red Cross and Red Crescent on 30 November 2007. Since



the Regulation is different in scope (e.g., *ratione materiae*) in comparison to the IDRL Guidelines, Central Asian states' domestic legal systems of international emergency and disaster response should enhance the applicability of a coherent and consistent model in terms of applicable requirements, operative processes and available remedies and tools. Accordingly, the interaction, integration and domestic implementation of the universal (the IDRL Guidelines) and the regional (the Regulation) international instruments is key for the actual establishment of comprehensive regional and national legal frameworks for the prompt facilitation and regulation of international disaster relief and assistance in emergency situations that are effective and aligned with the international standards and best practices. In particular, the acknowledgement of the outstanding gaps in the existing domestic laws, regulations and policies should guide the policymakers and the sectoral operators, first and foremost governmental authorities and agencies.

Both the Regulation and the IDRL Guidelines are soft law instruments that are not legally binding for Central Asian states, although they are largely observed and complied with directly and/or indirectly. This prompts the question of the possible adoption of a binding international instrument such as a **treaty on international disaster response** and accompanying protocols. Within this framework, the **mandate, capacities and resources of the CESDRR** would result to be **more robust and institutionalized**. Consequently, its role as **regional humanitarian coordination center for the Central Asian region** would be strengthened. In this respect, the Project is going to focus also on the relevant practices already developed by other regional humanitarian coordination bodies that support national states in the facilitation and regulation of international disaster assistance, such as the ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management (AHA Centre) and the Emergency Response Coordination Centre (ERCC) within the EU Civil Protection Mechanism.

The provisional findings of the Research have been submitted for the consideration of the competent ministries and governmental authorities of Central Asian states at the Regional Disaster Law Consultation Workshop on the 2021 Central Asia Regulation on the Regional Emergency Response Coordination Mechanism, held on 5 December 2023 in Almaty, Kazakhstan.

## **2. Part I**

Part I of the Report addresses the implementation of each single IDRL component in the Central Asian region upon reference to the international

legal framework created by the Guidelines as contrasted to the rules on disaster law management that are applicable at the regional level, chiefly the Regulation, and the domestic practices of Central Asian states. These are: a) Core Responsibilities of Affected States, Assisting Actors and Additional Responsibilities of All States; b) Early Warning and Preparedness; c) Initiation and Termination of International Disaster Relief and Initial Recovery Assistance; d) Eligibility for Legal Facilities; e) Legal Facilities for Entry and Operations.

**a. Core Responsibilities of Affected States, Assisting Actors and Additional Responsibilities of All States**

The primary responsibility concerning international disaster relief and initial recovery assistance is entrusted to the Governments of affected States in their territory (Guideline 3.1), namely with the emergency management authorities of Central Asian countries. These are, inter alia, the “emergency authorities”, namely the official state bodies in the field of civil protection/defense, emergency response, prevention and elimination of emergency situations, that are competent under the regional coordination mechanism created by the Regulation (Article 2.2.1 of the Regulation). Pursuant to Annex 2 of the Regulation, they are the Ministry for Emergency Situations of the Republic of Kazakhstan, the Ministry of Emergency Situations of the Kyrgyz Republic, the Committee for Emergency Situations and Civil Defense under the Government of the Republic of Tajikistan, the Main Department of Civil Defense and Rescue Works of the Ministry of Defense of Turkmenistan and the Ministry of Emergency Situations of the Republic of Uzbekistan.<sup>1</sup>

In the domestic legislations on disaster risk management and relevant regulations and also in agreements stipulated between Central Asian countries there is a general allocation to the Executive of the primary

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<sup>1</sup> The Regulation further establishes that the “working bodies” of the regional coordination mechanism directly involved in the coordination of emergency response and the provision of international humanitarian assistance at the regional level are – from the emergency authorities of Central Asian countries – the relevant units dealing with crisis management, emergency response and international cooperation (Article 2.4.1 of the Regulation). Accordingly, these are: for Kazakhstan, the Crisis Management Center – CMC, the Department of Emergency Response – DER, the Department of International Cooperation – DIC; for Kyrgyzstan, the Crisis Management Center – CMC, the Department for Prevention and Elimination of Consequences of Emergencies – DPECE, the Department of International Cooperation – DIC; for Tajikistan, the Crisis Management Center – CMC, the General Directorate for the Protection of Population and Territory – GDPPT, the Department of International Cooperation – DIC; for Turkmenistan, the Crisis Management Center – CMC, the Department of Emergency Management – DEM, the Department of International Cooperation – DIC; for Uzbekistan, the Crisis Management Center – CMC, the Department for Prevention and Elimination of Consequences of Emergency Situations – DPECES, the Department of International Cooperation – DIC.

responsibility to ensure disaster risk reduction, relief and recovery assistance in the territory of the affected State that is concerned. However, although with differences and distinctions between the Central Asian countries, **internal laws and regulations usually do not set forth a clear and specific determination of the competent executive organs in order to discharge relevant responsibilities.** This also pertains to the identification of a **national focal point** for coordinating international disaster assistance.

For instance, under the laws of Kazakhstan, Article 12 of the Law No. 188–V “On Civil Protection” of 11 April 2014 refers in general to the “authorized bodies” concerning response to disasters without providing specifically about focal points for coordinating international disaster assistance.<sup>2</sup> Another example is found in the legal order of Kyrgyzstan, in which the Law No. 104 “On International Disaster Assistance” of 17 June 2017 sets forth in Article 12(1) that the Government of Kyrgyzstan is responsible for the coordination of disaster assistance: “The Cabinet of Ministers of the Kyrgyz Republic shall bear the primary responsibility for responding to an emergency situation arising on the territory of the Kyrgyz Republic”.<sup>3</sup> At the same time, this law does not clearly specify the focal point for coordinating international disaster assistance, but it merely provides that such role is to be entrusted to the “authorized state body” within the Government.<sup>4</sup>

In a different manner, Tajikistan’s Law No. 53 “On Protection of the Population and Territories from Natural and Man-Made Emergency Situations” of 15 July 2004 provides in Article 6 for a Unified State System for Emergency Prevention and Response. Such a system combines the governing bodies and forces and means of state authorities and organisations mandated to perform tasks of protecting the population and territories from emergencies.<sup>5</sup> Similarly, for what concerns the Republic of Turkmenistan, Article 6 of the Law No. 334 “On Prevention and Liquidation of Emergency Situations” of 13 March 2021 regulates the Unified State System for Prevention and Elimination of Emergency Situations, which unites forces and means of state authorities, local self-government bodies, enterprises, institutions and organizations, whose powers include solving issues on prevention and liquidation of emergency situations.<sup>6</sup> Moreover,

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<sup>2</sup> Kazakhstan’s Law No. 188-V “On Civil Protection” of 11 April 2014, Art. 12.

<sup>3</sup> Kyrgyzstan’s Law No. 104 “On International Disaster Assistance” of 17 June 2017, Art. 12(1).

<sup>4</sup> Id., Arts. 5 and 7.

<sup>5</sup> Tajikistan’s Law No. 53 “On Protection of the Population and Territories from Natural and Man-Made Emergency Situations” of 15 July 2004, Art. 6.

<sup>6</sup> Turkmenistan’s Law No. 334 “On Prevention and Liquidation of Emergency Situations” of 13 March 2021, Art. 6.

the activities of the system are managed by the State Commission on Emergency Situations of Turkmenistan.<sup>7</sup>

With respect to some Central Asian countries, it may be observed that the relevant laws on disaster management, prevention and liquidation of emergency situations are **not tailored to the international dimension**. This entails that the same domestic legal framework is applicable both to international and internal disaster assistance.<sup>8</sup> Moreover, in any case, **local disaster management laws and regulations do not provide for substantive rights and obligations** (for instance of assisting actors) adequately corresponding to the legal framework provided by the Guidelines about core responsibilities.<sup>9</sup> Such an insufficiency concerning the domestic capacity of Central Asian states concerning the response to transboundary disasters represents an outstanding normative gap, which should be addressed through the adoption of more adequate and effective legal instruments, notably through international commitments and arrangements to which national laws, regulations and policies would adapt.

The role of National Red Crescent Societies of Central Asian countries, as auxiliaries to the public authorities in the humanitarian field (Guideline 3.1) is ordinarily recognized under the applicable domestic disaster laws.<sup>10</sup> Moreover, the Regulation envisages various international and non-governmental organizations that are involved in emergency response in Central Asia, namely UNDP, UNICEF, UNHCR, UN OCHA, WFP, FAO, IFRC and RC, IOM and others (Article 2.2.2 of the Regulation).

### **b. Early Warning and Preparedness**

With regard to Early Warning, the Guidelines provide that all States should have procedures in place to facilitate the expeditious sharing of information about disasters, including emerging hazards that are likely to cause disasters, with other States and assisting humanitarian organizations as appropriate,

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<sup>7</sup> Id., Art. 13.

<sup>8</sup> For example, this is applicable to Uzbekistan's Law No. 790 "On the Protection of the Population and Territories from Natural and Man-Made Emergencies" of 17 August 2022, Turkmenistan's Law No. 334 "On Prevention and Liquidation of Emergency Situations" of 13 March 2021 and also the Resolution of the Government of the Republic of Kazakhstan No. 743 "On Approval of the Rules for the Provision of Humanitarian Assistance" of 8 October 2019.

<sup>9</sup> In this scenario, the most advanced legislation is provided by the Kyrgyz Law No. 104 "On International Disaster Assistance" of 17 June 2017 (cf. Chapter 4: Arts. 15-18).

<sup>10</sup> E.g., Kyrgyzstan's Law No. 104 "On International Disaster Assistance" of 17 June 2017, Art. 11; Turkmenistan's Law No. 334 "On Prevention and Liquidation of Emergency Situations" of 13 March 2021, Art. 17.

including the United Nations' Emergency Relief Coordinator (Guideline 7). The purpose is to minimize transboundary impacts and maximize the effectiveness of any international assistance that might be required.

Under the Regulation, the CESDRR provides support and assistance in establishing an effective system of interstate and international exchange of information in case of a threat or emergencies, in the creation of an information environment that allows to receive the necessary information in the shortest possible time regarding the threat or emergencies, in the implementation of a comprehensive exchange information on emergency situations occurring in the territories of the region, on the requests and proposals of the Parties for mutual assistance, as well as on the needs for humanitarian assistance from international organizations (Article 3.1 of the Regulation).

In this respect, it is appropriate to mention that, in November 2023, under the framework of the latest Regional Forum-Meeting of the Heads of Emergency Authorities of Central Asian countries, held at the CESDRR, experts from Central Asian countries discussed measures to create a Regional Early Warning System and mutual information about the threats and occurrence of emergency situations and agreed on a draft document on "Appeal of the Heads of emergency authorities of CA countries to the UN Secretary-General".<sup>11</sup>

Concerning early warning, the legislations on disaster response of Central Asian countries generally provide for commitments relating to the prevention of disasters and sharing of information and notification of emergency situations to the population.<sup>12</sup> For example, Article 8 of the Turkmen Law No. 334 "On Prevention and Liquidation of Emergency Situations" of 13 March 2021 provides that the "[f]orecasting of emergencies is carried out by the relevant State bodies that are part of the Unified State System for the Prevention and Elimination of Emergency Situations".<sup>13</sup> Similarly, under the legislation of Tajikistan, Article 17 of the Law No. 53 "On Protection of the Population and Territories from Natural and Man-Made Emergency Situations" of 15 July 2004 states that "[m]onitoring and

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<sup>11</sup> See <https://cesdrr.org/en/the-center-hosted-a-number-of-significant-events-within-the-regional-forum-meeting>.

<sup>12</sup> The proceduralization of these obligations concerning the monitoring of emergency situations and the notification to the population appears to remain underdeveloped under local laws and regulations.

<sup>13</sup> Turkmenistan's Law No. 334 "On Prevention and Liquidation of Emergency Situations" of 13 March 2021, Art. 8. This function may be exercised in principle or managed by the State Commission on Emergency Situations.

forecasting of emergency situations shall be carried out by special services for the monitoring and control of natural disasters, man-made accidents and catastrophes. The procedure for monitoring and forecasting emergency situations shall be determined by the legislation of the Republic of Tajikistan”.<sup>14</sup> An analogous setting is established under Article 27 of the Uzbek Law No. 790 “On the Protection of the Population and Territories from Natural and Man-Made Emergencies” of 17 August 2022.<sup>15</sup>

However, **the sharing of early warning information about disasters and hazards between Central Asian states or to neighbouring countries is not regulated under their domestic legal frameworks**, whereas Article 3.1 of the Regulation does not set articulated procedural obligations in this respect and establishes a central coordinating role of the CESDRR, to which only the Republic of Kazakhstan and the Kyrgyz Republic are Parties at present. Moreover, **the legal provisions about the sharing of information concerning the prevention or minimisation of disasters are not conceived in connection with the supply of effective international assistance**,<sup>16</sup> as envisaged under Guideline 7. In this respect, a more comprehensive and efficient legal framework would be provided by a regional instrument agreed between Central Asian countries.

Concerning preparedness, the hortatory provision contained in Guideline 8.1 on the duty of States to adopt comprehensive legal, policy, and institutional frameworks and planning for disaster prevention, mitigation, preparedness, relief and recovery is variously implemented in Central Asian domestic legal systems, even though the focus seems to be oriented to internal emergency situations.<sup>17</sup>

With regard to the duty of States to establish a **national focal point** to liaise between international and government actors at all levels (Guideline 8.2), **internal laws and regulations usually do not specifically identify the competent organ**.<sup>18</sup>

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<sup>14</sup> Tajikistan’s Law No. 53 “On Protection of the Population and Territories from Natural and Man-Made Emergency Situations” of 15 July 2004, Art. 17.

<sup>15</sup> Uzbekistan’s Law No. 790 “On the Protection of the Population and Territories from Natural and Man-Made Emergencies” of 17 August 2022, Art. 27.

<sup>16</sup> E.g., under Kyrgyzstan’s Law No. 54 “On Civil Protection” of 24 May 2018 or under Kazakhstan’s Law No. 188-V “On Civil Protection” of 11 April 2014.

<sup>17</sup> E.g., Kazakhstan’s Law No. 188-V “On Civil Protection” of 11 April 2014, Arts. 10, 45-47; Kyrgyzstan’s Law No. 54 “On Civil Protection” of 24 May 2018, Arts. 5, 7, 9 and 16; Tajikistan’s Law No. 53 “On Protection of the Population and Territories from Natural and Man-Made Emergency Situations” of 15 July 2004, Arts. 20-21; Turkmenistan’s Law No. 334 “On Prevention and Liquidation of Emergency Situations” of 13 March 2021, Arts. 24-25; Uzbekistan’s Law No. 790 “On the Protection of the Population and Territories from Natural and Man-Made Emergencies” of 17 August 2022, Arts. 25-26.

<sup>18</sup> See Section II(a) above.

### **c. Initiation and Termination of International Disaster Relief and Initial Recovery Assistance**

The Initiation and Termination of International Disaster Relief and Initial Recovery Assistance is regulated in Part III of the Guidelines, which comprises Guideline 10 (Initiation), 11 (Initiation of Military Relief) and 12 (Termination).

Under the Regulation, the CESDRR provides support and assistance in preparation and issuing urgent consolidated appeals for international humanitarian assistance (Article 3.1). The Regulation sets forth in Article 5 a procedure that applies in case of “a threat or emergency, which cannot be eliminated by the forces and means of one country” and triggers the involvement of the Regional Coordination Group established thereunder. In particular, the relevant emergency authorities of the affected Central Asian country submit official information to the duty services of the other Central Asian countries and the CESDRR about the threat or emergency, as well as inquiries and proposals for mutual assistance and humanitarian assistance from international organizations. In turn, the Center notifies the emergency situation to the representatives of the Regional Coordination Group and submits the above mentioned inquiries and proposals.<sup>19</sup>

At the domestic level, Kazakhstan, Kyrgyzstan and Turkmenistan have adopted a legal framework that outlines a process for requesting and/or welcoming offers of international disaster assistance and for terminating international assistance. The relevant laws and regulations of the three countries entrust the responsibility of the decision to initiate a request for international assistance or welcome offers of international assistance to the Executive. Tajikistan and Uzbekistan do not regulate these matters under their internal legal systems.

Concerning Kazakhstan, procedures relating to international disaster assistance are detailed through the Resolution of the Government of the Republic of Kazakhstan No. 743 “On Approval of the Rules for the Provision of Humanitarian Assistance” of 8 October 2019.<sup>20</sup> The Resolution is

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<sup>19</sup> Moreover, the CESDRR provides technical support and assistance to the Regional Coordination Group in the comprehensive exchange of relevant information on the progress of emergency response and provision of international humanitarian assistance, and posts information about emergency as well on the progress of their elimination and the provision of humanitarian assistance on its website to inform stakeholders, including population of the region (Regulation, Art. 5).

<sup>20</sup> Resolution of the Government of the Republic of Kazakhstan No. 743 “On Approval of the Rules for the Provision of Humanitarian Assistance” of 8 October 2019.

structured in three chapters: Chapter 1 (General provisions), Chapter 2 (Considering the provision of humanitarian assistance) and Chapter 3 (The procedure for provision of humanitarian assistance). In the process relating to the provision of international humanitarian assistance abroad, the Commission on International Humanitarian Aid is vested with a primary role.<sup>21</sup> The relevant procedures for formulating or accepting requests for international assistance were integrated in 2024 through amendments of the Rules for the provision of humanitarian assistance in Kazakhstan. However, under Kazakhstan's laws and regulations, the requirement of insufficiency of domestic capacity, which, pursuant to Guideline 3.2, is met whenever a disaster situation exceeds national coping capacities, is not at present regulated.

In Kyrgyzstan, the process for the request and acceptance of an offer of international disaster assistance and for terminating international assistance is detailed in the Law No. 104 "On International Disaster Assistance" of 17 June 2017.<sup>22</sup> Chapter 2 of this law applies to the initiation and termination of international relief assistance. Its relevant provisions are Article 5 (Assessing the need for international emergency assistance), Article 6 (Request for international emergency assistance), Article 7 (Offer and acceptance of international emergency assistance), Article 9 (Termination of the period of international emergency assistance for emergency response) and also Article 10 (Termination of the International Emergency Relief Period for Initial Recovery Assistance). The supply of medical aid and equipment is provided in coordination with the Ministry of Health of Kyrgyzstan. In particular, pursuant to Article 5(3) of this law, in case of a conclusion that the domestic emergency response capacity may be insufficient given the scale of the emergency, the authorized state body shall make a proposal to the Cabinet of Ministers of the Kyrgyz Republic to formulate a request for international emergency assistance.<sup>23</sup> This binding obligation incumbent on the Government of the Kyrgyz Republic is key for the purposes of receiving international disaster assistance from foreign States, including neighbouring countries. Moreover, under Article 6 of the same law, the Cabinet of Ministers of the Kyrgyz Republic shall make a request for international emergency assistance upon the proposal of an authorized state body through diplomatic channels, which may be addressed to specific international actors or generally to the international community as a whole.<sup>24</sup> Finally, pursuant to Articles 9 and 10 of the same law, the Cabinet

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<sup>21</sup> Id., paras. 4-10.

<sup>22</sup> Kyrgyzstan's Law No. 104 "On International Disaster Assistance" of 17 June 2017.

<sup>23</sup> Id., Art. 5(3).

<sup>24</sup> Id., Art. 6(1)-(2).



of Ministers of the Kyrgyz Republic may order termination of the periods of international disaster relief and also initial recovery assistance, in case the authorized state body is convinced, based on the latest needs assessment and other data, as well as the results of consultations with international assisting actors, that the need for initial recovery assistance is disappearing.<sup>25</sup>

In Turkmenistan, the Law No. 261 “On the International Humanitarian Assistance in Case of Emergency Situation” of 22 August 2020 contains procedures relating to requesting/welcoming offers of international disaster assistance and for terminating international assistance.<sup>26</sup> In particular, Article 12(4) of this law, establishes the substantive requirement of the insufficiency of the internal capacity to cope with an emergency, taking into account its scale, with respect to the option for the relevant authorized body to submit a proposal to the State Commission on Emergency Situations on the need to apply to the international assisting entity for international assistance to Turkmenistan.<sup>27</sup> Moreover, pursuant to Article 16 of the same law, the authorized body, based on the latest assessment of the need of Turkmenistan for the provision of international assistance, as well as the results of consultations with the international facilitating entity, notifies the State Commission that the need for international assistance ceases to be necessary. In turn, the State Commission, having considered the notification of the authorized body, makes a decision to terminate the provision of international assistance to Turkmenistan.<sup>28</sup>

It is crucial that the **domestic legislations of Central Asian countries provide for substantive requirements concerning their obligation to formulate requests of international disaster assistance for those emergencies that by virtue of their scale exceed the sufficiency of national coping capacities**, consistent with Guideline 3.2. At present, this requirement is met under the disaster management legal frameworks adopted in Kyrgyzstan and Turkmenistan, as illustrated above. In addition, such an obligation to request international external disaster assistance, e.g. from third States, should be strictly binding and the subjective scope of the actors that are concerned for the purposes of offering international

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<sup>25</sup> Id., Arts. 9-10. Moreover, pursuant to Art. 5(5), in the case of new information according to which domestic capacity is sufficient and there is no need for international relief assistance, the authorized state body shall in any case have the right to revise the positive conclusion to propose to the Cabinet of Ministers of the Kyrgyz Republic to make a request for international emergency assistance.

<sup>26</sup> Turkmenistan’s Law No. 261 “On the International Humanitarian Assistance in Case of Emergency Situation” of 22 August 2020, Arts. 12-18.

<sup>27</sup> Id., Art. 12(4).

<sup>28</sup> Id., Art. 16(1)-(2).

assistance should be expanded. It is observed that a more comprehensive and articulated legal framework concerning the procedures for requesting and/or welcoming offers of international disaster assistance and for terminating international assistance should be applicable in all Central Asian countries, including Tajikistan and Uzbekistan. To this extent, all Central Asian States should stipulate international commitments applicable at the regional scale concerning the requirements for requesting and accepting offers of international disaster assistance through a more robust legal framework than under the Regulation.<sup>29</sup>

#### **d. Eligibility for Legal Facilities**

The Eligibility for Legal Facilities is regulated under Part IV of the Guidelines, which comprises Guideline 13 (Facilities for Assisting States), 14 (Facilities for Assisting Humanitarian Organizations) and 15 (Facilities for Other Assisting Actors).

The domestic legal frameworks of Central Asian states on disaster management are **rather defective** with respect to the regulation of the eligibility for legal facilities of international assisting actors, in particular assisting humanitarian organizations. For instance, Uzbekistan's Law No. 790 "On the Protection of the Population and Territories from Natural and Man-Made Emergencies" of 17 August 2022 does not set out eligibility requirements for international assisting actors to receive legal facilities.<sup>30</sup>

The Turkmen legal system provides by far the relatively more complete regulation on the requirements of eligibility of international assisting actors in order to receive legal facilities. These are set forth in Chapter VI (Right to receive legal benefits) of the Law No. 261 "On the International Humanitarian Assistance in Case of Emergency Situation" of 22 August 2020.<sup>31</sup> Notably, Article 25 of this law prescribes that legal facilities for international disaster assistance "shall be granted exclusively to legal entities and shall be valid only during the periods of provision of international assistance and services".<sup>32</sup> Based on Article 26 of this law, the recognition of the right to receive legal benefits is ordinarily the result of an **application** by the

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<sup>29</sup> In this respect, States may take guidance not only from the Guidelines, but also from the International Law Commission's "Draft articles on the protection of persons in the event of disasters", adopted, on second reading, in 2016, in particular with respect to Arts. 11 (Duty of the affected State to seek external assistance) and 13 (Consent of the affected State to external assistance).

<sup>30</sup> Uzbekistan's Law No. 790 "On the Protection of the Population and Territories from Natural and Man-Made Emergencies" of 17 August 2022.

<sup>31</sup> Turkmenistan's Law No. 261 "On the International Humanitarian Assistance in Case of Emergency Situation" of 22 August 2020.

<sup>32</sup> *Id.*, Art. 25(1).

concerned contributing entity. Accordingly, pursuant to Article 26(4), all contributing entities applying for recognition of eligibility for legal benefits shall submit: 1) certified copies of documents confirming their legal personality under foreign jurisdiction or international law (for international facilitating entities) or within the framework of the legislation of Turkmenistan (for national facilitating entities); 2) full information about the contributing entity, including the last name, first name, patronymic of its authorized representative and the address of the headquarters, if any, in the state; 3) documents containing information on work experience and available opportunities to provide prompt international assistance”.<sup>33</sup> Moreover, legal benefits are provided **without the need of an application** to international and national contributing entities that are recognized as eligible for such benefits in accordance with Article 28 of the same law, namely: 1) contributing states; 2) relevant intergovernmental organizations, including the United Nations and regional organizations; 3) National Red Crescent Society of Turkmenistan; 4) International Committee of the Red Cross, International Federation of Red Cross and Red Crescent Societies, National Red Cross or Red Crescent Societies of foreign states.<sup>34</sup> Finally, pursuant to Article 25(3) of this law, the provision of legal benefits to right holders may be terminated at their request or, notably, if they fail to comply with the same law (e.g., with Article 27).<sup>35</sup> This seems to be subject to the caveat that the entitlement to legal facilities should not be changed arbitrarily, retroactively or without notice appropriate to the circumstances (Guideline 14.5).

The laws and regulations of the Republic Kazakhstan do not specifically regulate eligibility requirements to receive legal facilities. Kazakh Law No. 188-V “On Civil Protection” of 11 April 2014 and the Resolution of the Government of the Republic of Kazakhstan No. 743 “On Approval of the Rules for the Provision of Humanitarian Assistance” of 8 October 2019 state that the assistance, including international, is to be based on compliance of international actors with domestic laws, in which the principles of humanity, neutrality, and impartiality are generally incorporated.<sup>36</sup>

Kyrgyzstan’s Law No. 104 “On International Disaster Assistance” of 17 June 2017 merely establishes in Article 20 that the legal status of an international

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<sup>33</sup> Id., Art. 26(4).

<sup>34</sup> Id., Art. 28.

<sup>35</sup> Id., Art. 25(3).

<sup>36</sup> Kazakhstan’s Law No. 188-V “On Civil Protection” of 11 April 2014; Resolution of the Government of the Republic of Kazakhstan No. 743 “On Approval of the Rules for the Provision of Humanitarian Assistance” of 8 October 2019.

assisting actor as holder of the right to receive legal benefits includes legal capacity, the existence of which may be required in the performance of its functions and tasks in the course of international relief assistance. In particular, an eligible international assisting actor shall own separate property, have the right in its own name to acquire property and personal non-property rights and incur obligations, conclude contracts, apply to state bodies and courts.<sup>37</sup>

Under Tajikistan's laws, international assisting actors are required to register with the Ministry of Foreign Affairs (MoFA), which provides for established rules and procedures. The legislation of the Republic of Tajikistan does not include any special provisions for the recognition of legal status of contributing entities in disaster situations.

Based on the foregoing, the eligibility for legal facilities, especially for what concerns assisting humanitarian organizations, stands as one of the IDRL components on which the normative framework provided under the domestic legal systems of Central Asian countries appears to be largely **underdeveloped**. Accordingly, it is advised with urgency to Governments of Central Asian countries to elaborate a regulation at the inter-state level that establishes **prior and clear eligibility criteria for assisting humanitarian organizations in order to receive legal facilities and benefits during disaster relief and initial recovery assistance** and adopts a **regional system of accreditation**, consistent with Guideline 14.4.

#### **e. Legal Facilities for Entry and Operations**

Legal Facilities for Entry and Operations are regulated under Part V of the Guidelines, notably Personnel (Guideline 16), Goods and Equipment (Guideline 17), Special Goods and Equipment (Guideline 18), Transport (Guideline 19), Temporary Domestic Legal Status (Guideline 20), Taxation (Guideline 21), Security (Guideline 22), Extended Hours (Guideline 23) and Costs (Guideline 24).

Given the variety of legal facilities and benefits to be provided by Governments to assisting states and eligible assisting humanitarian organizations, the domestic legal frameworks that are applicable to these matters in Central Asian countries are not always comparable. However, it should be emphasised that some countries provide a more advanced and effective legal framework in that they regulate legal facilities for entry and

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<sup>37</sup> Kyrgyzstan's Law No. 104 "On International Disaster Assistance" of 17 June 2017, Art. 20.

operations in international disaster scenarios **organically through special laws and regulations on emergency assistance** (Kyrgyzstan,<sup>38</sup> Turkmenistan<sup>39</sup>), while other legal orders provide various rules on the same issues **dispersedly within general laws or statutes**, for example customs codes, tax codes, migration laws, general budget laws, etc. (Kazakhstan, Tajikistan, Uzbekistan). In this respect, the regulation of these matters should be articulated comprehensively for all Central Asian states in a **regional treaty governing the provision of international disaster assistance**.

Concerning the rare provisions relating to legal facilities for entry and operations that are contained in international treaties stipulated by Central Asian countries, for what concerns goods and equipment Section 3 of the Annex 6 to the Treaty on the Eurasian Economic Union – EAEU (Protocol on Common Customs and Tariff Regulation) merely states that “[t]ariff exemptions may be granted in the form of import customs duty exemption for goods being imported (imported) to the customs territory of the EAEU from third countries: ... 5) goods imported as humanitarian aid and (or) for the purpose of eliminating the consequences of accidents, catastrophes and natural calamities”.<sup>40</sup> This agreement is binding for Kazakhstan and Kyrgyzstan.

Having regard to all five Central Asian states, the legal framework that is applicable domestically to the grant of legal facilities to assisting actors is characterised by **widespread gaps** upon reference to the matters regulated by Part V of the Guidelines. In this scenario, it is however possible to mention some provisions contained in domestic disaster management laws of Central Asian states, which are illustrative of a best practice.

For instance, Turkmenistan’s Law No. 261 “On the International Humanitarian Assistance in Case of Emergency Situation” of 22 August 2020 contains important provisions on the **recognition of driving licenses** issued by foreign countries (Article 38) and the **recognition of the professional qualifications** of the international staff of international assisting actors (Article 39). Pursuant to Article 38 of this law, throughout the entire period of providing international assistance, Turkmenistan temporarily recognizes the driving license of the international personnel of the right-holding

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<sup>38</sup> Kyrgyzstan’s Law No. 104 “On International Disaster Assistance” of 17 June 2017, Arts. 21-29.

<sup>39</sup> Turkmenistan’s Law No. 261 “On the International Humanitarian Assistance in Case of Emergency Situation” of 22 August 2020, Chapter VII (Arts. 29-40).

<sup>40</sup> Treaty on the Eurasian Economic Union, done on 29 May 2014 between the Russian Federation, Kazakhstan, Kyrgyzstan, Armenia and Belarus.

entities, issued by the authorized bodies of foreign states.<sup>41</sup> Moreover, under Article 39(3) of this law, international personnel of right-holding entities whose professional qualifications are recognized in accordance with the requirements of this article shall be completely exempt from other requirements for completing mandatory procedures related to the registration of professional qualifications until the end of the period for providing international assistance.<sup>42</sup>

Another example is offered by the law of Kyrgyzstan with regard to the **movement of monetary funds and foreign currency for international disaster assistance**. Article 29 of the Law No. 104 “On International Disaster Assistance” of 17 June 2017 establishes that the movement of money and foreign currency from abroad and outside the country for international relief assistance shall not be subject to any restrictions, provided that it is declared at customs control points.<sup>43</sup>

Proceeding from the previous practice of Central Asian states on the regulation of legal facilities for international disaster relief and initial recovery assistance, which, as illustrated above, is rather circumscribed, the prospective regional legal framework should cover the following issues, inter alia:

- the **recognition of professional qualifications**, e.g. of foreign medical personnel, architects, and engineers, drivers licences and other types of licenses and certificates that may be necessary (implementing Guideline 16.1(c));
- the **complete exemption of disaster relief goods and equipment from all customs duties, taxes, tariffs or governmental fees, priority order for customs clearance and complete exemption from value-added and other taxes** (implementing Guidelines 17 and 21);
- the **grant of temporary domestic legal status** to international assisting actors (implementing Guideline 20).

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<sup>41</sup> Turkmenistan’s Law No. 261 “On the International Humanitarian Assistance in Case of Emergency Situation” of 22 August 2020, Art. 38.

<sup>42</sup> Id., Art. 39(3).

<sup>43</sup> Kyrgyzstan’s Law No. 104 “On International Disaster Assistance” of 17 June 2017, Art. 29. However, the law does not incorporate any provisions ensuring access to preferential currency exchange rates for humanitarian organizations.

### **3. Part II**

#### **a. Establishing a Regional Humanitarian Coordination Center in Central Asia on the Basis of the CESDRR**

In the context of the adoption of a regional treaty on international disaster assistance, the role of the CESDRR should function as regional emergency response coordination center for Central Asia, thus strengthening its current tasks under the Regulation, notably under Article 3.1.

To this extent, the enhanced role of coordination of international emergency assistance operations by the CESDRR would be instrumental to the effectiveness of the implementation of the IDRL Guidelines, as above illustrated, in Central Asian countries, for instance in relation to early warning information and preparedness, initiation and termination of international disaster relief and initial recovery assistance, etc.

Currently, under Article 4.1 of the Regulation, the **regional emergency situation room** is created by the CESDRR with the assistance of international and non-governmental organizations involved in emergency response in Central Asian region. Article 4.2 of the Regulation specifies that the regional emergency situation room is “a basic technically equipped situation room designed to provide technical support and assistance in providing operational information, analytical and documentation activities of the regional coordination team”. Moreover, Article 4.3 of the Regulation establishes that the regional emergency situation room is equipped and located in the office of the CESDRR in Almaty and is “equipped with a modern information and communication system for receiving, collecting, storing and transmitting of printed, audio and video information in real time, as well as international communication facilities, high-speed Internet, an autonomous power supply, the necessary office equipment, furniture and other equipment”.

The future role of the CESDRR as a 24-hour regional coordinating center will require the modernization of the emergency situation room through the adoption of more up-to-date technologies (e.g., Copernicus satellite facilities), staff expansion and budget endowment. The personnel allocated to the emergency situation room could be recruited from among the nationals of the Parties to CESDRR in a manner that is inclusive and conducive to synergies with the Emergency Management Authorities of Central Asian countries. The modernization of the emergency situation

room is key for the successful sharing of mutual information and monitoring on emergency situations.

The future **regional humanitarian coordination center** will coordinate the activities and tasks of key actors in the region in responding to emergency situations and providing international disaster assistance, operate 24/7 and be capable to monitor and share information about a threat or occurrence of emergency situations in the shortest possible time to Central Asian states.

The creation on the basis of the CESDRR of a regional humanitarian coordination center for the states of Central Asia in line with the consolidated practice in the European Union (EU) and in the ASEAN, as below illustrated.

## **b. Good practices from EU and ASEAN**

The following sections address the features and functions of the Emergency Response Coordination Centre (ERCC) within the EU Civil Protection Mechanism (ECPM) and the ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management (AHA Centre).

As detailed below, between the two models of emergency response coordination centre, some common elements and best practices can be isolated, e.g. the creation through a binding international/supranational legal instrument; the institutionalized role of coordination hubs (with endowment of personnel/resources/budget); advanced monitoring and early warning systems; tailored funding arrangements between participating States (e.g., stand-by agreements); administration of emergency tools (Acute Large Emergency Response Tool – ALERT for the EU and ASEAN-Emergency Response and Assessment Team – ASEAN-ERAT).

## **i. Emergency Response Coordination Centre (ERCC) within the EU Civil Protection Mechanism (ECPM)**

- Introduction

The Emergency Response Coordination Centre (ERCC) is the key institution within the EU Civil Protection Mechanism (ECPM).<sup>44</sup> It was founded on 15 May 2013 (for

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<sup>44</sup> See [https://civil-protection-humanitarian-aid.ec.europa.eu/what/civil-protection/emergency-response-coordination-centre-ercc\\_en#:~:text=The%20centre%20ensures%20the%20rapid,The%20ERCC%20operates%2024%2F7](https://civil-protection-humanitarian-aid.ec.europa.eu/what/civil-protection/emergency-response-coordination-centre-ercc_en#:~:text=The%20centre%20ensures%20the%20rapid,The%20ERCC%20operates%2024%2F7).



example, the Typhoon Haiyan that hit the Philippines in early November 2013 was the first major emergency where the ERCC played its role as a coordinator). A relevant area in which the EU stands as leading actor is the response to marine pollution emergencies. To this extent, the ERCC is able to mobilise rapidly oil recovery capacity and expertise from the participating states and the European Maritime Safety Agency (EMSA).

#### - EU Juridical Bases

The mandate of the ERCC is firmly rooted in the EU treaties – the Treaty of the European Union (TEU) and the Treaty in the Functioning of the European Union (TFEU) – and relevant EU legal sources. The Treaty of Lisbon establishes the obligation of the Union to provide assistance, relief and protection to victims of natural or man-made disasters around the world (Article 214 of the TFEU), and to support and coordinate the civil protection systems of its Member States (Article 196 of the TFEU). In addition, the Treaties further require the EU institutions to define the necessary regulatory and executive measures for such actions to be implemented. In particular, it is appropriate to mention the following legal instruments and documents:

- Regulation (EU) 2021/836 of the European Parliament and of the Council of 20 May 2021 amending Decision No 1313/2013/EU on a Union Civil Protection Mechanism (Text with EEA relevance) (26 May 2021)
- COM(2021) 110 Communication on the EU's humanitarian action: new challenges, same principles (10 March 2021)
- Commission Implementing Decision (EU) 2021/1956 of 10 November 2021 on the establishment and organisation of the Union Civil Protection Knowledge Network (11 November 2021)
- Decision (EU) 2019/420 of the European Parliament and of the Council of 13 March 2019 amending Decision No 1313/2013/EU on a Union Civil Protection Mechanism (21 March 2019)
- (2019/C 428/07) Commission Notice Reporting Guidelines on Disaster Risk Management (20 December 2019)
- Commission Implementing Decision (EU) 2018/142 amending Implementing Decision 2014/762/EU laying down rules for the implementation of Decision No 1313/2013/EU of the European Parliament and of the Council on a Union Civil Protection Mechanism (15 January 2018)

- Proposal for the European Parliament & of the Council amending Decision 1313/2013/EU on a Union Civil Protection Mechanism (23 November 2017)
- Council Regulation (EU) 2016/369 on the provision of emergency support within the Union (15 March 2016)
- Regulation No 375/2014 of the European Parliament and the Council on establishing the European Voluntary Humanitarian Aid Corps ('EU Aid Volunteers initiative') (3 April 2014)
- Commission Decision, laying down rules for the implementation of Decision No 1313/2013/EU of the European Parliament and of the Council on a Union Civil Protection Mechanism and repealing Commission Decisions 2004/277/EC, Euratom and 2007/606/EC, Euratom (16 October 2014)
- Decision No 1313/2013/EU of the European Parliament and of the Council on a Union Civil Protection Mechanism (17 December 2013)
- Commission Staff Working Document on EU Host Nation Support Guidelines (1 June 2012)
- Council conclusions on Further Developing Risk Assessment for Disaster Management within the European Union (11 April 2011)
- COM(2010)600 Communication Towards a stronger European disaster response: the role of civil protection and humanitarian assistance (26 October 2010)
- European Parliament resolution on Community approach on the prevention of natural and man-made disasters (21 September 2010)
- Council Conclusions on Host Nation Support (2 December 2010)
- COM(2009)82 Communication on a Community approach on the prevention of natural and man-made disasters (23 February 2009)
- Council Conclusions on a Community framework on disaster prevention within the EU (30 November 2009)
- European Parliament resolution on stepping up the Union's disaster response capacity (19 June 2008)
- Council Conclusions on Reinforcing the Union's Disaster Response Capacity – towards an integrated approach to managing disasters (16 June 2008)
- Commission Staff Working Document SEC(2007)1721 Towards Better Protecting Citizens against Disaster Risks: Strengthening Early Warning Systems in Europe (14 December 2007)
- Council Conclusions on Early Warning System in the EU (6 December 2007)

- Regulation (EC) No 1257/96 concerning humanitarian aid (20 June 1996)

#### - Functions

The ERCC coordinates and organizes the delivery of assistance to countries that are affected by all kind of disasters, for instance with respect to the supply of specialised personnel, relief items (relief goods and technical equipment), expertise, and civil protection teams. In particular, it is established to act as a 24/7 emergency hub monitoring and responding to emergencies worldwide upon activation by the national authorities of the countries that are affected by disasters (inside or outside the EU) or by a UN body consistent with the solidarity clause.<sup>45</sup> The Centre ensures the prompt exercise of emergency support and serves as a **coordination hub** between all EU Member States, the ten additional participating states, the country requesting assistance, and civil protection and humanitarian experts. In particular, it realizes cooperation and coherence of EU action at an inter-institutional level, focusing on coordination mechanisms with the European External Action Service, the Council and EU Member States.

The Emergency Response Coordination Centre improves the coordination between civil protection and humanitarian aid operations. It maintains a direct link to civil protection and humanitarian aid authorities in EU Member States and provides emergency communications and monitoring tools through the Common Emergency Communication and Information System (CECIS), a web-based alert and notification application enabling a real-time **exchange and sharing of information**. The Centre also ensures the functions of coordination and assessment teams composed of humanitarian aid and civil protection experts to conduct joint needs assessments.

#### - Key Aspects

Concerning the regional dimension of the EU, the functioning of the ERCC virtuously allows avoiding dissipation of resources (e.g., by preventing the duplication of relief efforts) with respect to the response to human-induced disasters and natural hazards. In addition, the centralized action of the

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<sup>45</sup> In 2022, the Centre's mechanism of assistance was activated 106 times to respond to (i) war in Ukraine; (ii) wildfires in Europe; (iii) COVID-19 in Europe and worldwide; and (iv) floods in Pakistan. Since 2001, the Centre coordinated assistance more than 700 times in response to activations of the EU Civil Protection Mechanism.

Centre may ensure that emergency assistance is effectively tailored to the needs of those countries and populations affected. As a way of example, the Emergency Response Coordination Centre may liaise directly with the national civil protection authorities of the country in need and financially support the delivery of civil protection teams and assets thereto. In this respect, under the ECPM the Commission can co-finance operational costs, including transportation expenses. This permits the delivery of assistance to the country affected within a few hours with lower budgetary impact on those offering the assistance, thus serving the objective of efficiency.

Very importantly, the Centre can identify eventual gaps in European emergency assistance and propose how to cover such gaps through financial support from the EU. Thus, the establishment of a regional emergency response coordination institution appears to be functional to the realization of the objective of **regulatory coherence and completeness of domestic systems of international disaster relief and initial recovery assistance**.

Concerning the ERCC's staff and capacity/capability, the Centre is endowed with a **fully staffed and trained duty system** featuring enhanced operational, analytical, monitoring, information management and communication capabilities. Around-the-clock presence of the Centre's personnel ensures real time monitoring and immediate reaction to emergencies on a continuous basis. In particular, the quality of the response is ensured through the establishment of professional criteria and a certification process.

Moreover, the Centre manages a reserve of **pre-committed assistance** from EU Member States and participating states that can be immediately delivered. These countries may commit resources on standby in a pool ready to be employed as part of a faster and more coherent European response to continental and overseas emergencies.

#### - Emergency Toolbox

The ERCC also administers the funding tools within the **Emergency Toolbox**, i.e. one of the instruments the European Commission has designed to assist vulnerable people and groups outside the EU in relation to unforeseen, unexpected or unanticipated emergencies and crises. The Emergency Toolbox comprises four tools: (1) the Acute Large Emergency

Response Tool (ALERT); (2) the Small-scale Tool; (3) the Epidemics Tool, and (4) the Disaster Response Emergency Fund (DREF).<sup>46</sup>

The **Acute Large Emergency Response Tool (ALERT)** responds to large-scale natural hazards and technological disasters where over 100,000 people or over 50% of the population are affected. Depending on the type of disaster, the aim is to allocate funds within 24-48 hours of an emergency's onset, thus prioritizing the swiftness of the decision-making process.

The **Small-scale Tool** is created to assist a (more) limited number of people (below 100,000) affected by a natural or human-induced disaster. The maximum allocation per action is Euro 500,000.

The **Epidemics Tool** is meant to provide response to and prevent epidemic outbreaks.

The **Disaster Response Emergency Fund (DREF)** belongs to the International Federation of the Red Cross and Red Crescent Societies (IFRC). It supports national Red Cross and Red Crescent societies in the immediate aftermath of a disaster. The EU contributes to this fund to a maximum of Euro 200,000 per action. The European Commission channelled funding to the DREF instrument 68 times in 57 countries in 2022. Accordingly, the national Red Cross and Red Crescent Societies were supported in their rapid response to emergencies related mainly to floods, tropical cyclones, drought, volcanos, population movement, civil unrest, and cholera and Ebola outbreaks.

- Selected Best Practices of the ERCC
  1. Fully staffed and trained duty system operating on a continuous basis and applying quality criteria and certification processes;
  2. Provision of a reserve of pre-committed assistance from participating states that can be utilized immediately (resources are previously allocated by participating States and segregated on standby in a pool);
  3. Adoption of web-based alert and notification applications enabling a real-time exchange and sharing of information, e.g. the Common Emergency Communication and Information System (CECIS);

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<sup>46</sup> In 2022, the EU allocated Euro 40 million through the Emergency Toolbox.

4. Administration of emergency toolboxes, e.g. the Acute Large Emergency Response Tool (ALERT);
5. Technical assistance by the Centre to participating states (e.g., filling regulatory gaps in domestic legal system of disaster relief and recovery).

## II. ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management (AHA Centre)

### - Introduction

The AHA Centre is an intergovernmental organisation, which was established by the states parties to the ASEAN.<sup>47</sup> Its purpose is the facilitation of the activities and function of cooperation and coordination of disaster management and emergency response amongst ASEAN Member States. The Agreement on the Establishment of the ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management was stipulated on 17 November 2011 (“**AHA Centre Agreement**”). In the exercise of its mandate, the AHA Centre primarily operates by coordinating the National Disaster Management Organisations (NDMOs) of the ASEAN Member States. Furthermore, the AHA Centre also acts in partnership with international organisations, private sector and civil society organisations, such as the Red Cross and Red Crescent Movement, the UN and the ASEAN Agreement on Disaster Management and Emergency Response (AADMER) Partnership Group.

### - Functions

The AHA Centre has a reporting task about its developments and activities to the ASEAN Committee on Disaster Management (ACDM) on a regular basis. The ACDM members are the heads of NDMOs of the ten ASEAN Member States, who serve as the Governing Board of the AHA Centre. The mandate of the AHA Centre as the primary ASEAN regional **coordinating agency on disaster management and emergency response** is also confirmed by two high-level commitments, namely: (a) the ASEAN Declaration on *One ASEAN One Response: ASEAN Responding to Disasters as One in the Region and Outside the Region* of 6 September 2016; and, (b) the ASEAN Vision 2025 on Disaster Management (2016).<sup>48</sup>

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<sup>47</sup> See <https://ahacentre.org>.

<sup>48</sup> See <https://www.preventionweb.net/publication/asean-vision-2025-disaster-management>.

In order to raise awareness on disaster risk reduction and preparedness, the AHA Centre also exercises the function of **dissemination of information** on a regular basis to the public. During emergency times, the AHA Centre releases immediate Flash Updates and Situation Updates. Instead, in non-emergency times, the AHA Centre issues Weekly Disaster Updates, Diasfore and a monthly newsletter (The Column). All of these publications are available on the Centre's website and its social media accounts.

- Key Aspects

The AHA Centre Agreement contains key provisions that clarify and hence improve the regulatory framework that is applicable to the provision of humanitarian assistance on disaster management in emergency situations. In particular, the Agreement specifies and details the **obligations of the host country**, for instance providing "adequate premises at its own expense, operational facilities and such other facilities needed for the operations of the AHA Centre in accordance with the Host Country Agreement to be concluded between the AHA Centre and the Host Country" (Article 11.1) or granting "to the AHA Centre, Executive Director, Heads of Divisions and staff members, where appropriate, privileges and immunities as may be necessary for the performance of their functions and responsibilities in accordance with the Host Country Arrangement to be concluded between the AHA Centre and the Host Country" (Article 11.2).

The AHA Centre Agreement also regulates the state parties' **funding arrangements**, notably through the establishment the AHA Centre Fund. The participating states contribute equally to the Fund on an annual basis and the amount of the contributions is fixed every year by consensus by the Conference of Parties (Article 12.1).

Finally, concerning the internal structure of the organization, the Agreement provides for the creation of **Divisions within the Centre**, which facilitates the exercise of the functions of the Centre itself through an improved operationalization of tasks. In particular, Article 9 of the Agreement sets forth that the **Heads of Divisions** are appointed for three years by the AHA Centre's Governing Board taking into account the recommendations made by the Executive Director. The Heads of Divisions are responsible for the management of their respective Divisions and all other functions that may be directed by the Executive Director and/or the Governing Body. Each Head of Division is supported by dedicated staff

members to pursue the allocated functions and responsibilities effectively and efficiently.

- Disaster Information Management

Consistent with the spirit of *One ASEAN One Response*, the AHA Centre performs coordinating functions with respect to risk identification, early warning and monitoring, aiming to the of hazards and risks prior to impacts and by increasing warning time.

The AHA Centre works closely with the NDMOs of all ten ASEAN Member States in monitoring and sharing information about hazards and disasters in the region. Additionally, the AHA Centre also closely monitors the hazards and earth observation as well as early warning releases by hydro-meteorological and geological agencies of ASEAN Member States.

In this framework, information management and dissemination may strengthen the coordination efforts of assisting states when responding to both potential and actual disasters. Furthermore, early identification of hazards and risks can help accelerate the activation of early warning alerts to reduce potential losses in the face of disasters. Thereby, the AHA Centre regularly monitor and updates its assessment on possible emergency situations through various platforms and tools, as follows.

The **Disaster Monitoring and Response System (DMRS)** of ASEAN was designed in partnership with the Pacific Disaster Center (PDC), an applied science and information centre based in Hawaii, with the support of the Government of the USA. DMRS receives continuous information feeds from the PDC system. It provides real time information about the hazards in the region and hydrometeorological data (wind direction and speed, clouds, sea temperature, etc.). The basic maps can be integrated with additional information, such as basic population density data, location of airports and seaports and major roads and infrastructure.

The **ASEAN Disaster Information Net (ADINET)** is a repository of information concerning hazards and disasters that have already occurred in the region. The platform is open to public, which means that natural and legal persons can submit information about any hazard and disaster to the AHA Centre. Thereafter, the AHA Centre verifies and validates the submitted information to ensure the accuracy of the data inputs. The AHA Centre can also add new information when relevant and as necessary to the data



received. ADINET has been recording disaster information in the region since the AHA Centre was operational in 2012.

The annual **ASEAN Risk Monitor Reports (ARMOR)** consolidates knowledge, promotes its dissemination and the spirit of collaboration among the disaster management community (researchers, practitioners and private entities). In particular, ARMOR pursues the following objectives: (i) sharing the updated disaster and climate risk monitoring research initiatives and collaborations; (ii) sharing the lessons learnt from past deployments, latest operational initiatives, training activities and best practices; (iii) bridging the gap between research and operations through translational and application research initiatives for the benefit of the ASEAN communities; and, (iv) building awareness and increasing potential collaborative efforts between ASEAN Member States and interested stakeholders.

- Capacity Building, Training, Standards and Certifications

To support the resiliency to disasters in the Asia Pacific region, the AHA Centre supports the national disaster management authorities across ASEAN Member States through capacity building. There are two signature courses in the ASEAN region: the ASEAN-ERAT and the ACE Programme. In addition, the ASCEND initiative provides adequate instruments to ensure the professionalism of the response to emergency situations through the establishment of quality criteria and certification processes. Finally, the ASDMP project hosts a comprehensive research portal that disseminates specialised knowledge among scientists/scholars, practitioners and policy makers.

The **ASEAN-Emergency Response and Assessment Team (ASEAN-ERAT)** is a rapidly deployable response team to support the affected ASEAN Member States during major sudden and slow on-set disasters. The members of ASEAN-ERAT shall be appointed by the ten ASEAN Member States and are managed by the AHA Centre. The ASEAN-ERAT is designed to support the NDMOs of the affected country during the initial phase of the disaster emergency at a short notice. Whenever a disaster occurs in Southeast Asian region, ASEAN-ERAT members are ready to be deployed within eight hours after the emergency alert is activated or based on the request of the NDMO of the affected country. The appointed ASEAN-ERAT members can assist up to 14 days at a time during crisis or for an extendable period upon the request from the affected country.

The **AHA Centre Executive (ACE) Programme** aims to train future leaders in disaster management activities within ASEAN. It represents the most important disaster management training programme in the region. Moreover, through the cooperation with the Government of Japan, the ACE Programme will enhance the capacity of ASEAN Member States' disaster managers through the exchange of knowledge and skills amongst them and with other disaster management experts in the region.

In addition, the **ASEAN Standards and Certification for Experts in Disaster Management (ASCEND)** is an initiative of the ASEAN Member States that provide regionally recognised competency standards and a certification process for disaster management professionals across ASEAN. Consequently, its key function is to foster the recognition and mobility of disaster management professionals.

Finally, the **ASEAN Science-based Disaster Management Platform (ASDMP)** is a one-stop interactive research portal that houses more than a thousand of disaster-related research products for Southeast Asia and connects disaster management practitioners and policy makers with scientists and researchers.

- Resource Management (Standby Arrangements)

Also in the ASEAN context, participating states may voluntarily pre-commit resources for disaster relief and emergency response. In this respect, the **ASEAN Standby Arrangements** consist of earmark assets and capacities that are freely made available by the ASEAN Member States. Those assets and capacities includes search and rescue directory, military and civilian assets, emergency stockpiles of disaster relief items, and disaster management expertise and technologies. When needed, such resources can be requested by a Member State hit by a disaster in order to supplement its own disaster response capacities.

The mechanisms for the ASEAN Standby Arrangements are described in the **Standard Operating Procedures for Regional Standby Arrangements and Coordination of Joint Disaster Relief and Emergency Response Operations (SASOP)**. SASOP is a document which provides: (i) the guidance and templates to initiate the establishment of the ASEAN Standby Arrangements for disaster relief and emergency response; (ii) the procedures for joint disaster relief and emergency response operations; (iii) the procedures for the facilitation and utilisation of military and civilian assets and capacities; (iv) the methodology for the periodic conduct of the

ASEAN Regional Disaster Emergency Response Simulation Exercise (ARDEX).<sup>49</sup>

SASOP provides templates and forms (e.g., in the *SASOP Handbook*) which shall be used to share the information on assets and capacities owned by the states in the ASEAN region, which are functional to disaster preparedness and response.

- Disaster Relief and Assistance, Joint Disaster Response Plans, Emergency Response Operations and Regional Simulation Exercises

The ASEAN practice concerning the management of disaster relief and initial recovery assistance operations, as coordinated by the AHA Centre, is also particularly advanced.

The **Disaster Emergency Logistics System for ASEAN (DELSA)** is a key mechanism to allow the prompt supply of relief items to ASEAN countries addressing post-disaster emergency situations. Launched on 7 December 2012, DELSA was established to develop a regional relief item stockpile and to support the capacity enhancement of the AHA Centre and among ASEAN Member States in emergency logistic operations. DELSA focuses on three main elements: (i) regional emergency stockpiles; (ii) institutional capacity building; and, (iii) communication and awareness. DELSA's establishment and operations have been supported by the Government of Japan, while the AHA Centre works closely with WFP – UNHRD on logistics technical aspects. The AHA Centre also coordinates with NDMOs of the ASEAN Member States to distribute those relief goods to disaster-affected countries as needed to support emergency response efforts.

The **ASEAN Joint Disaster Response Plan (AJDRP)** aims to provide a common framework to deliver a timely, at-scale and joint response through mobilisation of required assets and capacities. The attainment of this objective relates inter alia to effective monitoring and early warning functions and the funding arrangements (e.g., Standby Arrangements) applicable to the deployment of operations. Notably, the AHA Centre aims to: (i) increasing the speed of the ASEAN response by supporting ASEAN Member States in making timely and informed decisions; (ii) expanding the scale of the ASEAN response by strengthening the ASEAN Standby Arrangements; and, (iii) enhancing the solidarity of the ASEAN response by strengthening coordination and cooperation among ASEAN Member

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<sup>49</sup> See *infra*.

States, ASEAN partners and other humanitarian actors, e.g. international assisting actors.

During disaster response, the Centre's **Emergency Response Operation (ERO)** serves a strategic role in terms of command and control by ensuring that the AHA Centre itself can fulfil its mandate of coordinating collective responses from all the ASEAN countries including its own field personnel. ERO primarily focuses on collecting, gathering and analysing data, making strategic decisions, maintaining continuity of operations of the organisation, and disseminating those information and data to ASEAN Member States and concerned individuals and external stakeholders. The ERO pertains to the strategic level and does not directly control field assets and teams.

Finally, the AHA Centre – together with the ASEAN Committee on Disaster Management (ACDM) – organise the biannual **ASEAN Regional Disaster Emergency Response Simulation Exercise (ARDEX)**. ARDEX is intended for ASEAN Member States to practice, evaluate and review the ASEAN Standby Arrangements and Standard Operating Procedures (SASOP) in facilitating an effective collaboration amongst ASEAN Member States and between ASEAN and the UN and other competent international organisations in responding to major disasters in the region. During ARDEX, representatives from participating ASEAN Member States and other participants/observers apply and revise national and regional mechanisms for disaster preparedness and emergency response aiming at their enhancement.

Notably, ARDEX exercises comprise the following phases:

1. *pre-exercise*: exercise scenario, concept paper, exercise referees, exercise control checklist, conduct of Exercise Planning Team (EPT) meetings;
  2. *actual exercise*: coordination, offer and request of assistance, interoperability of response mechanisms;
  3. *post-exercise*: de-briefing, review performance, improvements of SASOP.
- Selected Best Practices of the AHA Centre
1. Codification through international treaty of precise obligations of the host country;
  2. Adoption of a structural framework based on operative divisions with allocation of functions and responsibilities;

3. Resource management through standby arrangements to be implemented through specific and detailed procedures, such as the Standard Operating Procedure for Regional Standby Arrangements and Coordination of Joint Disaster Relief and Emergency Response Operations (SASOP), and accompanying handbooks;

4. Administration of emergency tools, such as the ASEAN-Emergency Response and Assessment Team (ASEAN-ERAT);

5. Establishment of articulated and effective systems and platforms for early warning, monitoring, information management and dissemination, such as the Disaster Monitoring and Response System (DMRS), the ASEAN Disaster Information Net (ADINET) and the annual ASEAN Risk Monitor Reports (ARMOR);

6. Release of immediate flash updates and situation updates during emergency times;

7. Periodic conduct of regional disaster emergency response simulation exercises, e.g. the biannual ASEAN Regional Disaster Emergency Response Simulation Exercise (ARDEX).

#### **4. Critical Issues and Recommendations**

The Report recommends the **expansion of the subject matter of the Regulation** to include other key components of the IDRL Guidelines not yet regulated or adequately addressed therein, e.g. eligibility for legal facilities and legal facilities for entry and operations. These IDRL issues are either not covered by the Regulation or not implemented in domestic legal systems of Central Asian countries.

Moreover, the **subjective scope of actors** covered by the Regulation may be also extended in order to comprise not only international assistance coming from Central Asian countries, but also from other states and international assisting actors outside of the region. It may accordingly be tested how the present regional mechanism, which still remains largely undeveloped under the Regulation, may provide an initial basis for a more articulated instrument of cooperation concerning the facilitation and regulation of international disaster relief and initial recovery assistance at the regional level.

To this extent, the Report proposes in the long-term scenario the adoption of a **binding regional instrument that would be applicable to international disaster response**, notably improving the current legal framework in terms of completeness, effectiveness and reception of

international best standards. According to this preferable international arrangement, the mandate, capacities and resources of the **CESDRR as regional humanitarian coordination center** would be strengthened and improved, having regard to the previous good practices of the AHA Centre (ASEAN) and the ERCC (EU). In particular, in this scenario, the CESDRR would stand as a 24-hour coordinating centre, which operatively requires staff expansion and modernization of the situation room for the successful sharing of mutual information and monitoring (as it is performed by the ERCC and AHA Centre) at the regional level.

At the same time, the Report suggests in the medium-term to enhance the effectivity of the Regulation through **bilateral agreements and regional cooperation schemes (e.g., simulation exercises)**, especially concerning those areas of IDRL that are not adequately addressed in the Regulation and/or not implemented under national laws and regulations of Central Asian states. To this extent, the coordination role of the CESDRR is seen as a key asset which should be enhanced and strengthened.

Therefore, the Report recommends:

- 1) the adoption of a **binding regional instrument on international disaster response**, regulating also those IDRL areas that are not covered by the Regulation or addressed therein but not implemented in domestic legal systems of Central Asian countries, and providing a key role and robust mandate and resources of the CESDRR as regional humanitarian coordination center in the region;
- 2) the expansion of the **subjective scope of actors** currently covered by the Regulation for the purposes of offering international assistance (also beyond the region);
- 3) in the medium term, the **adoption of bilateral agreements and the creation of regional cooperation schemes (e.g., simulation exercises)**, especially concerning those areas of IDRL that are not adequately addressed in the Regulation.

## **5. Conclusions and Recommended Actions**

The present Report constitutes the main output of the IDRL Mapping Research for Central Asia, together with the IDRL country-level factsheets concerning Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan. The country-level factsheets are modelled on the research template elaborated by the IFRC and have been drafted within the timeframe of the Research (2024). The collected IDRL practice (laws, regulations, policies, etc.) of all five Central Asian countries has been

constantly consulted, updated and systematized through the realisation of individual country-level factsheets. The Report is brought to the attention of Emergency Management Authorities of Central Asian states, as well as international organizations and NGOs, as basis for discussion and elaboration of appropriate steps for the implementation of the recommendations formulated therein, notably in relation to the negotiation of a regional agreement on international disaster relief and initial recovery assistance.

## Country mapping

### Kazakhstan: Mapping of International Disaster Response Laws, Rules and Principles

*The below information seeks to map the International Disaster Response Law Framework (IDRL) in Kazakhstan, as provided in law, policy and agreements. It is intended to contribute to a regional analysis of strengths and gaps in the institutional architecture for the coordination and facilitation of regional disaster response in Central Asia.*

*This document is the result of a desktop review of information either publicly available or shared by the Red Crescent Society of Kazakhstan. This document was prepared by Dr. Carlo de Stefano under the supervision of Pauline Caspellan.*

*IFRC does not assume any responsibility for the contents of this document, including any errors and omissions contained herein, nor for the contents of the sources to which it refers. The IFRC gratefully acknowledges all stakeholders who have given generously of their time and experience.*

#### Question 1: Does your country have a clear legal framework for disaster risk management which includes procedures relating to international disaster assistance?

##### Summary

*The Law No. 387 “On the State of Emergency” of 8 February 2003 establishes the grounds, terms, procedure for declaration of a state of emergency and emergency operations throughout the territory of the Republic of Kazakhstan or in its separate areas, and the legal regime for social emergency. However, this law does not contain a clear legal framework for disaster risk management which includes procedures relating to international disaster assistance.*

*The legal framework for disaster risk management is provided in the Law No. 188-V “On Civil Protection” of 11 April 2014. Art. 2(3) of this law provides that “If an international treaty ratified by the Republic of Kazakhstan establishes other rules than those contained in this Law, the rules of the international treaty shall be applied”. More precisely, Art. 11(65) sets forth that the Government of the Republic of Kazakhstan “appeals for assistance of a foreign state, an international organisation in emergency response in the territory of the Republic of Kazakhstan, if necessary”. However, this law does not contain the regulation of procedures relating to international disaster assistance, but its Art. 22(2) establishes that “The military units of civil defense take part in emergency and rescue and urgent operations on the territories of foreign states according to the procedure determined by the international treaties ratified by the Republic of Kazakhstan”.*

*Procedures relating to international disaster assistance are detailed through the Resolution of the Government of the Republic of Kazakhstan No. 743 “On Approval of the Rules for the Provision of Humanitarian Assistance” of 8 October 2019. The Resolution (see infra Question 4) is structured in three chapters: Chapter 1 - General provisions; Chapter 2 - Considering the provision of humanitarian assistance; Chapter 3 - The Procedure for Provision of Humanitarian Assistance.*

##### Source

[Law No. 387 “On the State of Emergency” of 8 February 2003](#)

[Law No. 188-V “On Civil Protection” of 11 April 2014](#)

[The Resolution of the Government of the Republic of Kazakhstan No. 743 “On Approval of the Rules for the Provision of Humanitarian Assistance” of 8 October 2019](#)

[Law No. 1-VIII LRK “On Ratification of the Agreement between the Government of the Republic of Kazakhstan and the Center for Emergency Situations and Disaster Risk Reduction” of 24 April 2023](#)



<p><i>Disaster management legal frameworks are also provided by the Law No. 1-VIII LRK “On Ratification of the Agreement between the Government of the Republic of Kazakhstan and the Center for Emergency Situations and Disaster Risk Reduction on the Conditions of its Stay in the Territory of the Republic of Kazakhstan” of 24 April 2023. The Center is a permanent intergovernmental body, an international organization established to ensure effective mechanisms to decrease the risk of emergencies, to mitigate the consequences, to organize a joint response through agreed measures of the Parties and to stimulate regional and international cooperation. The Center’s objectives are the following:</i></p> <ul style="list-style-type: none"> <li><i>– develop cooperation in disaster risk reduction, prevention and elimination of emergency situations;</i></li> <li><i>– mitigate factors of disaster risk, identify, assess, forecast and monitor emergency situation hazards;</i></li> <li><i>– coordinate mutual efforts and strengthen preparedness for effective and timely response to emergencies;</i></li> <li><i>– implement regional and international cooperation in DRR and emergency management;</i></li> <li><i>– increase the safety of life activities of the population during natural and man-made emergencies;</i></li> <li><i>– involve international and non-profit organizational grants for disaster risk reduction, development, and implementation of joint international projects;</i></li> <li><i>– implement international and other programs in the field of disaster risk reduction, prevention and elimination of emergency situations.</i></li> </ul> <p><i>Following the “Rules for the Distribution of International Humanitarian Aid in Areas Where a State of Emergency Has Been Introduced”, approved by the Resolution of the Government of the Republic of Kazakhstan dated March 4, 2004 No. 271, these Rules have been developed to implement the Law No. 387 “On the State of Emergency” of 8 February 2003 and determine the procedure for distributing international humanitarian aid in areas where a state of emergency has been declared. International humanitarian aid arriving in the Republic of Kazakhstan without specifying specific recipients is distributed in areas where a state of emergency has been declared, according to the required nomenclature and volume of necessary cargo.</i></p>	<p><a href="#"><u>Rules for the Distribution of International Humanitarian Aid in Areas Where a State of Emergency Has Been Introduced”, approved by the Resolution of the Government of the Republic of Kazakhstan dated March 4, 2004 No. 271</u></a></p>
<p><b>Question 2: Do your country’s laws and regulations clearly set out a focal point for coordinating international disaster assistance?</b></p>	
<p><b>Summary</b></p>	<p><b>Source</b></p>
<p><i>Art. 12 of the Law No. 188-V “On Civil Protection” of 11 April 2014 refers to “authorized body” without providing specifically about focal points for coordinating international disaster assistance.</i></p> <p><i>Art. 22(2) of the same law establishes that “The military units of civil defense take part in emergency and rescue and urgent operations on the territories of foreign states according to the procedure determined by the international treaties ratified by the Republic of Kazakhstan”.</i></p> <p><i>However, according to the Decree of the Government of the Republic of Kazakhstan dated March 4, 2004 No. 271 “On approval of the Rules for distribution of international humanitarian aid in areas where a state of emergency has been introduced”, the Commission on International Humanitarian Aid of the Republic of Kazakhstan, established by the Order of the Prime Minister of the Republic of Kazakhstan dated March 27, 2017</i></p>	<p><a href="#"><u>Law No. 188-V “On Civil Protection” of 11 April 2014</u></a></p> <p><a href="#"><u>The Resolution of the Government of the Republic of Kazakhstan No. 743 “On Approval of the Rules for the Provision of Humanitarian Assistance” of 8 October 2019</u></a></p>

<p>No. 38-r “On some issues of consultative and advisory bodies under the Government of the Republic of Kazakhstan”, resolves issues of using international humanitarian aid in accordance with the functions assigned to it.</p> <p>The Resolution of the Government of the Republic of Kazakhstan No. 743 “On Approval of the Rules for the Provision of Humanitarian Assistance” of 8 October 2019 entrusts the Commission on International Humanitarian Aid with a primary role.</p> <p>Art. 5 of the Law No. 299 “On the Diplomatic Service of the Republic of Kazakhstan” of 7 March 2002 provides that the diplomatic service bodies are assigned the following tasks: ensuring by diplomatic means and methods the protection of sovereignty, security, territorial integrity and inviolability of the borders of the Republic of Kazakhstan, its political, trade, economic and other interests in relations with other states and in the international arena; implementation by diplomatic means and methods of the efforts of the Republic of Kazakhstan to ensure international peace, global and regional security.</p>	<p><a href="#">Law No. 299 “On the Diplomatic Service of the Republic of Kazakhstan” of 7 March 2002</a></p> <p><a href="#">Decree of the Government of the Republic of Kazakhstan No. 271 dated March 4, 2004 “On approval of the Rules for distribution of international humanitarian aid in areas where a state of emergency has been introduced”</a></p> <p><a href="#">Order of the Prime Minister of the Republic of Kazakhstan dated March 27, 2017 No. 38-r “On some issues of consultative and advisory bodies under the Government of the Republic of Kazakhstan”.</a></p>
<p><b>Question 3: Do your country’s laws and regulations outline the roles and responsibilities of different institutions relating to international disaster assistance?</b></p>	
<p>Summary</p>	<p>Source</p>
<p>Art. 12 of the Law No. 188-V “On Civil Protection” of 11 April 2014 refers merely to “authorized bodies” relating to civil protection functions in general.</p> <p>Art. 107 of the same law further provides that “The authorised body shall participate in the following types of international cooperation in the field of civil protection: 1) monitoring and forecasting of emergency situations on a permanent basis together with foreign and international organisations; 2) establishment and support of activity of international organisations on prevention of emergency situations and provision of civil protection; 3) rendering humanitarian assistance to foreign countries; 4) training of Kazakhstani specialists in foreign countries; 5) training of foreign specialists in the Republic of Kazakhstan; 6) conducting workshops, conferences, drills and training courses in the Republic of Kazakhstan and abroad; 7) conducting joint scientific research on different aspects of emergency situations and civil protection.”</p> <p>The role of coordination of international disaster assistance is entrusted to the Ministry of Foreign Affairs (MoFA) of Kazakhstan.</p> <p>The interaction of governmental, central and local executive bodies and other organizations also takes place within the framework of the Civil Defense system, including through the engagement with the National Platform for Disaster Risk Reduction (DRR) and the Red Crescent Society of Kazakhstan.</p>	<p><a href="#">Law No. 188-V “On Civil Protection” of 11 April 2014</a></p> <p><a href="#">The Resolution of the Government of the Republic of Kazakhstan No. 743 “On Approval of the Rules for the Provision of Humanitarian Assistance” of 8 October 2019</a></p> <p><a href="#">Order of the Prime Minister of the Republic of Kazakhstan dated March 27, 2017 No. 38-r “On some issues of consultative and advisory bodies under the Government of the Republic of Kazakhstan”.</a></p>

<p><i>As per the Order of the Prime Minister of the Republic of Kazakhstan dated March 27, 2017 No. 38-r "Regulations on the Commission for International Humanitarian Aid",</i></p> <p><i>"1. The Commission on International Humanitarian Aid is a consultative and advisory body under the Government of the Republic of Kazakhstan and was formed to develop proposals on issues of international humanitarian assistance"</i></p> <p><i>5. The working body of the Commission is the Ministry of Emergency Situations of the Republic of Kazakhstan.</i></p>	
<p><b>Question 4: Do your country's laws and regulations outline a process for requesting/welcoming offers of international disaster assistance, and for terminating international assistance?</b></p>	
<p>Summary</p>	<p>Source</p>
<p><i>The Resolution of the Government of the Republic of Kazakhstan No. 743 "On Approval of the Rules for the Provision of Humanitarian Assistance" of 8 October 2019 establishes that the decision to initiate a request for international assistance or welcome offers of international assistance rests with the Government of Kazakhstan (The Prime Minister of Kazakhstan or the Deputy Prime Minister – the Minister of Foreign Affairs). The Commission on International Humanitarian Aid, a governmental body, has a primary role.</i></p> <p><i>Under Chapter 2 of this resolution, it is provided that the grounds for considering the provision of humanitarian assistance include appeals of a foreign state or an international organisation, as well as the instructions of the President of the Republic of Kazakhstan.</i></p> <p><i>The authorised foreign policy body: 1) in case of receiving an appeal for the provision of humanitarian assistance, shall send information about the appeal to the Prime Minister of the Republic of Kazakhstan or the Chairperson of the Commission within three working days; 2) shall request the details from the recipient of humanitarian aid necessary for the provision of humanitarian assistance within three working days from the moment when the grounds provided above arise.</i></p> <p><i>Appeals for humanitarian assistance shall be considered by the Commission. The Commission meetings shall be held in accordance with the Statute of the Commission approved by the Order of the Prime Minister of the Republic of Kazakhstan. Proposals on the possibility to provide humanitarian assistance, as well as its types, assortment and volume, shall be submitted by authorised freight policy bodies in the field of foreign policy, budget execution, civil protection, state material reserves, transportation and other interested bodies to the executive body of the Commission no later than three working days before the date of the Commission meeting.</i></p> <p><i>When considering an appeal for humanitarian assistance, the Commission shall take into account the foreign policy and foreign economic interests of the Republic of Kazakhstan, financial capabilities to provide such assistance, including the use of material assets from the state reserve, and the possibility of allocating personnel to provide humanitarian assistance. In case the Commission recommends to provide humanitarian assistance, the relevant central state body shall develop a draft resolution of the Government of the Republic of</i></p>	<p><a href="#"><u><i>The Resolution of the Government of the Republic of Kazakhstan No. 743 "On Approval of the Rules for the Provision of Humanitarian Assistance" of 8 October 2019</i></u></a></p> <p><a href="#"><u><i>Order of the Prime Minister of the Republic of Kazakhstan dated March 27, 2017 No. 38-r "On some issues of consultative and advisory bodies under the Government of the Republic of Kazakhstan".</i></u></a></p>

<p><i>Kazakhstan on provision of humanitarian assistance and, in the manner prescribed by law, submit it for review to the Government of the Republic of Kazakhstan.</i></p> <p><i>The decision to provide humanitarian assistance shall be taken by the Government of the Republic of Kazakhstan.</i></p>	
<p><b>Question 5: Do your country's laws and regulations provide for necessary legal facilities to be provided to international assisting actors?</b></p>	
<p><b>Summary</b></p>	<p><b>Source</b></p>
<p><i>Legal facilities to be provided to international assisting actors are largely unregulated. Some applicable rules are found in the Code on Customs regulation in the Republic of Kazakhstan dated December 26, 2017, No. 123-VI.</i></p> <p><i>Paragraph 4) of part 1 of the Article 80 provides that goods, except for excisable goods, imported as humanitarian aid shall be exempted from the customs fees.</i></p> <p><i>Article 147 of the Code on Customs regulation regulates the priority procedure for fulfillment of customs operations with respect to certain categories of goods. According to paragraph 1 of this Article:</i></p> <p><i>"1. With regard to goods required for liquidation of the consequences of natural disasters, natural and man-made emergencies, military products necessary for peacekeeping actions or for conducting exercises, goods subject to rapid damage, as well as for animals, radioactive materials, explosives, international mail, express freight, goods intended for display at international exhibition events, humanitarian and technical assistance, messages and materials for the mass media, necessary for the repair and (or) maintenance of safe operation of vehicles for the international transportation of spare parts, engines, consumables, equipment, instruments, the national currency of the Republic of Kazakhstan, foreign currency, other currency valuables, precious metals, including gold, imported by the National Bank of the Republic of Kazakhstan and its branches, and other similar goods, the customs operations shall be fulfilled as a matter of priority."</i></p> <p><i>Section 3 of the Annex 6 to the Treaty on the Eurasian Economic Union (Protocol on Common Customs and Tariff Regulation), to which the Republic of Kazakhstan is Party, states that "Tariff exemptions may be granted in the form of import customs duty exemption for goods being imported (imported) to the customs territory of the EAEU from third countries: ... 5) goods imported as humanitarian aid and (or) for the purpose of eliminating the consequences of accidents, catastrophes and natural calamities;"</i></p> <p><i>Under Chapter 3 of the Resolution of the Government of the Republic of Kazakhstan No. 743 "On Approval of the Rules for the Provision of Humanitarian Assistance" as of 8 October 2019 it is established that:</i></p> <p><i>"13. To organize the provision of humanitarian assistance:</i></p> <p><i>1) the authorized body in the field of foreign policy activities shall:</i></p> <p><i>take measures through diplomatic channels to ensure the assistance of the authorities of the recipient of humanitarian assistance, and, if necessary, of the authorities of third States in the implementation of measures for the delivery and transfer of humanitarian assistance to its recipient;</i></p>	<p><a href="#"><u>Code on Customs regulation in the Republic of Kazakhstan dated December 26, 2017, No. 123-VI.</u></a></p> <p><a href="#"><u>Treaty on the Eurasian Economic Union</u></a></p> <p><a href="#"><u>The Resolution of the Government of the Republic of Kazakhstan No. 743 "On Approval of the Rules for the Provision of Humanitarian Assistance" of 8 October 2019</u></a></p>

*ensure, if necessary, the participation of personnel in the transfer of humanitarian assistance in commercial form;*

*Ensure interaction with national and international structures established to coordinate emergency response activities;*

*2) the authorized body in the field of transport ensure the delivery of humanitarian assistance in commercial form to the recipient of humanitarian assistance, except for delivery by air.*

*In the case of delivery of humanitarian assistance in commercial form by air, delivery to the recipient of humanitarian assistance shall be carried out by the relevant central state body in accordance with the procedure established by the Law.*

*Coordination of the delivery of humanitarian assistance in commercial form by air shall be carried out by the authorized body in the field of transport;*

*3) the authorized body in the field of customs ensures the implementation, on a priority basis, of customs administration and customs control with respect to goods imported and exported as humanitarian aid;*

*4) the central authorized body for budget execution ensures the financing of expenses from the emergency reserve of the Government of the Republic of Kazakhstan for the provision of humanitarian aid;*

*5) the authorized body in the field of state material reserves ensures the release of material assets from the state material reserve for the provision of humanitarian aid.*

*In the absence of the necessary goods in the state material reserve, the provision of humanitarian aid shall be provided by the relevant central government agency.*

*6) the authorized agency in the field of civil defense forms rescue teams to provide humanitarian aid;*

*7) the authorized agency in the field of healthcare forms medical teams to provide humanitarian aid”.*

*15. To organize the provision of humanitarian assistance in commercial form, the authorized body in the field of foreign policy activities send the details of the recipient of humanitarian assistance to the relevant central state body within three working days from the date of their receipt.*

*16. The relevant central state body shall, within three working days after the decision of the Government of the Republic of Kazakhstan on the provision of humanitarian assistance, submit to the authorized body in the field of transport the necessary information on the type, type and quantity of transport, loading schedule, loading points and destinations.*

*17. Commodity aid shall be accepted by transport organisations for transportation on a priority basis without prepayment.*

*18. The central government body concerned shall coordinate humanitarian assistance and, in the case of commercial humanitarian assistance, shall send personnel to a foreign country for transfer.*

*19. The transfer of humanitarian assistance in commercial form shall be carried out by personnel based on the act of acceptance.*

*20. Reimbursement of the cost of expenses of transport organizations for the transportation of humanitarian aid in commodity form, as well as expenses related to the dispatch and delivery of material assets, the direction of rescue and medical units of authorized bodies in the field of civil defense and health care, is carried out in accordance with the Rules for the use of reserves.*

*21. The use of the state material reserve for the provision of humanitarian assistance is carried out in accordance with the procedure provided for by the Law.*

<p>22. The provision of humanitarian assistance in cash shall be carried out at the expense of the emergency reserve of the Government of the Republic of Kazakhstan in the manner determined by the Rules for the use of reserves.</p> <p>23. The transfer of funds for the provision of humanitarian assistance shall be carried out by the authorized body in the field of foreign policy activities based on the decision of the Government of the Republic of Kazakhstan after the official submission of the account details by the recipient of humanitarian assistance.</p> <p>24. The authorized body in the field of foreign policy activities shall submit to the central authorized body for budget execution and the corresponding central state body information on the receipt of humanitarian assistance provided by the recipient.</p>	
<p><b>Question 6: Do your country's laws and regulations set out quality standards for international assisting actors?</b></p>	
<p>Summary</p>	<p>Source</p>
<p>Quality standards for international assisting actors are not specifically prescribed under Kazakh laws.</p> <p>However, the Resolution of the Government of the Republic of Kazakhstan No. 743 "On Approval of the Rules for the Provision of Humanitarian Assistance" specifies some requirements to ensure the quality standards for international assistance, including document of conformity assessment in the form of testing, examination and (or) other form confirming the quality and safety of goods.</p> <p>According to paragraph 4 of chapter 1 of the Resolution, humanitarian aid must comply with safety requirements, including quarantine phytosanitary requirements established by the legislation of the Republic of Kazakhstan.</p> <p>It may be added that Art. 27(4) of the Law No. 188-V "On Civil Protection" of 11 April 2014 establishes in relation to rescuers that "The certification is conducted by the certification commissions established according to the procedure provided for by the authorised body. The certification commission of the authorised body confers the title "Rescuer of international class" regardless of the departmental affiliation of the emergency and rescue unit where the rescuers work."</p>	<p><a href="#">Law No. 188-V "On Civil Protection" of 11 April 2014</a></p> <p><a href="#">The Resolution of the Government of the Republic of Kazakhstan No. 743 "On Approval of the Rules for the Provision of Humanitarian Assistance" of 8 October 2019</a></p>
<p><b>Question 7: Do your country's laws and regulations set out eligibility requirements for international assisting actors to receive legal facilities?</b></p>	
<p>Summary</p>	<p>Source</p>
<p>The laws and regulations of the Republic Kazakhstan do not specifically regulate eligibility requirements to receive legal facilities.</p>	<p><a href="#">Law No. 188-V "On Civil Protection" of 11 April 2014</a></p> <p><a href="#">The Resolution of the Government of the Republic of Kazakhstan No. 743 "On Approval of the Rules for the Provision of Humanitarian Assistance" of 8 October 2019</a></p>

<b>Question 8: Do your country's laws and regulations establish a specialized unit for expediting the entry of international disaster assistance?</b>	
Summary	Source
No.	
<b>Question 9: Do your country's laws and regulations provide adequate transparency, safeguards and accountability mechanisms governing international disaster relief and initial recovery assistance?</b>	
Summary	Source
<p>The laws and regulations of the Republic of Kazakhstan do not provide specific norms on transparency, safeguards and accountability mechanisms governing international disaster relief and initial recovery assistance in a tailored manner.</p> <p>The Resolution of the Government of the Republic of Kazakhstan No. 743 "On Approval of the Rules for the Provision of Humanitarian Assistance" specifies some general provisions on accountability mechanism. For instance, as per paragraphs 37-38 of the Resolution,</p> <p>"37. The distribution of international humanitarian assistance in the area where the state of emergency has been introduced shall be carried out in accordance with the procedure established by the Government of the Republic of Kazakhstan.</p> <p>38. The relevant central state body, after the distribution of humanitarian assistance by the authorized organization, shall provide information on the distribution of humanitarian assistance to the Government of the Republic of Kazakhstan no later than seven working days."</p> <p>General legislation and regulations on audit activities and the Criminal Code apply.</p>	<p><a href="#">The Resolution of the Government of the Republic of Kazakhstan No. 743 "On Approval of the Rules for the Provision of Humanitarian Assistance" of 8 October 2019</a></p>
<b>Question 10: Do your country's laws and regulations outline procedures for international disaster assistance sent from, and transiting through your country?</b>	
Summary	Source
<p>Some applicable rules concerning the procedures for international disaster assistance sent from and transiting through the country are found in the Code on Customs regulation in the Republic of Kazakhstan.</p> <p>Paragraph 4) of part 1 of the Article 80 provides that goods, except for excisable goods, imported as humanitarian aid shall be exempted from the customs fees.</p> <p>Article 147 of the Code on Customs regulation regulates the priority procedure for fulfillment of customs operations with respect to certain categories of goods. According to paragraph 1 of this Article:</p> <p>"1. With regard to goods required for liquidation of the consequences of natural disasters, natural and man-made emergencies, military products necessary for peacekeeping actions or for conducting exercises, goods subject to rapid damage, as well as for animals, radioactive materials, explosives, international mail, express freight, goods intended for display at international exhibition events, humanitarian and technical assistance, messages and materials for the mass media, necessary for the repair and (or) maintenance of safe operation of</p>	<p><a href="#">Code on Customs regulation in the Republic of Kazakhstan</a></p> <p><a href="#">Agreement between Kazakhstan, Kyrgyz Republic, Tajikistan, and Uzbekistan on Cooperation in Emergency Response of 17 July 1998</a></p>

<p><i>vehicles for the international transportation of spare parts, engines, consumables, equipment, instruments, the national currency of the Republic of Kazakhstan, foreign currency, other currency valuables, precious metals, including gold, imported by the National Bank of the Republic of Kazakhstan and its branches, and other similar goods, the customs operations shall be fulfilled as a matter of priority.”</i></p> <p><i>Art. 8 of the Agreement between Kazakhstan, Kyrgyz Republic, Tajikistan, and Uzbekistan on Cooperation in Emergency Response of 17 July 1998 contains no limitations for the arrival of foreign personnel into the affected country to deliver assistance. In the Agreement it is stipulated that humanitarian workers may cross the state border of the requesting country or transit states via check points accessible for international communication by showing their passports or identity cards.</i></p>	
<p><b>Question 11: Do your country's laws and regulations outline procedures for the membership of the country in regional humanitarian coordination bodies that support states in the facilitation and regulation of international disaster assistance?</b></p>	
<p>Summary</p>	<p>Source</p>
<p>No.</p>	
<p><b>Question 12: Do your country's laws and regulations outline procedures for the cooperation between national bodies and regional humanitarian coordination bodies operating in the facilitation and regulation of international disaster assistance?</b></p>	
<p>Summary</p>	<p>Source</p>
<p>No.</p>	



## Kyrgyzstan: Mapping of International Disaster Response Laws, Rules and Principles

The below information seeks to map the International Disaster Response Law Framework (IDRL) in Kyrgyzstan as provided in law, policy and agreements. It is intended to contribute to a regional analysis of strengths and gaps in the institutional architecture for the coordination and facilitation of regional disaster response in Central Asia.

This document is the result of a desktop review of information either publicly available or shared by the Red Crescent Society of Kyrgyzstan. This document was prepared by Dr. Carlo de Stefano under the supervision of Pauline Caspellan.

IFRC does not assume any responsibility for the contents of this document, including any errors and omissions contained herein, nor for the contents of the sources to which it refers. The IFRC gratefully acknowledges all stakeholders who have given generously of their time and experience.

### Question 1: Does your country have a clear legal framework for disaster risk management which includes procedures relating to international disaster assistance?

Summary	Source
<p>The Law No. 104 “On International Disaster Assistance” of 17 June 2017 regulates specifically the provision of international disaster assistance. This law, which has been amended in 2020, 2022 and 2023, contains provisions for coordinating and managing both domestic and international disaster assistance, establishing roles and responsibilities of actors engaged in the delivery of international disaster relief, requirements for international actors and detailing legal facilities for the entry of disaster assistance. The law contains the regulation of procedures relating to international disaster assistance, for instance for requesting/welcoming offers of international disaster assistance and for terminating international assistance.</p> <p>The Law No. 54 “On Civil Protection” of 24 May 2018 merely establishes in Art. 16(2)(6) that Civil Protection forces “carry out preventive, rescue and other urgent operations to contain and eliminate the consequences of emergencies of various kinds in the territory of the Kyrgyz Republic, as well as in the territories of foreign states in accordance with international treaties to which the Kyrgyz Republic is a part”.</p>	<p><a href="#">Law No. 54 “On Civil Protection” of 24 May 2018</a></p> <p><a href="#">Law No. 104 “On International Disaster Assistance” of 17 June 2017</a></p>

### Question 2: Do your country's laws and regulations clearly set out a focal point for coordinating international disaster assistance?

Summary	Source
<p>The Law No. 104 “On International Disaster Assistance” of 17 June 2017 sets forth that the Government of Kyrgyzstan is responsible for the coordination of disaster assistance. Chapter 3 of the law governs the coordination of the reception of international relief assistance. The first provision of Chapter 3 is contained in Art. 12(1), whereby “The Cabinet of Ministers of the Kyrgyz Republic shall bear the primary responsibility for responding to an emergency situation arising on the territory of the Kyrgyz Republic”.</p>	<p><a href="#">Law No. 54 “On Civil Protection” of 24 May 2018</a></p> <p><a href="#">Law No. 104 “On International Disaster Assistance” of 17 June 2017</a></p>

*At the same time, the law does not clearly specify the focal point for coordinating international disaster assistance, but it merely provides that such role is to be entrusted to the “authorized state body” within the Government (Arts. 5 and 7). The competent ministry for disaster management is the Ministry of Emergency Situations of Kyrgyzstan.*

*The law also provides for the role of civil society actors, such as the National Red Cross and Red Crescent Society of Kyrgyzstan in participating to the coordination of international disaster assistance. Art. 12(2) of the law states that “the role of facilitating actors is to complement and expand the efforts of the Government of the Kyrgyz Republic”. Art. 14 of the law provides for the involvement and coordinating role of international assisting actors.*

*Art. 8 of the Law No. 54 “On Civil Protection” of 24 May 2018 states that “The authorised state body in the field of Civil Protection is a military institution staffed by military personnel, civil servants, other employees (hereinafter referred to as employees of the authorised state body in the field of Civil Protection) and junior service staff.” Art. 8(4)(14) provides that “The authorised state body in the field of Civil Protection shall: ... ensure and coordinate the vital activities of the population, as well as the activities of international organisations and participants of the National Platform for Disaster Risk Reduction in the territory of the Kyrgyz Republic;”.*

**Question 3: Do your country’s laws and regulations outline the roles and responsibilities of different institutions relating to international disaster assistance?**

Summary	Source
<p><i>The Law No. 104 “On International Disaster Assistance” of 17 June 2017 establishes that the responsibility for coordination, requesting, welcoming or notifying of the termination of international disaster relief is delegated to the Government of the Kyrgyz Republic.</i></p> <p><i>Art. 12 of the law provides for the competence <i>ratione materiae</i> of various government agencies depending on the specific issue that is at stake with respect to the responsibility to facilitate the entry of international assistance (e.g. immigration, customs, health, social welfare, taxes and transportations).</i></p> <p><i>The role of civil society actors, but especially of the Red Crescent Society of Kyrgyzstan, is clearly provided in Art. 11 of the law: “1. In accordance with the fundamental principles of activity and auxiliary role of the National Red Crescent Society of the Kyrgyz Republic set forth in the Charter of this organization, the National Red Crescent Society of the Kyrgyz Republic may at any time request any of the foreign constituent parts of the International Red Cross and Red Crescent Movement, in coordination with the authorized state body, to provide assistance in addition to that which it provides in response to the emergency situation in the Kyrgyz Republic.</i></p> <p><i>2. If a general request for international emergency assistance has not yet been made, the Cabinet of Ministers of the Kyrgyz Republic, at the request of the National Red Crescent Society of the Kyrgyz Republic, has the right to set a date for the start of the international disaster relief and initial recovery periods, taking into account the provision of assistance by the National Red Crescent Society of the Kyrgyz Republic.”</i></p>	<p><a href="#"><u>Law No. 104 “On International Disaster Assistance” of 17 June 2017</u></a></p>

**Question 4: Do your country’s laws and regulations outline a process for requesting/welcoming offers of international disaster assistance, and for terminating international assistance?**

Summary	Source
<p><i>The process for the request and acceptance of an offer of international disaster assistance and for terminating international assistance is detailed in the Law No. 104 “On International Disaster Assistance” of 17 June 2017. Chapter 2 of the law applies to the initiation and termination of international relief assistance: its relevant provision are Art. 5 (Assessing the need for international emergency assistance), art. 6 (Request for international emergency assistance), art. 7 (Offer and acceptance of international emergency assistance), art. 9 (Termination of the period of international emergency assistance for emergency response) and also art. 10 (Termination of the International Emergency Relief Period for Initial Recovery Assistance). The supply of medical aid and substances is agreed with the Ministry of Health.</i></p> <p><b>Article 5: Assessing the need for international emergency assistance</b></p> <p><i>1. The authorized state body, after negotiations with relevant state bodies, local self- government bodies and assisting entities, shall assess the need for international emergency assistance.</i></p> <p><i>The assessment of the need for international emergency assistance shall be carried out in accordance with the needs and damage assessment methodology developed and approved by the Cabinet of Ministers of the Kyrgyz Republic.</i></p> <p><i>2. In a large-scale emergency, the authorized State authority shall, on the basis of an initial assessment of needs and damage, determine the degree of likelihood that domestic capacity will be sufficient to meet the need for international emergency assistance.</i></p> <p><i>Such a determination may be made at the discretion of the authorized state agency prior to the occurrence of a highly probable large-scale emergency.</i></p> <p><i>3. In case of a conclusion that the domestic emergency response capacity may be insufficient given the scale of the emergency, the authorized state body shall make a proposal to the Cabinet of Ministers of the Kyrgyz Republic to make a request for international emergency assistance.</i></p> <p><i>4. The authorized state body shall draw up a preliminary list of necessary goods, supplies, equipment and services.</i></p> <p><i>The Authorized State Authority shall provide a preliminary list of necessary goods, supplies, equipment and services to potential Assisting Actors immediately after the International Emergency Assistance periods provided for in Article 8 of this Law.</i></p> <p><i>The list is updated as new information becomes available and the situation changes.</i></p> <p><i>5. In the case of new information according to which domestic capacity is sufficient and there is no need for international relief assistance, the authorized state body shall have the right to revise the conclusion.</i></p> <p><b>Article 6: Request for international emergency assistance</b></p> <p><i>1. The Cabinet of Ministers of the Kyrgyz Republic shall make a request for international emergency assistance upon the proposal of an authorized state body through diplomatic channels.</i></p> <p><i>(2) Such a request may be addressed to specific international actors or it may be a general request addressed to the international community as a whole.</i></p> <p><i>3 The general request shall be sent to the relevant representations of international organizations in the Kyrgyz Republic.</i></p> <p><i>4. The request must contain:</i></p>	<p><a href="#"><u>Law No. 104 “On International Disaster Assistance” of 17 June 2017</u></a></p>

1) information on the place, time, nature, scale of the emergency and the current situation, the amount and type of assistance required according to the preliminary list of necessary goods, supplies, equipment and services prepared by the authorized state body;

(2) information on the modalities for the submission of offers and the provision of international emergency assistance by contributing actors.

5. The request must be accompanied by methodological recommendations to the assisting entity on the procedure for providing international relief assistance developed and approved by the Cabinet of Ministers of the Kyrgyz Republic.

#### **Article 7: Offer and acceptance of international emergency assistance**

1. International Assisting Actors may provide international emergency assistance to the Kyrgyz Republic only if they have made an offer that has been accepted in accordance with this Law.

2. International Assisting Actors interested in providing international emergency assistance shall send their proposals to the authorized state body directly or through the authorized state body of the Kyrgyz Republic, conducting state policy and managing in the sphere of foreign affairs, or through foreign missions of the Kyrgyz Republic.

3. The proposal shall specify the type, scope, method of delivery and anticipated duration of assistance.

4. The Authorized State Authority, having considered the offers of international Assisting Actors, may accept the offer in full, in part or refuse assistance.

5. Assisting states planning to provide assistance through the mediation of military actors shall make proposals in accordance with this Law, as well as international treaties between the Kyrgyz Republic and assisting states that have entered into force in accordance with the procedure established by law.

6. In the absence of a general request for international emergency assistance, international assisting actors may, on their own initiative, send their proposals to the authorized state body directly or through the authorized state body of the Kyrgyz Republic that conducts state policy and manages foreign affairs, or through foreign missions of the Kyrgyz Republic.

7. The urgency of the authorized state body's decision to accept or reject offers of international emergency assistance shall be determined based on specific circumstances but may not be more than 10 days.

#### **Article 9: Termination of the period of international emergency assistance for emergency response**

1. If the authorized state body, based on the latest needs assessment and other data, as well as the results of consultations with international assisting actors, is convinced that the need for international disaster relief assistance is disappearing, it shall notify the Cabinet of Ministers of the Kyrgyz Republic of the need to set a date for the termination of the international disaster relief assistance period, taking into account how this may affect ongoing assistance activities.

Termination shall not affect the operation of the current International Emergency Relief Period for Initial Recovery Assistance.

2. The date of termination of the period of international emergency relief assistance to deal with the emergency shall be announced to Assisting Actors no later than 30 days before the proposed date of termination.

(3) The text of the declaration of the termination of the period of international emergency relief assistance for emergency management shall include information on the projected requirements for goods, supplies, equipment and services needed to assist in the initial recovery operations, if any.

<p>4. In order to avoid possible negative consequences that may arise from the termination of the international disaster relief assistance period, after the date of termination of the international disaster relief assistance period has been announced, the authorized State body shall periodically consult with the assisting actors involved in the relief effort.</p> <p><b>Article 10. Termination of the International Emergency Relief Period for Initial Recovery Assistance</b></p> <p>1. If the authorized state body is convinced, based on the latest needs assessment and other data, as well as the results of consultations with international Assisting Actors, that the need for Initial Recovery Assistance is disappearing, it shall notify the Cabinet of Ministers of the Kyrgyz Republic of the need to establish a date for the termination of the period of International Emergency Initial Recovery Assistance, taking into account the impact this may have on the ongoing work of the</p> <p>2. The termination date of the International Emergency Initial Recovery Assistance period shall be announced to Assisting Actors no later than 30 days before the proposed termination date.</p> <p>3. In order to avoid possible negative consequences that may arise from the termination of the period of international assistance for initial recovery operations, after the announcement of the date of termination of the period of international assistance for initial recovery operations, the authorized State body shall periodically consult with assisting actors actively involved in the assistance.</p> <p>4. The Cabinet of Ministers shall be obliged, within six months after the end of the period of international and other emergency assistance in the liquidation of the emergency situation and primary rehabilitation works, to publish on the official website of the Cabinet of Ministers a report on the use of international and other emergency assistance received by the Cabinet of Ministers and other executive authorities.</p>	
<p><b>Question 5: Do your country's laws and regulations provide for necessary legal facilities to be provided to international assisting actors?</b></p>	
<p>Summary</p>	<p>Source</p>
<p>General municipal laws and regulations applies with respect to legal facilities to be provided to international assisting actors, e.g. landing rights, general customs arrangements, tax exemptions and other legal benefits. Accordingly, the Code on Customs regulations, the Tax Code, the Migration Law, etc., are applicable.</p> <p>Moreover, as (also) established in Art. 23 of the Law No. 104 "On International Disaster Assistance" of 17 June 2017: "In order to create favorable conditions for international relief assistance, customs, tax exemptions and preferences are granted to assisting entities. Customs, tax benefits and preferences, as well as customs control and customs clearance are granted in accordance with the legislation of the Kyrgyz Republic on taxes and fees, the legislation of the Eurasian Economic Union and the Kyrgyz Republic in the area of customs affairs."</p> <p>To this extent, Section 3 of the Annex 6 to the Treaty on the Eurasian Economic Union (Protocol on Common Customs and Tariff Regulation), to which the Republic of Kyrgyzstan is Party, states that "Tariff exemptions may be granted in the form of import customs duty exemption for goods being imported (imported) to the customs territory of the EAEU from third countries: ... 5) goods imported as humanitarian aid and (or) for the purpose of eliminating the consequences of accidents, catastrophes and natural calamities;"</p>	<p><a href="#">Treaty on the Eurasian Economic Union</a></p> <p><a href="#">Law No. 104 "On International Disaster Assistance" of 17 June 2017</a></p>

Moreover, the Law No. 104 “On International Disaster Assistance” of 17 June 2017 contains a particular provision in Chapter 8 - Disposition of unused goods, supplies and equipment. Notably, Art. 33 establishes that: “Disposal of goods, supplies and equipment for which assisting entities have been granted exemption from customs duties, taxes and other charges and which continue to be their property at the time of completion of emergency response and initial recovery operations shall be carried out in accordance with the procedure and under the conditions established by the customs legislation of the Eurasian Economic Union and the customs legislation of the Kyrgyz Republic.”

The Law No. 104 “On International Disaster Assistance” of 17 June 2017 provides for legal facilities to eligible entities during periods of emergency response assistance and initial recovery assistance.

Art. 21 of the law creates a simplified procedure for issuance of visas of the Kyrgyz Republic to international personnel of assisting entities: “Relevant authorized state bodies of the Kyrgyz Republic, when providing international emergency assistance in accordance with the legislation of the Kyrgyz Republic in the field of external migration, take the necessary measures aimed at accelerating and simplifying the issuance of Kyrgyz Republic visas to the international staff of assisting entities.”

More in general, art. 22 of the law establishes that: “Access by international personnel of Assisting Actors to emergency-affected areas and populations requiring assistance with emergency response and initial recovery activities shall be authorized, subject to the coordination requirements set forth in this Act and to limitations derived from national security, public safety, and public health provisions, as appropriate to the particular emergency.”

In addition, the law provides specific rules for: (i) telecommunication equipment (art. 24); (ii) foodstuffs, food packages, animals and plants (art. 25); (iii) search dogs (art. 26); (iv) means of transportation (air, land, etc.) (art. 27); persons driving vehicles (art. 28).

Art. 29 of the law applies to the movement of monetary funds and foreign currency: “1. The movement of money and foreign currency from abroad and outside the country for international relief assistance shall not be subject to any restrictions, provided that it is declared at customs control points. 2. Exchange transactions between national and foreign currencies shall not be limited. 3. The procedure for the use of international monetary donations, as well as other emergency assistance to state bodies and local self-government bodies shall be determined by the Cabinet of Ministers of the Kyrgyz Republic.” Consequently, the import and export of foreign currency is allowed with no limitations, subject to the procedure for customs declaration. However, the law does not incorporate any provisions ensuring access to preferential currency exchange rates for humanitarian organizations.

**Question 6: Do your country’s laws and regulations set out quality standards for international assisting actors?**

Summary

Source

<p><i>Art. 17 of the Law No. 104 “On International Disaster Assistance” of 17 June 2017 applies to the quality of goods, supplies, equipment and services rendered:</i></p> <p><i>“1. The quality of goods, supplies, equipment and services provided shall comply with state standards, technical regulations applicable to this type of goods, supplies, equipment and services, ensure the safety of life, health of the affected population, as well as comply with the minimum standards of response to natural disasters specified in the international treaties to which the Kyrgyz Republic is a party that have entered into force in accordance with the procedure established by law.</i></p> <p><i>2. If the Assisting Actor believes that the prevailing circumstances make it impossible or impractical to make any attempt to comply with the provisions of paragraph 1 of this article, the Assisting Actor shall provide a written assurance that the goods, supplies, equipment and services it provides are appropriate to the needs and living conditions of those affected by the emergency and ensure the safety of their life and health.”</i></p> <p><i>Concerning medicines and medical devices, art. 32(2) of the law provides that: “1) it is allowed to import medicines and medical devices that meet the requirements of the legislation of the Kyrgyz Republic in the sphere of circulation of medicines and medical devices; 2) it is prohibited to import substandard and/or falsified medicinal products.”</i></p> <p><i>The Single Window International Relief Assistance Facilitation Team (SWIFT), as provided pursuant to Art. 13 of the law, can apply a control mechanism through the selection of international actors entitled to support the response operations based on established quality criteria.</i></p>	<p><a href="#"><u>Law No. 104 “On International Disaster Assistance” of 17 June 2017</u></a></p>
<p><b>Question 7: Do your country’s laws and regulations set out eligibility requirements for international assisting actors to receive legal facilities?</b></p>	
<p>Summary</p>	<p>Source</p>
<p><i>The Law No. 104 “On International Disaster Assistance” of 17 June 2017 establishes in Art. 20 that: “The legal status of an international assisting actor as a holder of the right to receive legal benefits includes legal capacity, the existence of which may be required in the performance of its functions and tasks in the course of international relief assistance, in particular: an international assisting actor owns separate property, has the right in its own name to acquire property and personal non-property rights and incur obligations, conclude contracts, apply to state bodies and courts, have settlement and other accounts.</i></p>	<p><a href="#"><u>Law No. 104 “On International Disaster Assistance” of 17 June 2017</u></a></p>
<p><b>Question 8: Do your country’s laws and regulations establish a specialized unit for expediting the entry of international disaster assistance?</b></p>	
<p>Summary</p>	<p>Source</p>

<p><i>Art. 13 of the Law No. 104 “On International Disaster Assistance” of 17 June 2017 creates the “One-Stop-Shop International Relief Assistance Facilitation Team” in order to expedite the entry of international disaster assistance:</i></p> <p><i>“1. In order to improve the coordination and facilitation of international relief assistance, as well as to expedite the process of cross-border passage of incoming international personnel, goods, supplies and equipment, a Single Window International Relief Assistance Facilitation Team (SWIFT) shall be established by a decision of the Cabinet of Ministers.</i></p> <p><i>2. The composition, functions, powers and procedures of the SWIFT group shall be determined by the Cabinet of Ministers.”</i></p> <p><i>The SWIFT (a governmental body) unites various actors responsible for ensuring complete processing and management of international humanitarian assistance and advising and supporting the various responsible agencies for airports and land-border crossing points, on the coordination or facilitation of international cooperation. As such, the One-Stop-Shop is responsible for consolidating and expediting the administrative arrangement concerning the entry of incoming international personnel, goods and equipment of international disaster assistance. In addition, it can apply a control mechanism through the selection of international actors entitled to support the response operations based on established quality criteria.</i></p> <p><i>Resolution of the Cabinet of Ministers No. 197 on the “Regulations on the Assistance Group for the Provision of International Emergency Assistance based on the “One Window” Principle” of 24 April 2024 establishes the tasks, powers and functioning of the Assistance Group for the provision of international emergency assistance based on the “one window” principle on the basis of the Law No. 104 “On International Disaster Assistance” of 17 June 2017.</i></p>	<p><a href="#"><u>Law No. 104 “On International Disaster Assistance” of 17 June 2017</u></a></p> <p><a href="#"><u>“Regulations on the Assistance Group for the Provision of International Emergency Assistance based on the “One Window” Principle” of 24 April 2024</u></a></p>
<p><b>Question 9: Do your country’s laws and regulations provide adequate transparency, safeguards and accountability mechanisms governing international disaster relief and initial recovery assistance?</b></p>	
<p>Summary</p>	<p>Source</p>
<p><i>The Law No. 104 “On International Disaster Assistance” of 17 June 2017 envisages monitoring, audit and accountability mechanisms with respect to international disaster relief (Arst. 34, 35 and 35-1). This includes ensuring that international disaster assistance meets minimum international standards and that accountability measures are in place for the delivery and conduct of approved assisting international actors. The liability clause notes that in case of violations of the prescribed standards and procedures, the Government may withdraw its consent for the delivery of disaster assistance. The law further provides that the assisting entity may appeal the decision before the Cabinet of Ministers or the local courts.</i></p> <p><b>Article 34. Monitoring the activities of facilitating actors</b></p> <p><i>1. The Kyrgyz Republic, as a recipient of international relief assistance, has the sovereign right to monitor and coordinate international relief activities carried out by international assistance actors on its territory.</i></p> <p><i>2. Monitoring of compliance by assisting subjects with the obligations stipulated by this Law shall be carried out by relevant state bodies according to their competence.</i></p>	<p><a href="#"><u>Law No. 104 “On International Disaster Assistance” of 17 June 2017</u></a></p>



3. In order to facilitate monitoring, assisting entities shall be obliged to submit monthly information to the authorized state body on the provision of assistance in emergency response and initial recovery works by the 10th day of the month following the reporting period.

4. Any information requirements established pursuant to this Article shall be designed to minimize to the necessary extent the administrative burden on contributing entities.  
(As amended by Law No. 167 of the KR dated August 8, 2023)

**Article 35. Failure of Assisting Actors to Fulfill their Obligations**

1. In case of violation by the assisting entity of the provisions of this Law, the authorized state body shall have the right: 1) oblige the assisting entity to conduct its activities in accordance with this Law and the requirements of international treaties to which the Kyrgyz Republic is a party; 2) in cases related to the activities of a particular international Assisting Actor, withdraw the consent of the Kyrgyz Republic to the provision of international relief assistance by that Actor.

2. In case of a decision on withdrawal in accordance with paragraph 2 of part 1 of this Article, if the international assisting actor has no legal grounds to continue its stay in the Kyrgyz Republic, it may be required to leave the country no later than 30 days from the date of receipt of the notification.

3. The assisting entity may appeal the relevant decision of the state body to the Cabinet of Ministers or to the courts of the Kyrgyz Republic.

(As amended by Law No. 107 of November 17, 2022)

**Article 35-1. Responsibility for failure to fulfill or violation of the norms of this Law**

Officials of state bodies and contributing entities involved in the provision of international emergency assistance shall be liable for failure to fulfill or violation of the norms of this Law in accordance with the civil legislation of the Kyrgyz Republic.

**Question 10: Do your country's laws and regulations outline procedures for international disaster assistance sent from, and transiting through your country?**

Summary	Source
<p>The Law No. 104 "On International Disaster Assistance" of 17 June 2017 also regulates the transit and re-export of goods in emergency situations.</p> <p>Pursuant to Art. 30 of the law, "Transit of international relief consignments to another country affected by an emergency through the territory of the Kyrgyz Republic, including international personnel, goods, supplies, equipment, shall be carried out in a simplified procedure."</p> <p>Pursuant to Art. 31 of the law, "1. International Assisting Actors shall be entitled to transit privileges based on a declaration that international personnel, goods, supplies, equipment transiting through the territory of the Kyrgyz Republic are intended to provide assistance to a country affected by an emergency. 2. The relevant public authority</p>	<p><a href="#">Law No. 104 "On International Disaster Assistance" of 17 June 2017</a></p> <p><a href="#">Agreement between Kazakhstan, Kyrgyz Republic, Tajikistan, and Uzbekistan on Cooperation in Emergency Response of 17 July 1998</a></p>

<p>may refuse to grant transit benefits to any International Assisting Actor in the case of actual or suspected fraud or for national security or public health reasons. 3. The refusal may be appealed in court.</p> <p>Art. 8 of the Agreement between Kazakhstan, Kyrgyz Republic, Tajikistan, and Uzbekistan on Cooperation in Emergency Response of 17 July 1998 contains no limitations for the arrival of foreign personnel into the affected country to deliver assistance. In the Agreement it is stipulated that humanitarian workers may cross the state border of the requesting country or transit states via check points accessible for international communication by showing their passports or identity cards.</p>	
<p><b>Question 11: Do your country's laws and regulations outline procedures for the membership of the country in regional humanitarian coordination bodies that support states in the facilitation and regulation of international disaster assistance ?</b></p>	
<p>Summary</p>	<p>Source</p>
<p>No.</p>	
<p><b>Question 12: Do your country's laws and regulations outline procedures for the cooperation between national bodies and regional humanitarian coordination bodies operating in the facilitation and regulation of international disaster assistance?</b></p>	
<p>Summary</p>	<p>Source</p>
<p>No.</p> <p>Art. 20 of the Law No. 54 "On Civil Protection" of 24 May 2018 merely provides that: "Cooperation between the Kyrgyz Republic and other states and international organisations in the field of Civil Protection shall be carried out by state bodies in accordance with international treaties, to which the Kyrgyz Republic is a party."</p> <p>At the same time, the Resolution of the Government of the Kyrgyz Republic "On improving the efficiency of cooperation between the Kyrgyz Republic and international organizations, integration associations and international treaty bodies" dated December 2, 2015, No. 817 provides that in order to improve the efficiency of cooperation between the Kyrgyz Republic and international organizations, integration associations and international treaty bodies, in accordance with the cooperation profile, each international organization is assigned to each government body of the Kyrgyz Republic.</p> <p>Thus, the Ministry of Emergency Situations is assigned: 2 (m). Interstate Council for Natural and Man-Made Emergencies of the CIS; 2 (n). Interstate Council for Hydrometeorology of the CIS; 37. World Meteorological Organization; 38. International Civil Defense Organization; 53. Asian Disaster Risk Reduction Center; 120. International Federation of Red Cross and Red Crescent Societies.</p>	<p><a href="#">Law No. 54 "On Civil Protection" of 24 May 2018</a></p> <p><a href="#">Resolution of the Government of the Kyrgyz Republic "On improving the efficiency of cooperation between the Kyrgyz Republic and international organizations, integration associations and international treaty bodies" dated December 2, 2015, No. 817</a></p>

## Tajikistan: Mapping of International Disaster Response Laws, Rules and Principles

The below information seeks to map the International Disaster Response Law Framework (IDRL) in Tajikistan as provided in law, policy and agreements. It is intended to contribute to a regional analysis of strengths and gaps in the institutional architecture for the coordination and facilitation of regional disaster response in Central Asia.

This document is the result of a desktop review of information either publicly available or shared by the Red Crescent Society of Tajikistan. This document was prepared by Dr. Carlo de Stefano under the supervision of Pauline Caspellan.

IFRC does not assume any responsibility for the contents of this document, including any errors and omissions contained herein, nor for the contents of the sources to which it refers. The IFRC gratefully acknowledges all stakeholders who have given generously of their time and experience.

### Question 1: Does your country have a clear legal framework for disaster risk management which includes procedures relating to international disaster assistance?

Summary	Source
<p>The legal framework for Disaster Risk Management (DRM) in Tajikistan is regulated by the Law No. 53 “On Protection of the Population and Territories from Natural and Man-Made Emergency Situations” of 15 July 2004. This law applies to the prevention of emergency situations, disaster risk reduction and response, as well as early warning.</p> <p>The purpose of this law is spelt out in its Art. 1: “This Law sets the organisational and legal standards in the field of protection of citizens of the Republic of Tajikistan, foreign citizens and stateless persons being on the territory of the Republic of Tajikistan (hereinafter referred to as the population), as well as the land, subsoil, water, airspace, flora and fauna and other natural resources of the Republic of Tajikistan, industrial and social facilities and the natural environment (hereinafter referred to as the territory) from natural and man-made emergencies (hereinafter referred to as the emergency situations). This Law regulates social relations during the prevention of emergency situations and their progress, reduction of damage and losses from emergency situations, emergency response and early warning to the population living in dangerous areas in case of natural and man-made emergencies.”</p> <p>The Law No. 6 “On Civil Defense” of 28 February 2004 determines the functions, the legal basis of the organization and the conducting of civil defense in the territory of Tajikistan and the competence of public authorities and organizations, regardless of their organizational and legal form, officials and citizens, as well as civil defense forces and means in the field of civil defense in civil defense matters..</p> <p>However, the laws mentioned above do not contain specific procedures relating to international disaster assistance.</p> <p>The general domestic laws and regulations of Tajikistan (e.g., the Customs Code, the Budget Code, etc.) govern the issues of international grants and assistance in specific areas and do not provide for legal requirements for international assistance in the events of disasters.</p>	<p><a href="#">Law No. 53 “On Protection of the Population and Territories from Natural and Man-Made Emergency Situations” of 15 July 2004</a></p> <p><a href="#">Law No. 6 “On Civil Defense” of 28 February 2004</a></p>

### Question 2: Do your country's laws and regulations clearly set out a focal point for coordinating international disaster assistance?

Summary	Source
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*The responsibility for coordinating the international disaster assistance is attributed to the Government of Tajikistan.*

*Art. 6 of the Law No. 53 "On Protection of the Population and Territories from Natural and Man-Made Emergency Situations" of 15 July 2004 provides for the Unified State System for Emergency Prevention and Response. In particular, the Unified State System for Emergency Prevention and Response combines the governing bodies and forces and means of state authorities and organisations mandated to perform tasks of protecting the population and territories from emergencies. The primary tasks of the Unified State System for Emergency Prevention and Response are the following:*

- developing and implementing legal and economic standards to ensure the protection of the population and territories from emergency situations;*
- implementing targeted, scientific and technical programmes to prevent emergencies and increase functional resilience of organisations and social facilities in emergency situations;*
- ensuring the readiness of command and control bodies, as well as forces and means intended and allocated for the prevention of and response to emergency situations;*
- collecting, processing, exchanging and providing information on protection of the population and territories from emergency situations;*
- training of population for acting in emergency situations;*
- forecasting and assessing the socio-economic consequences of emergency situations;*
- creating financial and material reserves for emergency response;*
- carrying out state expert assessment, supervision and control in the field of protection of the population and territories from emergency situations;*
- responding to emergency situations;*
- implementing measures for social protection of the population affected by emergency situations and conducting humanitarian actions;*
- facilitating the rights and obligations of the population in the field of protection against emergency situations, as well as the persons directly involved in emergency response activities;*
- arranging international cooperation in the field of protection of the population and territories from emergency situations.*

*The structure and operating procedure of the Unified State System for Emergency Prevention and Response shall be determined by the Government of the Republic of Tajikistan.*

*The Ministry of Foreign Affairs (MoFA) of Tajikistan deals with the issues of coordination with international actors. However, it does not specify the issues of coordination for international disaster assistance.*

*The State Commission for Emergency Situations under the Government of Tajikistan stands as primary actor for any applicable coordination mechanisms with regards to disaster response.*

*The interaction of governmental, central and local executive bodies and other organizations also takes place within the framework of the Civil Defense system, including through the engagement with the National Platform for Disaster Risk Reduction (DRR) and the Red Crescent Society of Tajikistan.*

[Law No. 53 "On Protection of the Population and Territories from Natural and Man-Made Emergency Situations" of 15 July 2004](#)

[Resolution of the Government of the Republic of Tajikistan "On the structure and procedure for the functioning of the Unified State System of the Republic of Tajikistan for the Prevention and Elimination of Emergencies" dated December 31, 2014, No. 833](#)

<p><i>In accordance with the Resolution "On the structure and procedure for the functioning of the Unified State System of the Republic of Tajikistan for the Prevention and Elimination of Emergencies" dated December 31, 2014, No. 833, international humanitarian assistance to states in whose territories emergency situations have occurred is provided in accordance with international treaties of the Republic of Tajikistan in the manner established by the Government of the Republic of Tajikistan.</i></p> <p><i>International humanitarian assistance on the territory of the Republic of Tajikistan is distributed in the manner established by the Government of the Republic of Tajikistan.</i></p>	
<p><b>Question 3: Do your country's laws and regulations outline the roles and responsibilities of different institutions relating to international disaster assistance?</b></p>	
<p>Summary</p>	<p>Source</p>
<p><i>The Government of Tajikistan is in charge of managing issues of disaster prevention and response.</i></p> <p><i>The Law No. 53 "On Protection of the Population and Territories from Natural and Man-Made Emergency Situations" of 15 July 2004 allocates powers and function on disaster response within the executive branch: the President of the Republic of Tajikistan (Art. 8), the Government of the Republic of Tajikistan (Art. 9), local state executive bodies of the Republic of Tajikistan (art. 10), ministries and departments (art. 12).</i></p> <p><i>Art. 8 of the law establishes that the President of the Republic of Tajikistan creates a "specially authorised state body" in the field of protection of the population and territories from emergency situations.</i></p> <p><i>Pursuant to Art. 11 of the law, "The specially authorised state body shall be created to carry out state administration and coordinate the activities of state authorities of the Republic of Tajikistan in the field of protecting the population and territories from emergency situations.</i></p> <p><i>The specially authorised state body in the field of protection of the population and territories from emergency situations:</i></p> <ul style="list-style-type: none"> <li><i>- develops proposals on state policy in the field of emergency prevention and response;</i></li> <li><i>- exercises state control over the readiness of forces and means to act in case of emergency and protect the population and territories from emergency situations;</i></li> <li><i>- develops and implements measures to prevent emergency situations, protect the life and health of the people, material and cultural values, as well as to eliminate the consequences emergencies and reduce damage;</i></li> <li><i>- organises training of management bodies and preparation of forces and means intended to protect the population and territories for acting in emergency situations;</i></li> <li><i>- manages forces and means during the emergency response, establishes command posts, warning and communication systems;</i></li> <li><i>- organises the development and implementation of targeted programs and scientific research aimed at emergency prevention and response;</i></li> <li><i>- within its competence, makes decisions binding on ministries, departments, enterprises, institutions and organisations, as well as officials and citizens;</i></li> <li><i>- organises rescue and other urgent work in emergency situations;</i></li> </ul>	<p><a href="#"><u>Law No. 53 "On Protection of the Population and Territories from Natural and Man-Made Emergency Situations" of 15 July 2004</u></a></p>

<p>- organises emergency training for the population, officials of management bodies and civil defence units.”</p> <p>However, the Law does not specifically regulate the responsibility for coordination, requesting, welcoming or notifying of the termination of international disaster relief.</p> <p>The role of non-governmental organizations, auxiliary or delegated is outlined in Arts. 13 (Duties of organisations in the field of protection of the population and territories from emergency situations) and 14 (Participation of community associations in protection of the population and territories from emergency situations).</p>	
<p><b>Question 4: Do your country's laws and regulations outline a process for requesting/welcoming offers of international disaster assistance, and for terminating international assistance?</b></p>	
<p>Summary</p>	<p>Source</p>
<p>The Law No. 53 “On Protection of the Population and Territories from Natural and Man-Made Emergency Situations” of 15 July 2004 does not regulate the procedures that are tailored for coordination, requesting, welcoming or notifying of the termination of international disaster relief.</p> <p>Coordination of the response of the country ministries and agencies with foreign countries and international organizations in the field of protection of population and territories from emergency situations within the framework of commitments stemming from relevant treaties and agreements is carried out by the State Commission on Emergency Situations of the Government of the Republic of Tajikistan.</p>	<p><a href="#">Law No. 53 “On Protection of the Population and Territories from Natural and Man-Made Emergency Situations” of 15 July 2004</a></p>
<p><b>Question 5: Do your country's laws and regulations provide for necessary legal facilities to be provided to international assisting actors?</b></p>	
<p>Summary</p>	<p>Source</p>
<p>The provision of necessary legal facilities is regulated by inter-sectoral laws, such as the Customs Code, the Tax Code, the Law “On Migration”, the Law “On Public Associations”, etc.</p> <p>Landing rights, general customs issues and customs rules for specialized goods and equipment are regulated by the Customs Code of the Republic of Tajikistan.</p> <p>Art. 212(1)(3) of the Customs Code of the Republic of Tajikistan sets forth that: “1. The Government of the Republic of Tajikistan shall establish the list of goods temporarily imported with full conditional exemption from customs duties and taxes as well as determine the conditions of this exemption. Full conditional exemption from customs duties and taxes shall be allowed if temporary import does not bring any material economic damage to the Republic of Tajikistan, in particular in the following cases: ... 3) if the purpose of the temporary import is to render the international assistance.”</p>	<p><a href="#">Customs Code of the Republic of Tajikistan</a></p> <p><a href="#">Law No. 881 “On Migration” of 11 December 1999</a></p> <p><a href="#">Tax Code of the Republic of Tajikistan</a></p> <p><a href="#">Law No. 964 “On Currency Control and Currency Exchange Control” of 13 June 2013</a></p>

*Pursuant to Art. 345 of the Customs Code of the Republic of Tajikistan, "Customs duties shall not be levied when importing: ... 3) goods as humanitarian aid and goods transferred free of charge to state bodies of the Republic of Tajikistan;"*

*This notwithstanding, it appears that a complete waiver of customs duties and taxes connected to the transport, handling and delivery of international disaster assistance goods is not comprehensively articulated in the Customs Code or in general under the legislation of Tajikistan.*

*Under Art. 67 of the Customs Code of the Republic of Tajikistan, disaster relief goods have priority order for customs clearance: "When importing onto the customs territory of the Republic of Tajikistan and exporting from this territory, goods required for liquidation of consequences of natural calamities, accidents and disasters, as well as perishable goods, live animals, radio-active materials, international mail and express cargoes, information and other materials for mass media, intended for the use by supreme government agencies, and other similar goods shall be cleared from customs under simplified procedures and in the priority order."*

*General issues of migration are governed by the Law No. 881 "On Migration" of 11 December 1999. Special laws do not regulate issues of immigration during disasters.*

*Issues of tax are regulated by the Tax Code of the Republic of Tajikistan. Art. 2(14) of the Code provides the concept of "humanitarian aid" as "goods (work, services) provided free of charge to the Republic of Tajikistan, sent from foreign countries and international organizations to prevent and eliminate consequences of military, environmental, emergency situations natural, technogenic and other nature and improvement of living conditions and everyday life of the population". Art. 189 of the Code sets forth a tax exemption for "10) funds paid in the form of humanitarian and charitable assistance, including during natural disasters". Moreover, concerning the Value Added Tax (VAT), Art. 251(4) states that "import of goods donated to the government agencies of the Republic of Tajikistan, import of goods as humanitarian aid, import of goods donated to charitable organizations and organizations to eliminate the consequences of natural disasters, accidents and emergencies;". Finally, concerning the excise tax, Art. 286 provides that "The following are exempt from excise tax: "excisable goods, except alcohol and tobacco products, imported into the Republic of Tajikistan as part of humanitarian aid, and also imported for free transfer to charitable organizations for the purpose of eliminating the consequences of natural disasters, accidents, catastrophes and for free transfer to government authorities of the Republic of Tajikistan".*

*The import and export of foreign currency for disaster relief purposes is also exempted from VAT, whereas the import is allowed within limits established by the Law No. 964 "On Currency Control and Currency Exchange Control" of 13 June 2013. Tajikistan laws do not incorporate any provisions ensuring access to preferential currency exchange rates for humanitarian organizations.*

*Art. 8 of the Law No. 964 "On Currency Control and Currency Exchange Control" of 13 June 2013 establishes that "Currency operations between residents are prohibited, with the exception of: ... 9) Transferring or giving*

<p><i>of currency values between individuals for charitable purposes; 10) Transferring or giving (receipt) of currency values to charitable organizations (from charitable organizations)".</i></p> <p><i>Current legislation in Tajikistan contains no requirements to ensure free access to areas affected by disasters individual foreign personnel.</i></p>	
<p><b>Question 6: Do your country's laws and regulations set out quality standards for international assisting actors?</b></p>	
<p>Summary</p>	<p>Source</p>
<p><i>The Law No. 53 "On Protection of the Population and Territories from Natural and Man-Made Emergency Situations" of 15 July 2004 does not set out quality standards for international assisting actors.</i></p>	<p><a href="#"><u>Law No. 53 "On Protection of the Population and Territories from Natural and Man-Made Emergency Situations" of 15 July 2004</u></a></p>
<p><b>Question 7: Do your country's laws and regulations set out eligibility requirements for international assisting actors to receive legal facilities?</b></p>	
<p>Summary</p>	<p>Source</p>
<p><i>International assisting actors are required to register with the Ministry of Foreign Affairs (MoFA), which provides for established rules and procedures.</i></p> <p><i>Tajikistan legislation does not include any special provisions for recognition of legal status in disaster situations.</i></p> <p><i>No laws and regulations specifically regulates the status of foreigners entering Tajikistan for the purpose of providing assistance.</i></p> <p><i>The normal registration of non-commercial organizations includes special procedures for the registration of foreign legal entities. Tajik legislation does not contain stipulating a specific system for the registration of foreign organizations involved in disaster relief (e.g., non-governmental organizations – NGOs).</i></p>	
<p><b>Question 8: Do your country's laws and regulations establish a specialized unit for expediting the entry of international disaster assistance?</b></p>	
<p>Summary</p>	<p>Source</p>
<p><i>Tajikistan's laws and regulations do not create a specialized unit for expediting the entry of international disaster assistance.</i></p> <p><i>The constitutional organs of the Executive and state bodies and entities indicated in the Law No. 53 "On Protection of the Population and Territories from Natural and Man-Made Emergency Situations" of 15 July 2004 (arts. 8-14) are variously responsible to facilitate the entry of international assistance, including immigration, customs, health, social welfare, taxes and transport issues.</i></p>	<p><a href="#"><u>Law No. 53 "On Protection of the Population and Territories from Natural and Man-Made Emergency Situations" of 15 July 2004</u></a></p>



<b>Question 9: Do your country's laws and regulations provide adequate transparency, safeguards and accountability mechanisms governing international disaster relief and initial recovery assistance?</b>	
Summary	Source
<i>The Law No. 53 "On Protection of the Population and Territories from Natural and Man-Made Emergency Situations" of 15 July 2004 merely sets forth in Art. 28 (Liability for violation of this Law) that "Individuals and legal entities shall be liable for violation of the provisions of this Law in accordance with the legislation of the Republic of Tajikistan".</i>	<a href="#"><u>Law No. 53 "On Protection of the Population and Territories from Natural and Man-Made Emergency Situations" of 15 July 2004</u></a>
<b>Question 10: Do your country's laws and regulations outline procedures for international disaster assistance sent from, and transiting through your country?</b>	
Summary	Source
<i>Art. 8 of the Agreement between Kazakhstan, Kyrgyz Republic, Tajikistan, and Uzbekistan on Cooperation in Emergency Response of 17 July 1998 contains no limitations for the arrival of foreign personnel into the affected country to deliver assistance. In the Agreement it is stipulated that humanitarian workers may cross the state border of the requesting country or transit states via check points accessible for international communication by showing their passports or identity cards.</i>	<a href="#"><u>Agreement between Kazakhstan, Kyrgyz Republic, Tajikistan, and Uzbekistan on Cooperation in Emergency Response of 17 July 1998</u></a>
<b>Question 11: Do your country's laws and regulations outline procedures for the membership of the country in regional humanitarian coordination bodies that support states in the facilitation and regulation of international disaster assistance ?</b>	
Summary	Source
No.	
<b>Question 12: Do your country's laws and regulations outline procedures for the cooperation between national bodies and regional humanitarian coordination bodies operating in the facilitation and regulation of international disaster assistance?</b>	
Summary	Source
No. <i>Art. 13 of the Law No. 83 on "Emergency Rescue Services, Emergency Rescue Units and the Status of Rescuers" of 1 March 2005 states that: "The professional emergency rescue services and units shall be involved in the response to the consequences of emergency situations outside the territory of the Republic of Tajikistan by a decision of the Government of the Republic of Tajikistan on the basis of international treaties of the Republic of Tajikistan."</i>	<a href="#"><u>Law No. 83 on "Emergency Rescue Services, Emergency Rescue Units and the Status of Rescuers" of 1 March 2005</u></a>

## Turkmenistan: Mapping of International Disaster Response Laws, Rules and Principles

The below information seeks to map the International Disaster Response Law Framework (IDRL) in Turkmenistan as provided in law, policy and agreements. It is intended to contribute to a regional analysis of strengths and gaps in the institutional architecture for the coordination and facilitation of regional disaster response in Central Asia.

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### Question 1: Does your country have a clear legal framework for disaster risk management which includes procedures relating to international disaster assistance?

Summary	Source
<p>In Turkmenistan, the legal framework for disaster risk management is provided in the Law No. 334 “On Prevention and Liquidation of Emergency Situations” of 13 March 2021 and in the Law No. 261 “On the international humanitarian assistance in case of emergency situation” of 22 August 2020.</p> <p>The Law No. 334 “On Prevention and Liquidation of Emergency Situations” of 13 March 2021 states in Art. 4 the following objectives: “1) prevention of emergencies occurrence and development; 2) reduction of damage and losses from emergency situations; 3) liquidation of emergency situations; 4) determination of powers of state authorities, local self-government bodies, enterprises, institutions and organizations in the field of prevention and elimination of emergency situations.”</p> <p>Art. 5 of this law lists the basic principles of prevention and elimination of emergency situations: “1) humanity; 2) priority of human life and health; 3) publicity; 4) reliability of information; 5) timely preventive measures for protection from emergency situations.”</p> <p>The Law No. 261 “On the international humanitarian assistance in case of emergency situation” of 22 August 2020 establishes in Art. 4 that its purposes are: “1) establishing the functions, powers and responsibilities of state bodies, assisting entities in the provision of international assistance; 2) provision of international assistance by Turkmenistan to a foreign state; 3) determination of the minimum requirements to be met by the facilitating entity providing international assistance; 4) provision by Turkmenistan of international assistance through assistance in transit transportation through the territory of Turkmenistan to foreign states in whose territory an emergency situation has arisen; 5) determining the procedure for initiating, coordinating and terminating activities to provide international assistance; 6) provision of international assistance to Turkmenistan by an assisting entity in the event of an emergency situation on its territory; 7) assistance in reducing the vulnerability of persons affected by an emergency, through the immediate supply of essentials, assistance in increasing the legal, organizational readiness of the population for emergency situations”.</p>	<p><a href="#">Law No. 334 “On Prevention and Liquidation of Emergency Situations” of 13 March 2021</a></p> <p><a href="#">Law No. 261 “On the international humanitarian assistance in case of emergency situation” of 22 August 2020</a></p>

<p><i>Art. 5 of this law enumerates its basic principles of rendering international assistance: "1) humanism; 2) neutrality; 3) impartiality; 4) voluntariness; 5) availability; 6) gratuitousness; 7) efficiency; 8) security; 9) partnership".</i></p> <p><i>This law contains procedures relating to international disaster assistance, including with respect to requesting/welcoming offers of international disaster assistance and for terminating international assistance.</i></p> <p><i>Turkmenistan is not a Party to the <a href="#">Agreement between Kazakhstan, Kyrgyz Republic, Tajikistan, and Uzbekistan on Cooperation in Emergency Response of 17 July 1998</a>.</i></p>	
<p><b>Question 2: Do your country's laws and regulations clearly set out a focal point for coordinating international disaster assistance?</b></p>	
<p>Summary</p>	<p>Source</p>
<p><i>The responsibility for coordinating the international disaster assistance is attributed to the Government of Turkmenistan.</i></p> <p><i>Art. 6 of the Law No. 334 "On Prevention and Liquidation of Emergency Situations" of 13 March 2021 provides for the Unified State System for Prevention and Elimination of Emergency Situations: "1) The Unified State System for Prevention and Elimination of Emergency Situations shall unite forces and means of state authorities, local self-government bodies, enterprises, institutions and organizations, whose powers include solving issues on prevention and liquidation of emergency situations. 2) The structure and operating procedures of the Unified State System for Prevention and Elimination of Emergency Situations are determined by a regulation approved by the Cabinet of Ministers."</i></p> <p><i>Art. 7 of this law regulates the action of emergency rescue teams, in that: "1) In accordance with the law, emergency rescue teams are established to prevent emergencies and to deal with the harmful consequences of emergencies in the everyday life of the population, in the production facilities of enterprises and establishments and as a result of traffic accidents, fires and accidents at potentially hazardous facilities. 2) The order of search and rescue operations in emergencies and accidents shall be determined by the authorized body in the field of rescue operations. 3) Insurance of rescuers performing military service in emergency rescue teams established for the prevention and elimination of emergencies shall be provided in accordance with the Status of Military Personnel Act".</i></p>	<p><a href="#">Law No. 334 "On Prevention and Liquidation of Emergency Situations" of 13 March 2021</a></p>
<p><b>Question 3: Do your country's laws and regulations outline the roles and responsibilities of different institutions relating to international disaster assistance?</b></p>	
<p>Summary</p>	<p>Source</p>

*The Government of Turkmenistan (the Cabinet of Ministers) is responsible for international disaster assistance.*

*The Law No. 334 “On Prevention and Liquidation of Emergency Situations” of 13 March 2021 regulates the powers and functions of the following actors (governmental and non-governmental): the Cabinet of Ministers (Art. 12), the State Commission on Emergency Situations (Art. 13), State authorities and local government bodies (Art. 14) and public associations (Art. 19).*

*The primary role in international disaster assistance rests with the State Commission on Emergency Situations, whose powers are established in Art. 13 of the law. The State Commission on Emergency Situations “(1) Exercises general management of the activities of the Unified State System for Prevention and Elimination of Emergency Situations; (2) Adopts decisions in the area of prevention and elimination of emergencies, the implementation of which is mandatory; (3) in emergency situations coordinates the activities of state bodies; (4) Performs other functions in the area of prevention and elimination of emergencies as assigned to it by law.”*

*The regulations on the State Commission on Emergency Situations and its composition are approved by the President of Turkmenistan.*

*The competence of the State Commission on Emergency Situations is also regulated by Art. 8 of the Law No. 261 “On the international humanitarian assistance in case of emergency situation” of 22 August 2020. Notably, Art. 8 provides that the “State Commission in the field of rendering international assistance: 1) carry out general management of the unified state systemic activities for the prevention of emergency situations and interaction; 2) depending on the type and specifics of the emergency, determines the authorized body that coordinates the interactions and activities of state bodies; 3) organizes the work of the Control Center under the leadership of the authorized body, and also makes decisions on the proposals of the Control Center, the implementation of which is mandatory; 4) approves the List of necessary supplies and services; 5) performs other functions assigned to its competence by the legislation of Turkmenistan.”*

*In addition, Art. 9 of the same law sets forth the role of the “authorized body”, namely “a state body that coordinates mutually agreed actions and activities of other state bodies in the field of international assistance”. In particular, the authorized body:*

*1) organizes the holding of preparatory measures in the field of rendering international assistance, during the period of rendering international assistance, brings the necessary forces and means into readiness in order to protect the population, material and cultural values;*

*2) organizes the development and submits for consideration to the Cabinet of Ministers of Turkmenistan the following:*

*a) the procedure for the provision, receipt and transit of international assistance;*

*b) The procedure for the provision of international assistance on the principle of “one-stop-shop”;*

*3) assesses the need for international assistance to Turkmenistan and prepares proposals for this;*

[Law No. 334 “On Prevention and Liquidation of Emergency Situations” of 13 March 2021](#)

[Law No. 261 “On the international humanitarian assistance in case of emergency situation” of 22 August 2020](#)

<p>4) coordinates the activities of state bodies in preparation for the dispatch of local personnel to the zone of emergency;</p> <p>5) interacts with the relevant facilitating entities in the provision of international assistance;</p> <p>6) carry out general methodological guidance on the provision of international assistance;</p> <p>7) develops and maintains a list of personnel appointed by the relevant state bodies to participate in the working groups;</p> <p>8) organizes the development and approval of a plan for the coordination of operational activities and the harmonization of actions between ministries and departments in the field of international assistance, and also approves it;</p> <p>9) performs other functions assigned to its competence by the legislation of Turkmenistan.</p>	
<p><b>Question 4: Do your country's laws and regulations outline a process for requesting/welcoming offers of international disaster assistance, and for terminating international assistance?</b></p>	
<p>Summary</p>	<p>Source</p>
<p>Yes, the Law No. 261 "On the international humanitarian assistance in case of emergency situation" of 22 August 2020 contains procedures relating to requesting/welcoming offers of international disaster assistance and for terminating international assistance (Arts. 12-18).</p> <p><b>Article 12. Assessing the need for international assistance to Turkmenistan</b></p> <p>1. The authorized body assesses the need for international assistance to Turkmenistan, analyzing the situation in accordance with the specifics, type and scale of damage (harm) caused by the emergency.</p> <p>2. In the event of a large-scale emergency, the authorized body, based on an initial assessment of the need and the damage (harm) caused, may determine that the internal potential is sufficient, and there is no need to provide international assistance to Turkmenistan. Assessment of the need for international assistance to Turkmenistan can be carried out even before a large-scale emergency occurs.</p> <p>3. As new operational information becomes available, the authorized body may reconsider its proposal that the internal capacity is sufficient and there is no need for international assistance to Turkmenistan or cancel it.</p> <p>4. If the authorized body concluded that the internal capacity, taking into account the scale of the emergency, was insufficient, it may submit a proposal to the State Commission on the need to apply to the international assisting entity for international assistance to Turkmenistan.</p> <p>5. The State Commission, having considered the proposal of the authorized body, makes a decision on the need to apply to an international assisting entity with a request for international assistance to Turkmenistan.</p> <p><b>Article 13. Request for rendering to Turkmenistan international assistance</b></p> <p>1. The Ministry of Foreign Affairs of Turkmenistan, on the basis of the decision of the State Commission, sends a request to an international facilitating entity to provide international assistance to Turkmenistan.</p> <p>2. This request may be directed to individual international facilitating entities or may be a general request addressed to the international community as a whole.</p> <p>3. A general request is sent to the United Nations Humanitarian Coordinator or the United Nations Resident Coordinator in Turkmenistan to ensure it is distributed to potential international contributing actors.</p>	<p><a href="#">Law No. 261 "On the international humanitarian assistance in case of emergency situation" of 22 August 2020</a></p>

4. *The request must contain information:*

1) *on the volume and types of international assistance, the conditions for its provision in accordance with the List of necessary supplies and services approved by the State Commission;*

2) *on the procedure for submitting proposals and providing international assistance from international contributing entities.*

5. *A request to an international assisting entity must be accompanied by methodological recommendations for the provision of international assistance.*

#### **Article 14. Offer of International Assistance and its Acceptance**

1. *To provide international assistance to Turkmenistan, international assisting entities may send a relevant proposal to Turkmenistan. International assistance may be provided to Turkmenistan only if Turkmenistan has accepted the said offer in accordance with the procedure established by this article.*

2. *Intergovernmental organizations interested in rendering international assistance to Turkmenistan send their proposals through diplomatic channels to the Ministry of Foreign Affairs of Turkmenistan. The proposals indicate the types, volume, timing of international assistance and the expected duration of its provision. The State Commission may accept proposals in whole or in part, or refuse them.*

3. *International assisting entities planning to provide international assistance to Turkmenistan through the mediation of subjects of the military sphere, make appropriate proposals in the manner prescribed by this Law and the international treaty of Turkmenistan.*

4. *In case of sending a general request for international assistance to Turkmenistan from international contributing entities that were previously recognized or considered eligible for legal benefits in accordance with Chapter VII of this Law, sending a formal offer is not required.*

5. *International contributing entities (with the exception of foreign states and intergovernmental organizations) are required to comply with the conditions set forth in the general request and inform the authorized body or the Ministry of Foreign Affairs of Turkmenistan in advance about the types, volume and timing of international assistance and the expected duration of its provision, but not less than seventy-two hours before her arrival.*

6. *In the absence of a general request for international assistance to Turkmenistan, international contributing entities may, on their own initiative, send their proposals through diplomatic channels to the Ministry of Foreign Affairs of Turkmenistan.*

7. *The decision of the State Commission to accept or reject the proposal to provide international assistance to Turkmenistan is determined based on the latest assessment of the need, taking into account the proposals received.*

#### **Article 15. The beginning of the provision of international assistance to Turkmenistan**

*The beginning of the provision of international assistance to Turkmenistan is considered the day of publication in the official press of a request for international assistance to Turkmenistan or the day Turkmenistan accepts international assistance offered by an international assisting entity in accordance with Article 14 of this Law.*

#### **Article 16. Termination of rendering to Turkmenistan international assistance**

1. The authorized body, based on the latest assessment of the need of Turkmenistan for the provision of international assistance, as well as the results of consultations with the international facilitating entity, notifies the State Commission that the need for international assistance ceases to be necessary.

2. The State Commission, having considered the notification of the authorized body, makes a decision to terminate the provision of international assistance to Turkmenistan. At the same time, the end date for the provision of international assistance does not apply to the ongoing activity of the international facilitating entity for the provision of relevant services.

3. The State Commission shall notify the international assisting entity of the end of the provision of international assistance no later than ninety days before the expected date of its end. The text of the announcement should contain information about the projected needs for supplies and services.

**Article 17. International support of the National Red Crescent Society of Turkmenistan**

1. The National Red Crescent Society of Turkmenistan, in accordance with the fundamental principles of activity established by the legislation of Turkmenistan, may at any time request, in agreement with the State Commission, for the provision of international assistance to Turkmenistan by the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies, national Red Crescent Societies Cross or Red Crescent of foreign states.

2. If a general request for international assistance to Turkmenistan has not yet been sent, then the State Commission, at the request of the National Red Crescent Society of Turkmenistan, may set the date for the start of international assistance to Turkmenistan, taking into account its provision by the National Red Crescent Society of Turkmenistan or the International Committee Red Cross, International Federation of Red Cross and Red Crescent Societies, National Red Cross Societies or Red Crescent Societies of foreign countries.

**Article 18. International support of representation United Nations in Turkmenistan**

1. In the event of an emergency in Turkmenistan, the United Nations Office in Turkmenistan may, on its own initiative, send its proposal for international assistance to the Ministry of Foreign Affairs of Turkmenistan. The proposal shall indicate the types, volume and timing of the provision of international assistance and the expected duration of its provision. Such a proposal may be submitted by individual United Nations entities or be a general proposal from the United Nations Office in Turkmenistan.

2. The United Nations Office in Turkmenistan may submit an offer for international assistance in response to a request from the Ministry of Foreign Affairs of Turkmenistan, sent in accordance with Article 13 of this Law.

3. International assistance can be provided to Turkmenistan only if Turkmenistan has accepted the offer in the manner prescribed by this Law, through the relevant coordinated system-wide agreed mechanisms of the United Nations in the field of international assistance in an emergency.

**Question 5: Do your country's laws and regulations provide for necessary legal facilities to be provided to international assisting actors?**

Summary

Source

*The regulation of the provision of necessary legal facilities for international assisting actors is contained in a comprehensive manner in the Law No. 261 "On the international humanitarian assistance in case of emergency situation" of 22 August 2020.*

*The main legal facilities provided under this law relate to visas (Art. 29), access to the emergency zones (Art. 30) and customs and tax exemptions (Art. 31).*

**Article 29. Benefits for issuing visas**

*1. During the period of international assistance, the international personnel of the right-holding entities issue a humanitarian visa upon arrival at the checkpoints located on the State Border of Turkmenistan - in an emergency manner established by the legislation of Turkmenistan, or on the basis of an application submitted in advance to the relevant diplomatic mission or consular office of Turkmenistan abroad, the decision on which is made within seventy-two hours.*

*2. The issuance of a humanitarian visa to the international personnel of the right-holding entities is made without payment of consular fees. The validity period of a humanitarian visa can be extended without leaving Turkmenistan for the entire time necessary for the provision of international assistance.*

**Article 30. Ensuring access to the zone of emergency**

*1. Turkmenistan, for the purpose of providing emergency international assistance, provides access for international and local personnel of right-holding entities to the zone of occurrence of an emergency situation and to persons affected by an emergency situation who require priority assistance and services.*

*2. International and local personnel of the right-holders shall be granted the right to move freely in and out of the area affected by the emergency, and their security shall be guaranteed.*

*3. Access to the emergency zone and free movement through the territory affected by the emergency are carried out taking into account the need to ensure the security of the individual and society, protect state sovereignty, the constitutional order, and the territorial integrity of Turkmenistan.*

**Article 31. Provision of customs and tax benefits**

*1. In order to create favorable conditions for the provision of international assistance, legal entities are provided with customs and tax benefits provided for by the customs and tax legislation of Turkmenistan.*

*2. The customs authorities of Turkmenistan create favorable conditions conducive to the acceleration of the procedure for the import, export and transit of vehicles, supplies of right-holders and give them the right of priority in the customs clearance of their goods.*

*3. Vehicles, supplies, including the provision of services and performance of work on a gratuitous basis, moving across the customs border of Turkmenistan and intended to provide international assistance, as a matter of priority, are placed under a special customs procedure without payment of customs duties, as well as without the application of non-tariff regulation measures.*

*4. Vehicles, supplies imported by the right holders are exempt from all duties and taxes.*

[Law No. 261 "On the international humanitarian assistance in case of emergency situation" of 22 August 2020](#)



<p><i>In addition, the law provides specific rules for: (i) telecommunication equipment (Art. 32); (ii) medicines and medical products (Art. 33); (iii) foodstuffs, (art. 34); (iii) search dogs (Art. 35); (iv) vehicles (Art. 36); (v) persons managing vehicles (Art. 37).</i></p> <p><i>Moreover, this law contains important provisions on the recognition of driving licenses issued by foreign countries (Art. 38) and the recognition of the professional qualifications of the international staff of international assisting actors (Art. 39).</i></p> <p><i>Finally, concerning the import of funds, Art. 40 of the law establishes “In accordance with the legislation of Turkmenistan, a simplified procedure is provided for the import of funds that are required by legal entities for the provision of international assistance.”</i></p>	
<b>Question 6: Do your country's laws and regulations set out quality standards for international assisting actors?</b>	
<b>Summary</b>	<b>Source</b>
<p><i>Yes, quality standards for international assisting actors are set out in the Law No. 261 “On the international humanitarian assistance in case of emergency situation” of 22 August 2020.</i></p> <p><i>Art. 23 applies to the guarantees for the quality of items, supplies and services: “1. The quality of supplies and services must comply with state standards and international norms. 2. Contributing entities are obliged to ensure that the goods, supplies and services they provide meet the needs and living conditions of victims of an emergency and meet the requirements of this Law and other regulatory legal acts of Turkmenistan. 3. If the contributing entity believes that the prevailing circumstances make any attempts to ensure compliance with the provisions of part one of this article impossible or inappropriate, then the contributing entity must inform the authorized body about this and obtain its consent in advance for exemption from the requirements of part one of this article.”</i></p> <p><i>A peculiar provision is found in Art. 24 of the law, which pertains to the export and destruction or disposal of unusable items, supplies and other waste:</i></p> <p><i>“1. Contributing Entities must ensure that supplies they bring in for international assistance that are rendered unusable or rendered unusable, and any other waste, including hazardous waste, generated by them in the course of international assistance or service operations, be removed, destroyed or otherwise disposed of in a safe, environmentally sound and efficient manner.</i></p> <p><i>2. The removal, destruction or disposal of unusable supplies and other waste is carried out by the contributing entities at their own expense.”</i></p> <p><i>Art. 26(5) of this law also states that all “Contributing entities that have received legal benefits are required to comply with the legislation of Turkmenistan and international standards in the field of emergency situations”.</i></p>	<p><a href="#"><u>Law No. 261 “On the international humanitarian assistance in case of emergency situation” of 22 August 2020</u></a></p>

<b>Question 7: Do your country's laws and regulations set out eligibility requirements for international assisting actors to receive legal facilities?</b>	
Summary	Source
<p><i>The requirements of eligibility of international assisting actors in order to receive legal facilities are set forth in Chapter VI (Right to Receive Legal Benefits) of the Law No. 261 "On the international humanitarian assistance in case of emergency situation" of 22 August 2020.</i></p> <p><i>Notably, Art. 25 of the law prescribes that legal facilities for international disaster assistance "shall be granted exclusively to legal entities and shall be valid only during the periods of provision of international assistance and services".</i></p> <p><i>Legal benefits are provided to international and national contributing entities that are recognized as eligible for such benefits in accordance with Art. 28 of this law (namely: 1) contributing states; 2) relevant intergovernmental organizations, including the United Nations and regional organizations; 3) National Red Crescent Society of Turkmenistan; 4) International Committee of the Red Cross, International Federation of Red Cross and Red Crescent Societies, National Red Cross or Red Crescent Societies of foreign states).</i></p> <p><i>Finally, the provision of legal benefits to right holders may be terminated at their request or if they fail to comply with this law.</i></p> <p><i>Based on Art. 26, the recognition of the right to receive legal benefits may also be the result of an application by the concerned contributing entities. Pursuant to Art. 26(4): "All contributing entities applying for recognition of eligibility for legal benefits shall submit:</i></p> <ul style="list-style-type: none"> <li><i>1) certified copies of documents confirming their legal personality under foreign jurisdiction or international law, if we are talking about international facilitating entities, or within the framework of the legislation of Turkmenistan, if we are talking about national facilitating entities;</i></li> <li><i>2) full information about the contributing entity, including the last name, first name, patronymic of its authorized representative and the address of the headquarters, if any, in the state;</i></li> <li><i>3) documents containing information on work experience and available opportunities to provide prompt international assistance."</i></li> </ul>	<p><a href="#"><u>Law No. 261 "On the international humanitarian assistance in case of emergency situation" of 22 August 2020</u></a></p>
<b>Question 8: Do your country's laws and regulations establish a specialized unit for expediting the entry of international disaster assistance?</b>	
Summary	Source

<p>Yes, Art. 20 of the Law No. 261 “On the international humanitarian assistance in case of emergency situation” of 22 August 2020 adopts the principle “one-stop-shop” or “one window”.</p> <p>In particular:</p> <p>“1. For the purpose of operational interaction and passage of international personnel, goods, supplies, equipment and vehicles arriving in Turkmenistan through the State Border of Turkmenistan, working groups for the provision of international assistance on the principle of “one window” are established in a simplified and accelerated manner.</p> <p>2. The number of members, functions, powers and procedures for the activities of working groups for the provision of international assistance on the basis of the “one window” principle are determined in the Procedure approved by the Cabinet of Ministers of Turkmenistan.</p> <p>3. From the beginning of the provision of international assistance, working groups for the provision of international assistance on the principle of “one-stop-shop” are located at the main points of arrival of international assistance, including ports and checkpoints on the State Border of Turkmenistan.</p> <p>4. The activities of the working group for the provision of international assistance on the principle of “one window” are completed by the decision of the State Commission, which is agreed with the international facilitating entities.”</p>	<p><a href="#">Law No. 261 “On the international humanitarian assistance in case of emergency situation” of 22 August 2020</a></p>
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**Question 9: Do your country’s laws and regulations provide adequate transparency, safeguards and accountability mechanisms governing international disaster relief and initial recovery assistance?**

Summary	Source
<p>The Law No. 334 “On Prevention and Liquidation of Emergency Situations” of 13 March 2021 merely states in its Art. 31 (Liability for violation of the present Act) that the “Violation of the present Act shall entail liability established by law”.</p> <p>In the same manner, Art. 52 (Responsibility for violation of this law) of the Law No. 261 “On the international humanitarian assistance in case of emergency situation” of 22 August 2020 states that the “Violation of this Law entails liability established by the legislation of Turkmenistan”.</p> <p>In addition, the Law No. 261 “On the international humanitarian assistance in case of emergency situation” of 22 August 2020 provides for transparency, safeguards and accountability mechanisms governing international disaster relief and initial recovery assistance.</p> <p>Art. 47 of the law governs the monitoring of the activities of facilitating entities, by establishing that: “1. The authorized body has the right to monitor the observance by the contributing entities of the obligations provided for by this Law. 2. In order to carry out monitoring, contributing entities are required to periodically provide information on the provision of international assistance and services.”</p>	<p><a href="#">Law No. 334 “On Prevention and Liquidation of Emergency Situations” of 13 March 2021</a></p> <p><a href="#">Law No. 261 “On the international humanitarian assistance in case of emergency situation” of 22 August 2020</a></p>

<p>Moreover, under Art. 48 of this law, in case of violation or non-performance by the international assisting actor of this law, "the authorized body may:</p> <ol style="list-style-type: none"> <li>1) oblige the contributing entity to carry out its activities in accordance with the established requirements;</li> <li>2) temporarily suspend accreditation or revoke accreditation;</li> <li>3) cancel the right of the right holder to receive legal benefits, if any;</li> <li>4) in cases related to the activities of a specific international assisting entity, revoke the consent of Turkmenistan to provide international assistance to this entity." <p>In the event of a decision to withdraw, if the international assisting entity has no legal grounds for continuing his stay in Turkmenistan, it may be required to leave the country no later than thirty days from the date of receipt of the relevant notifications.</p> </li></ol>	
<p><b>Question 10: Do your country's laws and regulations outline procedures for international disaster assistance sent from, and transiting through your country?</b></p>	
<p>Summary</p>	<p>Source</p>
<p>Yes, under Chapter VIII (Transit of International Aid Through the Territory of Turkmenistan) of the Law No. 261 "On the international humanitarian assistance in case of emergency situation" of 22 August 2020.</p> <p><b>Article 41. Transit of International Aid Goods</b>  The transit of international aid cargoes to a foreign state that requires international assistance through the territory of Turkmenistan, including international personnel, vehicles, supplies, is carried out in a simplified manner approved by the Cabinet of Ministers of Turkmenistan.</p> <p><b>Article 42. Use of vehicles for transit traffic</b>  For transit transportation through the territory of Turkmenistan of international personnel, along with supplies and vehicles in the manner prescribed by the legislation of Turkmenistan, vehicles that have such a right during transit transportation through the territory of Turkmenistan can be used.</p> <p><b>Article 43 Transit period</b>  1. Transit transportations are carried out until the State Commission announces their completion in accordance with the established procedure.  2. The end of the transit period must be announced in advance to the international contributing entity.</p> <p><b>Article 44. Transit visa</b>  The issuance of a transit visa to international personnel of legal entities entering the territory of Turkmenistan for the purpose of transiting to a foreign state affected by an emergency situation is carried out upon arrival at the checkpoints located on the State Border of Turkmenistan - in an emergency manner established by the legislation of Turkmenistan, on the basis of a decision made within twenty-four hours, upon</p>	<p><a href="#"><u>Law No. 261 "On the international humanitarian assistance in case of emergency situation" of 22 August 2020</u></a></p>

<p><i>application submitted in advance to the relevant diplomatic mission or consular office of Turkmenistan in foreign states. In this case, the issuance of a transit visa is carried out without paying consular fees.</i></p> <p><b>Article 45. Right to receive transit benefits</b></p> <p><i>1. International Contributing Entities are eligible for transit benefits on the basis of a declaration that international personnel, supplies and vehicles transiting through the territory of Turkmenistan are intended to assist a country affected by an emergency.</i></p> <p><i>2. The relevant state body may refuse to grant transit benefits to any international facilitating entity in the event of actual or deliberately misrepresented activity for mercenary purposes, as well as for the purposes of national security, protection of public order, protection of public health, the interests of society and the state.</i></p> <p><i>3. Refusal to provide transit benefits may be appealed in the manner prescribed by the legislation of Turkmenistan.</i></p> <p><i>Turkmenistan is not a Party to the <a href="#">Agreement between Kazakhstan, Kyrgyz Republic, Tajikistan, and Uzbekistan on Cooperation in Emergency Response of 17 July 1998</a>.</i></p>	
<p><b>Question 11: Do your country's laws and regulations outline procedures for the membership of the country in regional humanitarian coordination bodies that support states in the facilitation and regulation of international disaster assistance ?</b></p>	
<p>Summary</p>	<p>Source</p>
<p>No.</p>	
<p><b>Question 12: Do your country's laws and regulations outline procedures for the cooperation between national bodies and regional humanitarian coordination bodies operating in the facilitation and regulation of international disaster assistance ?</b></p>	
<p>Summary</p>	<p>Source</p>
<p>No.</p> <p><i>The Law No. 206 "On Civil Defence" of 29 November 2003 contains a provision on international cooperation in the field of civil defence (Art. 32):</i></p> <p><i>"1. International cooperation in the field of civil defence includes:</i></p> <p><i>1) involvement in international civil defence projects, ensuring freedom of exchange of scientific and technical achievements in this field;</i></p> <p><i>2) involvement of Civil Defence forces in the response to the consequences of emergencies outside the territory of Turkmenistan on the basis of international treaties.</i></p> <p><i>2. If international treaties ratified by Turkmenistan envisage standards other than those established by this Law, the standards of international treaties shall apply."</i></p>	<p><a href="#">Law No. 206 "On Civil Defense" of 29 November 2003</a></p>

## Uzbekistan: Mapping of International Disaster Response Laws, Rules and Principles

The below information seeks to map the International Disaster Response Law Framework (IDRL) in Uzbekistan as provided in law, policy and agreements. It is intended to contribute to a regional analysis of strengths and gaps in the institutional architecture for the coordination and facilitation of regional disaster response in Central Asia. This document is the result of a desktop review of information either publicly available or shared by the Red Crescent Society of Uzbekistan. This document was prepared by Dr. Carlo de Stefano under the supervision of Pauline Caspellan.

IFRC does not assume any responsibility for the contents of this document, including any errors and omissions contained herein, nor for the contents of the sources to which it refers. The IFRC gratefully acknowledges all stakeholders who have given generously of their time and experience.

### Question 1: Does your country have a clear legal framework for disaster risk management which includes procedures relating to international disaster assistance?

Summary	Source
<p>The Republic of Uzbekistan has adopted a legal framework for disaster risk management (DRM) through the Law No. 790 “On the Protection of the Population and Territories from Natural and Man-Made Emergencies” of 17 August 2022.</p> <p>Art. 1 of this law states its purpose, namely “to regulate relations in the field of protection of population and territories from natural and anthropogenic emergencies”.</p> <p>Art. 4 of the law enumerates the basic principles of protection from emergency situations: “legality; humanism, priority of human life and health; publicity; timeliness and reliability of information; preventive measures for protection from emergency situations”.</p> <p>Emergency response procedures are in general articulated under Chapter 6 of the Law No. 790 “On the Protection of the Population and Territories from Natural and Man-Made Emergencies” of 17 August 2022, especially pursuant to Arts. 32-36 and 57 (Termination of work on liquidation and emergency situations).</p>	<p><a href="#">Law No. 790 “On the Protection of the Population and Territories from Natural and Man-Made Emergencies” of 17 August 2022</a></p> <p><a href="#">Law No. 80 “On Civil Protection” of 26 May 2000</a></p> <p><a href="#">Law No. 195 “On Rescue Service and Status of Rescuers” of 26 December 2008</a></p>

### Question 2: Do your country’s laws and regulations clearly set out a focal point for coordinating international disaster assistance?

Summary	Source
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<p>The responsibility for coordinating the international disaster assistance is attributed to the Government of Uzbekistan.</p> <p>Art. 19 of the Law No. 790 “On the Protection of the Population and Territories from Natural and Man-Made Emergencies” of 17 August 2022 provides for the creation of the State System of Emergency Situations.</p> <p>In particular, the State System of Emergency Situations “unites management agencies, forces and means of ministries, state committees, departments, the Council of Ministers of the Republic of Karakalpakstan, regional khokimiyats, the city of Tashkent, as well as districts, cities and organisations with powers or responsibilities in the field of protection from emergencies”.</p> <p>The composition and procedure of the State System of Emergency Situations shall be determined by the Cabinet of Ministers of the Republic of Uzbekistan. To this extent, the Cabinet of Ministers has issued the Decree of Cabinet of Ministers of the Republic of Uzbekistan No. 171 “On Measures for Effective Organisation of the Activities of the State System of Emergency Situations of the Republic of Uzbekistan” of 29 April 2023.</p> <p>Pursuant to Art. 20 of the Law No. 790 “On the Protection of the Population and Territories from Natural and Man-Made Emergencies” of 17 August 2022, “The management of the State System of Emergency Situations is carried out: at the republican level by a specially authorised state body; at the local level by territorial subdivisions of a specially authorised state body; at the facility level by the head of the facility.”</p> <p>Art. 21 of this law sets forth three modes for the operation of the State System of Emergency Situations (day-to-day; high alert; emergency): “Depending on the scale and state of the forecast or emerged emergency situation on a certain territory, the following modes of the State System of Emergency Situations are established: day-to-day mode - when there is no risk of emergencies on a certain territory or object; high alert mode - when there is a threat of emergencies; emergency mode - when emergencies arise and during emergencies.”</p> <p>The three regimes or modes are further articulated in Art. 22 (day-to-day), Art. 23 (high alert), Art. 24 (emergency).</p>	<p><a href="#">Law No. 790 “On the Protection of the Population and Territories from Natural and Man-Made Emergencies” of 17 August 2022</a></p> <p><a href="#">Decree of Cabinet of Ministers of the Republic of Uzbekistan No. 171 “On Measures for Effective Organisation of the Activities of the State System of Emergency Situations of the Republic of Uzbekistan” of 29 April 2023</a></p>
<p><b>Question 3: Do your country’s laws and regulations outline the roles and responsibilities of different institutions relating to international disaster assistance?</b></p>	
<p>Summary</p>	<p>Source</p>
<p>The Government of Uzbekistan (The Prime Minister and the Cabinet of Ministers) is responsible for international disaster assistance.</p> <p>Art. 7 of the Law No. 790 “On the Protection of the Population and Territories from Natural and Man-Made Emergencies” of 17 August 2022 establishes that: “The management of protection against emergency situations is carried out: throughout the territory of the Republic of Uzbekistan – by the Prime Minister of the Republic of Uzbekistan; in ministries, State committees, departments and organisations – by their heads; in</p>	<p><a href="#">Law No. 790 “On the Protection of the Population and Territories from Natural and Man-Made Emergencies” of 17 August 2022</a></p>

*the Republic of Karakalpakstan, regions, the city of Tashkent, districts and cities – by the Chairman of the Council of Ministers of the Republic of Karakalpakstan and the khokims of regions, the city of Tashkent and districts and cities.”*

*The different roles and responsibilities within the Executive branch at central and peripheric level are regulated in Art. 8 (Cabinet of Ministers), Art. 9 (Ministry of Emergency Situations of the Republic of Uzbekistan), Art. 10 (local executive authorities), Art. 11 (state administration bodies),*

*The law also applies to the rights and obligations of organisations in the field of protection against emergencies, including non-governmental organisations - NGOs (Arts. 12-14) and also the media (Art. 15).*

*Art. 34 of the law establishes the powers of the emergency response managers.*

*This law also governs the main powers and tasks with respect to emergency situations of the National Guard (Art. 37), the Ministry of Internal Affairs (Art. 38), the Ministry of Health (Art. 39), the Ministry of Foreign Affairs (Art. 40), the Ministry of Agriculture (Art. 41), the Ministry of Water Resources (Art. 42), the Ministry of Construction (Art. 43), the Ministry of Housing and Communal Services (Art. 44), the Ministry of Support to Children and the Elderly (Art. 45), the Ministry of Employment and Labour Relations (Art. 46), the Ministry of Energy (Art. 47), the Ministry of Transport (Art. 48), the Ministry for the Development of Information Technologies and Communications (Art. 49), the State Committee on Ecology and Environmental Protection (Art. 50), the State Committee for Veterinary Medicine and Livestock Development (Art. 51), the Cadastral Agency of the State Tax Committee (Art. 52), the Centre of the Hydrometeorological Service (Art. 53), the Agency for the Management of State Assets (Art. 54), the Information and Mass Communications Agency under the Office of the President of the Republic of Uzbekistan (Art. 55) and the Armed Forces (Art. 56) of the Republic of Uzbekistan.*

*By the Decree of the President of the Republic of Uzbekistan No. UP-5066 dated 01.06.2017 "On measures to radically improve the efficiency of the emergency prevention and response system", a government Commission for the prevention and response to emergency situations, chaired by the First Deputy Prime Minister of the Republic of Uzbekistan, as well as similar territorial commissions under the Council of Ministers of the Republic of Karakalpakstan, khokimiyats of regions, the city of Tashkent, and districts (cities) of the republic were established.*

*They consist of the heads of responsible departments and organizations at all levels involved in ensuring the protection of the population and territories from emergency situations. The commission's main tasks are to determine the main directions of improvement and further development of the State system of prevention and response to emergency situations; determine the main directions of international cooperation in the field of emergency prevention and response, etc.*

[Decree of the President of the Republic of Uzbekistan No. UP-5066 dated 01.06.2017 "On measures to radically improve the efficiency of the emergency prevention and response system"](#)

**Question 4: Do your country's laws and regulations outline a process for requesting/welcoming offers of international disaster assistance, and for terminating international assistance?**

Summary

Source



<p><i>No, laws and regulations of the Republic of Uzbekistan do not set forth processes for requesting/welcoming offers of international disaster assistance, and for terminating international assistance, including under Chapter 6 of the Law No. 790 "On the Protection of the Population and Territories from Natural and Man-Made Emergencies" of 17 August 2022.</i></p>	
<p><b>Question 5: Do your country's laws and regulations provide for necessary legal facilities to be provided to international assisting actors?</b></p>	
<p>Summary</p>	<p>Source</p>
<p><i>Art. 223 of the Customs Code of the Republic of Uzbekistan provides that the import of goods into the customs territory as humanitarian aid and technical assistance as well as international postal shipments and courier delivery with supporting documents shall not subject to customs escort.</i></p> <p><i>Art. 251 of the Customs Code of the Republic of Uzbekistan extends the priority and simplified procedure for customs clearance to "goods sent as humanitarian aid".</i></p> <p><i>Art. 297 of the Customs Code of the Republic of Uzbekistan establishes that "Tariff concessions in the form of exemption from customs duties shall be granted in relation to: ... 5) goods imported as humanitarian aid in the manner determined by the Cabinet of Ministers of the Republic of Uzbekistan".</i></p> <p><i>Moreover, Art. 299 of the Customs Code of the Republic of Uzbekistan provides that: "The following items shall be exempt from customs fees for customs clearance: 1) goods transported across the customs border in the form of humanitarian aid, grant or charity including technical assistance; ...".</i></p> <p><i>Art. 383 of the Customs Code of the Republic of Uzbekistan establishes that goods transported across the customs border "as humanitarian aid and technical assistance" are not subject to measures to protect intellectual property rights by the customs authorities.</i></p>	<p><a href="#"><u>Customs Code of the Republic of Uzbekistan</u></a></p>
<p><b>Question 6: Do your country's laws and regulations set out quality standards for international assisting actors?</b></p>	
<p>Summary</p>	<p>Source</p>
<p><i>The Law No. 790 "On the Protection of the Population and Territories from Natural and Man-Made Emergencies" of 17 August 2022 does not set out quality standards for international assisting actors.</i></p>	
<p><b>Question 7: Do your country's laws and regulations set out eligibility requirements for international assisting actors to receive legal facilities?</b></p>	
<p>Summary</p>	<p>Source</p>

<i>The Law No. 790 "On the Protection of the Population and Territories from Natural and Man-Made Emergencies" of 17 August 2022 does not set out eligibility requirements for international assisting actors to receive legal facilities.</i>	
<b>Question 8: Do your country's laws and regulations establish a specialized unit for expediting the entry of international disaster assistance?</b>	
Summary	Source
No.	
<b>Question 9: Do your country's laws and regulations provide adequate transparency, safeguards and accountability mechanisms governing international disaster relief and initial recovery assistance?</b>	
Summary	Source
<i>Art. 58 of the Law No. 790 "On the Protection of the Population and Territories from Natural and Man-Made Emergencies" of 17 August 2022 provides that: "Persons guilty of violating the legislation on the protection of population and territories from natural and man-made emergencies shall be held liable in accordance with the established procedure."</i>	<a href="#"><u>Law No. 790 "On the Protection of the Population and Territories from Natural and Man-Made Emergencies" of 17 August 2022</u></a>
<b>Question 10: Do your country's laws and regulations outline procedures for international disaster assistance sent from, and transiting through your country?</b>	
Summary	Source
<i>Art. 8 of the Agreement between Kazakhstan, Kyrgyz Republic, Tajikistan, and Uzbekistan on Cooperation in Emergency Response of 17 July 1998 contains no limitations for the arrival of foreign personnel into the affected country to deliver assistance. In the Agreement it is stipulated that humanitarian workers may cross the state border of the requesting country or transit states via check points accessible for international communication by showing their passports or identity cards.</i>	<a href="#"><u>Agreement between Kazakhstan, Kyrgyz Republic, Tajikistan, and Uzbekistan on Cooperation in Emergency Response of 17 July 1998</u></a>
<b>Question 11: Do your country's laws and regulations outline procedures for the membership of the country in regional humanitarian coordination bodies that support states in the facilitation and regulation of international disaster assistance?</b>	
Summary	Source
No.	
<b>Question 12: Do your country's laws and regulations outline procedures for the cooperation between national bodies and regional humanitarian coordination bodies operating in the facilitation and regulation of international disaster assistance?</b>	
Summary	Source

No.

*Art. 2 of the Law No. 790 "On the Protection of the Population and Territories from Natural and Man-Made Emergencies" of 17 August 2022 states that: "If an international treaty of the Republic of Uzbekistan establishes rules other than those provided for by the legislation of the Republic of Uzbekistan on the protection of the population and territories from natural and man-made emergencies, the rules of the international treaty shall apply."*

*The Law No. 80 "On Civil Protection" of 26 May 2000 provides in Art. 5 about the international cooperation in the field of civil protection that: "The cooperation of the Republic of Uzbekistan with other states and the international organizations in the field of civil protection is performed by state governing bodies according to international treaties and the legislation".*

*The Law No. 195 "On Rescue Service and Status of Rescuers" of 26 December 2008 establishes in Art. 2 that "If an international agreement to which the Republic of Uzbekistan is a party establishes regulations different from those provided for in the legislation of the Republic of Uzbekistan on rescue service and the status of rescuers, the regulations contained in the international agreement shall take precedence over domestic legislation."*

[Law No. 790 "On the Protection of the Population and Territories from Natural and Man-Made Emergencies" of 17 August 2022](#)

[Law No. 80 "On Civil Protection" of 26 May 2000](#)

[Law No. 195 "On Rescue Service and Status of Rescuers" of 26 December 2008](#)

