

IDRL Central Asia Regional Report

For

IDRL Mapping Research for Central Asia

IFRC Central Asia

March 2024

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Table of Contents

1. Introduction
2. Part I
 - 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
3. Part II
 - a. Establishing a Regional Humanitarian Coordination Center on the Basis of the CESDRR
 - b. Good practices from EU and ASEAN
 - i. Emergency Response Coordination Centre (ERCC) within the EU Civil Protection Mechanism (ECPM)
 - ii. ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management (AHA Centre)
4. Critical Issues and Recommendations
5. Conclusions and Recommended Actions

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, the Republic of 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 policy-makers 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.¹

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 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**

¹ 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.

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.² 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”.³ 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.⁴

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.⁵ 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.⁶ Moreover, the activities of the system are managed by the State Commission on Emergency Situations of Turkmenistan.⁷

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**

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

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

⁴ Id., Arts. 5 and 7.

⁵ 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.

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

⁷ Id., Art. 13.

international dimension. This entails that the same domestic legal framework is applicable both to international and internal disaster assistance.⁸ 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.⁹ 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.¹⁰ 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, 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

⁸ 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.

⁹ 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).

¹⁰ 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.

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”.¹¹

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.¹² 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”.¹³ 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 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”.¹⁴ 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 2022.¹⁵

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

¹² 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.

¹³ 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.

¹⁴ 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.

¹⁵ 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.

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**,¹⁶ 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.¹⁷

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**.¹⁸

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

¹⁶ 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.

¹⁷ 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.

¹⁸ See Section II(a) above.

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.¹⁹

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 2019.²⁰ The Resolution is 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.²¹ However, under Kazakhstan’s laws and regulations, the grounds and procedure for requesting international disaster assistance in the Kazakh territory are not regulated, including the requirement of insufficiency of domestic capacity, which, pursuant to Guideline 3.2, is met whenever a disaster situation exceeds national coping capacities.

¹⁹ 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).

²⁰ 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.

²¹ *Id.*, paras. 4-10.

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 2017.²² 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.²³ 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.²⁴ Finally, pursuant to Articles 9 and 10 of the same law, the Cabinet 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.²⁵

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.²⁶ In particular, Article 12(4) of this law, establishes the substantive requirement of the insufficiency of the internal capacity

²² Kyrgyzstan’s Law No. 104 “On International Disaster Assistance” of 17 June 2017.

²³ *Id.*, Art. 5(3).

²⁴ *Id.*, Art. 6(1)-(2).

²⁵ *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.

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

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.²⁷ 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.²⁸

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 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.²⁹

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).

²⁷ Id., Art. 12(4).

²⁸ Id., Art. 16(1)-(2).

²⁹ 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).

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.³⁰

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 2020.³¹ 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”.³² 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 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”.³³ 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.³⁴ Finally, pursuant to

³⁰ Uzbekistan’s Law No. 790 “On the Protection of the Population and Territories from Natural and Man-Made Emergencies” of 17 August 2022.

³¹ Turkmenistan’s Law No. 261 “On the International Humanitarian Assistance in Case of Emergency Situation” of 22 August 2020.

³² Id., Art. 25(1).

³³ Id., Art. 26(4).

³⁴ Id., Art. 28.

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).³⁵ 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.³⁶

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 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.³⁷

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**

³⁵ Id., Art. 25(3).

³⁶ 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.

³⁷ Kyrgyzstan’s Law No. 104 “On International Disaster Assistance” of 17 June 2017, Art. 20.

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 operations in international disaster scenarios **organically through special laws and regulations on emergency assistance** (Kyrgyzstan,³⁸ Turkmenistan³⁹), 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”.⁴⁰ This agreement is binding for Kazakhstan and Kyrgyzstan.

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

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

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

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 entities, issued by the authorized bodies of foreign states.⁴¹ 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.⁴²

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.⁴³

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:

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

⁴² Id., Art. 39(3).

⁴³ 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.

- 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).

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).⁴⁴ It was founded on 15 May 2013 (for 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:

⁴⁴ 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.

- [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.⁴⁵ 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.

⁴⁵ 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.

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 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).⁴⁶

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

⁴⁶ In 2022, the EU allocated Euro 40 million through the Emergency Toolbox.

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);
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.⁴⁷ 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

⁴⁷ See <https://ahacentre.org>.

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).⁴⁸

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

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

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).⁴⁹

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.

⁴⁹ See *infra*.

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 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 practically 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 (January 2024). The collected IDRL practice (laws, regulations, policies, etc.) of all five Central Asian countries has been constantly consulted, updated and systematized. 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 through the negotiation of a regional agreement on international disaster relief and initial recovery assistance.