

**THE LAW OF THE REPUBLIC OF TAJIKISTAN
ON HUMANITARIAN MINE ACTION**

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This Law shall determine the legal and organizational framework for humanitarian mine action and is aimed at the regulation of related activities.

CHAPTER 1. GENERAL PROVISIONS

Article 1. Basic definitions

The following basic definitions are used in this Law:

- humanitarian mine action – a set of activities related to humanitarian demining, mine risk education, assistance to victims of mines and unexploded ordnance, advocacy for the ban of anti-personnel mines and destruction of their stockpiles, carried out with the aim of reducing harm from landmines and their impact on socio-economic status and environment, which are implemented at the expense of budgetary, extra-budgetary funds and by involving assistance from humanitarian organizations;
- demining – a set of activities related to the removal of mine and unexploded ordnance hazards, including public relations, technical and non-technical survey, marking, clearance, post-clearance documentation and the handover of cleared areas;
- mine – a munition designed to be placed under or on the ground with the aim of inflicting harm to a person or a vehicle;
- anti-personnel mine – mines designed for inflicting harm to a person;
- unexploded ordnance – explosive ordnance that has been used, but did not explode due to various technical or other reasons;
- hazardous area – an area which is hazardous due to the presence or perceived presence of mines and unexploded ordnance;
- sapper – a professionally trained individual engaged in mine clearance;
- national mine action standards – standards designed to increase safety, improve quality and efficiency in mine action by providing management, introduction of standards, determining requirements and specifications;
- accreditation of entities of humanitarian mine action – rules by which entities are competent to conduct demining;

- quality assurance – a general process of evaluation of the clearance of areas from mines and unexploded ordnance, in accordance with the requirements of the national mine action standards;

- assistance to victims of mines and unexploded ordnance – assistance provided to victims and members of their families at the expense of budgetary or non-budgetary funds with the aim of restoring health, supporting them with income-generating projects, and providing social, legal and psychological support.

Article 2. Legislation of the Republic of Tajikistan on humanitarian mine action

The legislation of the Republic of Tajikistan on humanitarian mine action shall be based on the Constitution of the Republic of Tajikistan and consist of this Law, other regulatory legal acts of the Republic of Tajikistan, as well as international legal documents recognized by Tajikistan.

Article 3. Basic principles of the humanitarian mine action

The humanitarian mine action shall be based on the following principles:

- humanism and compassion;
- safety provisions;
- information availability;
- mandatory compliance with the requirements of the national mine action standards.

CHAPTER 2. STATE REGULATION OF THE HUMANITARIAN MINE ACTION

Article 4. Authority of the Government of the Republic of Tajikistan on humanitarian mine action

The authority of the Government of the Republic of Tajikistan on humanitarian mine action shall include:

- development of a unified state policy on humanitarian mine action;
- approval of standards, strategies and national plans on humanitarian mine action;
- determination of the authorized body on humanitarian mine action;
- execution of other authorities in accordance with the legislation of the Republic of Tajikistan.

Article 5. Powers of the authorized body on humanitarian mine action

The authorized body on humanitarian mine action (hereinafter – the authorized body) shall have the following powers:

- implementation of state policy in the field of humanitarian mine action;
- conclusion of treaties and agreements on cooperation on humanitarian mine action according to the established procedures;
- development of standards, strategies and national plans on humanitarian mine action;
- development and approval of procedures, rules and guidelines on humanitarian mine action;
- accreditation of humanitarian mine action entities;
- issuance of a certificate of accreditation of humanitarian mine action;
- approval and control of implementation of curricula and programmes of entities involved in demining;
- coordination of activities of ministries and agencies, local executive authorities and self-governing bodies of settlements and villages, as well as individuals and legal entities and international cooperation on humanitarian mine action;
- execution of other powers in accordance with the legislation of the Republic of Tajikistan.

Article 6. Powers of other state bodies on humanitarian mine action

The powers of other state bodies on humanitarian mine action shall include:

- assistance in conducting activities on humanitarian mine action;
- participation in the implementation of plans and programmes on humanitarian mine action;
- providing humanitarian mine action with human resources, means and equipment needed for training;
- execution of other powers in accordance with the legislation of the Republic of Tajikistan.

Article 7. Powers of local executive authorities and self-governing bodies of settlements and villages on humanitarian mine action

The powers of local executive authorities and self-governing bodies of settlements and villages on humanitarian mine action shall include:

- assistance in conducting activities on humanitarian mine action;
- participation in the implementation of plans and programmes on humanitarian mine action;

– execution of other powers in accordance with the legislation of the Republic of Tajikistan.

CHAPTER 3. HUMANITARIAN MINE ACTION

Article 8. Accreditation of humanitarian mine action entities

1. The following entities shall be accredited by the authorized body for the implementation of humanitarian mine action in accordance with the requirements of the mine action standards of Tajikistan:

- legal entities;
- international organizations that have concluded an agreement with the Republic of Tajikistan.

2. The certificate of accreditation for conducting humanitarian mine action shall be issued for a period of three years.

3. In the case of non-compliance with the requirements of standards while carrying out activities, the accreditation of the mentioned entities shall be cancelled by the authorized body.

Article 9. Sappers

1. Citizens of the Republic of Tajikistan shall be permitted to undertake mine clearance after passing a medical examination, completing training under the sapper training programme and receiving certification, according to the national mine action standards.

2. Sappers may also be employees of the authorized body, including operational staff and quality assurance and control inspectors involved in management, coordination and control of mine clearance.

3. The life and health of sappers shall be insured by entities referred to in Article 8 of this Law.

4. The accredited entities shall be obliged to equip the sappers with uniforms and equipment in accordance with national mine action standards.

5. The working pattern of sappers shall be determined by the authorized body depending on local conditions.

6. Social protection of sappers shall be provided according to the legislation of the Republic of Tajikistan.

Article 10. Clearance of hazardous areas from mines and unexploded ordnance

1. The hazardous areas shall be identified and be under control of the authorized body.

2. The accredited entities shall clear the hazardous areas from mines and unexploded ordnance to the level set by the national mine action standards.

Article 11. Mine and unexploded ordnance risk education

1. Hazardous areas shall be marked with fences and warning signs.
2. Local executive authorities, self-governing bodies of settlements and villages, law enforcement and border agencies shall assist with the safekeeping of warning signs on the ground and along border areas.
3. Mine and unexploded ordnance risk education shall be determined and carried out by the authorized body in agreement with other public bodies and local executive authorities.
4. With the aim of preparation, the authorized body shall conduct training courses and advanced training courses with volunteers, representatives of other public bodies, local executive authorities and self-governing bodies of settlements and villages that will be involved in mine and explosive ordnance risk education.

Article 12. Programme on assistance to victims of mines and unexploded ordnance

The programme on assistance to victims of mines and unexploded ordnance shall be developed by the authorized body and implemented in the framework of the legislation of the Republic of Tajikistan.

Article 13. Handover of areas cleared from mines and unexploded ordnance

1. The accredited entities shall hand over the areas cleared from mines and unexploded ordnance to the authorized body according to the relevant act. After quality control and assurance, the authorized body, according to the requirements of the national mine action standards, shall hand over the cleared areas to relevant public bodies.
2. If the cleared area is located in a border control area, the copies of documents of the cleared area shall be handed over to the state border control agency.

Article 14. International cooperation

1. The authorized body, following the established procedure and with the aim of the exchange of experience, scientific and technical equipment and achievements, according to international legal documents recognized by Tajikistan, shall carry out international cooperation for the Republic of Tajikistan on humanitarian mine action with other international organizations and foreign countries.

2. The authorized body and accredited entities may participate in mine clearance and the destruction of unexploded ordnance in other countries according to the established procedures.

Article 15. Obligations in the framework of implementation of international agreements

The authorized body, ensuring the implementation of international agreements of Tajikistan, following the established procedures and in agreement with the Government of the Republic of Tajikistan, shall submit a report to the United Nations on the results of activities in the framework of international obligations.

CHAPTER 4. FINAL PROVISIONS

Article 16. Liability for non-compliance with the requirements of this Law

Individuals and legal entities shall be held liable for non-compliance with the requirements of this Law in accordance with the legislation of the Republic of Tajikistan.

Article 17. Procedure for entry into force of this Law

This Law shall enter into force after its official publication.