



International Disaster Response Law Tajikistan



Introduction

- In November 2007, the State Parties unanimously adopted the “Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance” (IDRL Guidelines) at the 30th International Conference of the Red Cross and Red Crescent;
- Using the IDRL Guidelines as a base, the current study examines the degree to which the legal and regulatory framework of Tajikistan is equipped to manage the receipt of international disaster assistance, as and when necessary.



Activities and Achievements

- Translation of IDRL Guidelines into local language and distribution to all stakeholders;
- Establishment of Working Group – consisting of CoES, UNDP, IFRC representatives;
- Introductory meeting with RCST staff in HQ and branch level on IDRL
- Working Group meetings on IDRL promotion and further planning;
- Development of IDRL ToR and action plan for implementation of IDRL in Tajikistan;
- Recruitment of local expert to conduct legal review on implementation of IDRL Guidelines.



Preliminary Findings

Legal Review:

- Tajikistan recognized 10 bilateral and regional agreements with the aim of early warning and liquidation of natural and technological disasters where listed the order and procedure of requesting and receiving assistance in case of natural disasters.

Visa requirement

- Part V Section 16 of the IDRL Guidelines provides that Affected States should provide for expedited or free-of-charge visa and work permit procedures for recovery personnel.
- Only nationals of CIS countries allowed to enter Tajikistan without visa
- Non-CIS citizens involved with humanitarian aid are entitled to Humanitarian visa (B)
- Lack of special simplified border crossing procedures for large scale disasters and international assistance.



Preliminary Findings:

Registration rules:

- Foreign citizens are obliged to register within three days from the day of entry and leave the country upon visa expiration
- Disaster response teams are not exempt from registration unless they are UN passport holders

Recognition of qualifications:

- Temporary recognition of professional qualification of foreign medical personnel, architects and engineers is necessary as per part V Section 16 of the IDRL Guidelines by the Affected States
- No such system of recognition does exist in Tajikistan
- Mutual system of recognition of equivalence of Education exist among CIS countries. In terms of health sector no special stipulation exist in case of emergency situations



Preliminary Findings:

Exemption from customs and taxes

- Part V Section 17 of the IDRL Guidelines provides for the exemption from customs duties, taxes, tariffs, import restrictions and fees on goods and equipment intended for recovery. Section 18 of the IDRL Guidelines discusses the reduction of barriers to the importation of special goods and equipment.
- Tajikistan legislation exempts certain goods imported from abroad with humanitarian purpose from customs duties and value added tax (VAT).
- The temporary admission procedure may also be used for relief items that can be reused in other disasters such as equipment or vehicles.



Preliminary Findings:

Communication

- Part V Section 18 of the IDRL Guidelines discusses reduced barriers to access to use, import and export of telecommunications and information technology by assisting States and assisting humanitarian organizations or on their behalf in disaster relief and initial recovery assistance.
- No specific rules exist in Tajikistan to describe process of use, import and export of telecommunications and information technology in case of emergency.
- Telecommunication equipment (including SAT phones) for humanitarian aid would be let in unimpeded and exempt from taxes and customs fees but permission to use radio communication equipment should be obtained from the State Communication Inspection.



Preliminary Findings:

Currency

- Part V Section 20(2) of the IDRL Guidelines urges that Assisting States and organizations be granted the right to freely bring the necessary funds and currencies in or out of the affected country and to obtain legal exchange rates in connection with their disaster relief or recovery assistance.
- Special procedures do not exist which would allow to bring currency into the Tajikistan more easily in the case of disaster relief or recovery assistance.
- Non-residents are entitled to bring only \$3000 without declaration.
- Financial organizations and lawyers have to apply detailed customer due diligence including identification of the customer (and its beneficial owner) and obtaining information on the purpose and nature of the transaction before carrying out transactions from 14000 TJS (approx.\$3000) above.



Preliminary Findings:

Transport

- Part V section 19 of IDRL discusses several provisions relating to transport, including passage of land, marine and air vehicles operated by relief organizations. Section 16(c) of the IDRL Guidelines recommends expedited procedures for the recognition of driving licenses.
- Law on transport in general stipulates that transport organizations (regardless of types of transports) will be involved to the liquidation of the emergency situations based on the decision of the Government of the RT or local authorities.
- No prerogatives or exemption to the emergency transport from the insurance requirements for the relief organizations in case of disaster.



Preliminary Findings:

Rescue animals

- Section 18 of the IDRL Guidelines discusses the exemption of special goods and equipment from legal and administrative barriers to exportation, transit, importation and re-exportation or provisions providing for the reduction of such barriers. Sniffer dogs may be considered within the scope of this provision.
- Entry of animals with required documents and vaccination is allowed in Tajikistan however no exceptions are foreseen for animals for relief assistance.



Preliminary Findings:

Food

- Part V Section 17 of the IDRL Guidelines contemplates the exemption or simplification of procedures relating to customs and taxes for goods and equipment exported by, or on behalf of, assisting States and humanitarian organizations.
- Legislation of Tajikistan relating food standards and hygiene lists several key definitions and places general obligations on food business operators relating to food safety, labeling etc. and procedures for withdrawal from the market in the event if the food is unsafe. Laws don't specify any exempt for the humanitarian aid food.



Preliminary Findings:

Extended working hours

- Part V Section 23 of the IDRL Guidelines provides that Affected States should ensure that state-operated offices and services essential to the timely delivery of international disaster relief operate outside normal business hours in the event of a disaster.
- Labour code of Tajikistan imposes maximum working days and weeks on adult workers, including government employees. It is allowed to involve people for overtime work and for work in days off in case of emergency.
- Timetable of rescuers are defined by their managers. In case of necessity armed forces or police can be involved in labor activity outside of working hours and in days off.
- There are no specific requirements for government officers or people with key decision-making power. Therefore they are subject of the general regulation under the Labor Code.



Preliminary Findings:

Medicines

- Part V Section 18 of the IDRL Guidelines discusses special goods and equipment, specifically regarding the reduction of legal and administrative barriers to the exportation, transit importation and re-exportation of medications by assisting States.
- Tajik laws provide for a system of licensing for manufacture, sale and supply of medicines, medical products and equipment into Tajikistan. For medicines in general the Ministry of health may grant a onetime permission for import of unregistered medicines during emergency. Import of narcotic drugs, psychotropic substances and precursors is prohibited without license, permission and international standard certificate.



Preliminary Findings:

Legal status of foreign entity

- Part V Section 23 of the IDRL Guidelines provides that Affected States should grant relevant entities for assisting States and eligible humanitarian organizations, at least a temporary authorization to legally operate on their territory so as to enjoy the rights, inter alia, to open bank accounts, enter into contracts and leases, acquire and dispose of property and instigate legal proceedings, for the purpose of providing disaster relief and initial recovery assistance.
- Tajik legislation does not make provision for special procedures for the registration of not-for-profit organizations in case of emergency. As a general rule Tajik legislation required obligatory registration of not-for-profit organizations of the foreign states, their branches and representative offices in the Ministry of justice. Activity of non-registered organizations is prohibited.