



- educating and informing the population about the dangers of different types of disasters and about the possibilities and means of prevention and protection; and
- ensuring the connections with the international organizations of civil protection to which the Togolese Republic could be affiliated.<sup>6</sup>

In the event of disasters or calamities, the Civil Protection Department may call upon public and private services and all physical and legal persons, as well as the equipment at their disposal, if their assistance is deemed necessary for the success of rescue and disaster protection operations.<sup>7</sup> Furthermore, article 8 establishes a technical commission for civil protection, composed by the minister of interior as head of the commission, representatives of the ministries of health and social affairs, and national defense, among others, as well as the president of the Togolese Red Cross.<sup>8</sup> The commission may call upon any person or organization whose competence is deemed necessary for its work.<sup>9</sup>

Law 2008-005, which provides the legal framework for environmental protection in Togo, is also relevant to DRM. Law 2008-005 provides in Title II, the National Environmental Policy, which provides for the necessary measures and the appropriate devices likely to monitor the quality of the environment; prevent and fight against pollution, nuisances, natural and technological disasters; and preserve natural resources.<sup>10</sup> In terms of article 10, the implementation of the national environmental policy is ensured by the ministry responsible for the environment in conjunction with the other ministries and institutions concerned. As such, the ministry responsible for the environment monitors the results of the government's policy on the environment and sustainable development and ensures that the international commitments relating to the environment to which Togo has subscribed are integrated into national laws and regulations.<sup>11</sup>

In addition to these laws, DRM in Togo is guided by a number of policy documents. The National Strategy for Disaster Risk Reduction (DRR) 2013-2017 (The Strategy) provided strategic guidelines for action in DRR, and recognized the need of improvement in, among others, the access to international funding mechanisms for DRR, particularly for prevention aspects and the reinforcement of bilateral, regional and international cooperation.<sup>12</sup> The Strategy also defined in Section 2.1.3 the institutional aspects of DRR in Togo, stating that several sector institutions, public, private, civil society organizations and technical and financial partners are involved in DRM. These institutions are grouped together within the National DRR Platform, which is made up of inter alia representatives of sectoral ministries involved in DRR, institutions of the United Nations system, NGOs, the Red Cross and Red Crescent societies, and the private sector. The National DRR Platform was set up in April 2007 by order of the Minister of Environment and Forest Resources in accordance with the recommendation of the Hyogo Framework for Action, the priorities of which constitute its field of action.<sup>13</sup>

Section 2.1.5 of the Strategy outlines the different types of relevant partnerships for DRR in the country, noting that as a member of the international community, Togo maintains relations of mutual cooperation and solidarity with bilateral and multilateral partners not only for its development but also for the preparation and response to emergency situations. These relationships take place with neighboring countries and other parts of the continent, regional, continental, and international institutions, civil society organizations and non-governmental organizations. Togo also maintains relations of assistance with the countries of Europe, the United States and the countries of the Asian continent.<sup>14</sup> Among the most relevant international partners identified in the Strategy are neighboring countries in the African continent and countries in Europe and Asia; regional, continental and international institutions such as ECOWAS, the African Union, the Red Cross and Red Crescent Movement, the European Union as well as UN agencies including UNFPA, UNICEF, UNDP and the WHO.<sup>15</sup> These guidelines make it clear that the international community plays a key role in disaster management in Togo.

[Law 2008-005, Legal Environmental Framework](#)

[National Strategy for Disaster Risk Reduction 2013-2017](#)

<sup>6</sup> Decree 84/131, articles 3-4.

<sup>7</sup> Decree 84/131, article 15.

<sup>8</sup> Decree 84/131, article 8.

<sup>9</sup> Decree 84/131, article 12.

<sup>10</sup> Law 2008-005, Legal Environmental Framework, article 8.

<sup>11</sup> Law 2008-005, article 10.

<sup>12</sup> National Strategy for Disaster Risk Reduction 2013-2017, page xi.

<sup>13</sup> National Strategy for Disaster Risk Reduction 2013-2017, Section 2.1.3.

<sup>14</sup> National Strategy for Disaster Risk Reduction 2013-2017, Section 2.1.5.

<sup>15</sup> National Strategy for Disaster Risk Reduction 2013-2017, section 2.1.5.

More recently, Togo adopted the National Multi-risk Contingency Plan 2021 with the general objective to provide disaster relief and assistance to affected and vulnerable populations, in the fastest and most efficient way possible, avoiding wasted time, duplication of interventions, omissions, and even injustices, in accordance with universal humanitarian principles.<sup>16</sup> The National Contingency Plan also has the following objectives:

- clarify the roles and responsibilities as well as the relations between the various technical services of the State and the Humanitarian Partners;
- identify and reduce the most likely risks;
- provide a general framework for joint planning covering emergency and disaster risks;
- integrate the process of prevention, preparedness and response to emergencies or disasters in national development plans and programs; and reduce response times and the number of loss of life.<sup>17</sup>

Section 1.9 of the National Contingency Plan provides the partnership context, highlighting that as a member of the international community, Togo maintains relations of mutual cooperation and solidarity with bilateral and multilateral partners for its development and for the preparation and response to emergency situations.<sup>18</sup> More specifically, disaster management in Togo includes the following partnerships:

- partnerships with the diaspora;
- partnerships with neighboring countries and the continent;
- partnerships with regional, continental and international institutions such as Economic Community of African States of the West (ECOWAS), the West African Economic and Monetary Union (UEMOA), the African Union (AU), UN Agencies and the Resident/Humanitarian Coordinator; and
- partnerships with countries in Europe, the European Union (EU), Asia and the United States of America.<sup>19</sup>

In 2009, Togo elaborated and adopted a National Adaptation Plan of Action (PANA) in the context of increased poverty partly caused by climate change, identifying priority activities that respond to their urgent and immediate needs to adapt to climate change, and developing adequate adaptation measures likely to reduce this vulnerability and contribute to sustainable development. The major climatic risks identified in Togo are floods, drought, poor distribution of rains, late rains, strong winds and coastal erosion (for the coastal zone ecosystem). Across the country, drought and floods are at top of the list.<sup>20</sup> In terms of adaptation, among the main priority needs are: building the capacities of rural farmers and producers exposed to climate change by supporting production and diversification; rational management of threatened natural resources; protection and securing of infrastructure and structuring equipment at risk and finally early warning against climate-related disasters.<sup>21</sup> The PANA mentions the contribution of international and regional consultants to the elaboration of the plan and identification of priority areas for action, however there are no specifications of direct involvement of the international community in disaster management.

Aware of the challenges posed by climate change, and after adopting the PANA in 2009, Togo engaged in a process of developing the National Climate Change Adaptation Plan (PNACC), which was published in 2017 with the aim to prevent and limit the negative consequences of climate change on its medium- and long-term development. The PNACC is based on the framework of international conventions and sub-regional policies and programs related to climate change, desertification, biological diversity, fragile ecosystems and disaster risk reduction.<sup>22</sup> The PNACC highlights that in order to mobilize resources for climate change adaptation (CCA), the implementation strategy promotes exchange of experiences and savoir-faire with other countries within the framework of south-south cooperation; intersectoral and local coordination; regional cooperation and synergies; as well as international cooperation.<sup>23</sup> Moreover, it is noted that international sources of funding, such as international funds for CCA, multilateral donors, foundations or the international private sector, constitute a few of the main sources to

[National Multi-risk Contingency Plan 2021](#)

[National Adaptation Plan of Action 2009](#)

[National Climate Change Adaptation Plan 2017](#)

<sup>16</sup> National Multi-risk Contingency Plan 2021, page vi.  
<sup>17</sup> National Multi-risk Contingency Plan 2021, page vi.  
<sup>18</sup> National Multi-risk Contingency Plan 2021, page 11.  
<sup>19</sup> National Multi-risk Contingency Plan 2021, page 12-14.  
<sup>20</sup> National Adaptation Plan of Action 2009, page 11.  
<sup>21</sup> National Adaptation Plan of Action 2009, page 12.  
<sup>22</sup> National Climate Change Adaptation Plan 2017, page 2.  
<sup>23</sup> National Climate Change Adaptation Plan 2017, page xxv.

fund the PNACC.<sup>24</sup> Although the PNACC recognizes the key role of international partners in funding climate CCA-related activities in Togo, it is silent in regard to the participation of such partners in disaster response operations.

In addition, the ECOWAS Policy for Disaster Risk Reduction 2006 (the ECOWAS Policy), which aims to reduce vulnerability and build resilience of communities, provides in section 1.3, that one of its objectives is to provide an inter-governmental framework for collaboration and partnership for ECOWAS Member States in Disaster Risk Management.<sup>25</sup> The Policy also calls to attention the need for sub-regional information sharing on disasters.<sup>26</sup> Furthermore, section 2.2.5 highlights the major challenge of enhancing the capacity for sub-regional emergency response and contingency planning.<sup>27</sup> Under section 4.5 (Principles of the Policy), the importance of awareness of the need to utilize existing disaster management capabilities, including ECOWAS supporting international capacities and efforts in disaster risk reduction and management and the promotion of partnerships between ECOWAS and the international community, are recognized.<sup>28</sup> Lastly, the ECOWAS Policy comprises five areas of focus and associated strategies and priority actions. Of relevance to international assistance is that Strategy 2.3 states that the Policy will facilitate balanced and coordinated development of the food security, major international drought and warning systems in operation in the sub-region,<sup>29</sup> and Strategy 5.2 urges international assistance in the management of comprehensive recovery programmes which involve rehabilitation and reconstruction.<sup>30</sup>

Also of relevance is the Public Health Code of Togo (the Health Code), which defines the rights and duties inherent in the protection and promotion of the health of the population. Article 4 states that the protection and promotion of health should be understood as the protection of the individual, the family and the community against diseases and risks through, among others, the implementation of a plan to fight against epidemics and disasters.<sup>31</sup> Furthermore, the Health Code provides in article 313 that any free offer made within the framework of the activities of non-governmental organizations, bilateral or multilateral cooperation or international solidarity movements is considered as a donation of drugs or products falling under the pharmaceutical monopoly. Special exemptions may be granted by the Minister responsible for health in favour of donations during disasters,<sup>32</sup> provided that the donation must correspond to the needs expressed by the recipient authorities and national communities. These provisions strengthen national preparedness and facilitate international disaster assistance through customs exemptions in times of emergency. This is also reinforced in the National Health Policy. Although detailed provisions are not included, it is highlighted that bilateral and multilateral international cooperation contributes to the implementation of the National Health Policy through the effective application of the Paris Declaration and the Action Plan for shared governance and responsibility. In addition, the technical and financial contribution of internal cooperation is an asset for achieving the objectives of this national policy.<sup>33</sup>

[ECOWAS Policy for Disaster Risk Reduction 2006](#)

[Public Health Code of the Togolese Republic](#)

[National Health Policy](#)

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

Summary

Source

<sup>24</sup> National Climate Change Adaptation Plan 2017, page 47.

<sup>25</sup> ECOWAS Policy for Disaster Risk Reduction 2006, section 1.3.

<sup>26</sup> ECOWAS Policy for Disaster Risk Reduction 2006, section 2.2.3.

<sup>27</sup> ECOWAS Policy for Disaster Risk Reduction 2006, section 2.2.5.

<sup>28</sup> ECOWAS Policy for Disaster Risk Reduction 2006, section 4.5.

<sup>29</sup> ECOWAS Policy for Disaster Risk Reduction 2006, page 13.

<sup>30</sup> ECOWAS Policy for Disaster Risk Reduction 2006, page 16.

<sup>31</sup> Public Health Code of the Togolese Republic, 2009, article 4.

<sup>32</sup> Public Health Code of the Togolese Republic, 2009, article 313.

<sup>33</sup> National Health Policy, page 24.

*In terms of coordination generally, as stated above, Decree 2017/11 establishes the Agency, which, under the supervision of the Ministry of Security and Civil Protection, is responsible for ensuring the coordination of all actions for the prevention and management of emergency situations on the national territory; and the supervision of rescue and relief operations of people and goods in case of disasters.<sup>34</sup> Article 16 further provides that the General Director of the Agency is the focal point of the National DRR Platform.<sup>35</sup>*

[Decree 2017/11, National Civil Protection Agency](#)

*Furthermore, Decree 84/131 establishes the organization and attributions of the Directorate of Civil Protection as part of the Ministry of Security and Civil Protection, and provides in article 2 that the Directorate of Civil Protection is responsible for the organization of protection operations, rescue and relief of people and property, prevention of natural and technical disasters in times of peace and war.<sup>36</sup> It is also stated in article 4 that the Directorate of Civil Protection is responsible for ensuring connections with the international organizations of civil protection with which Togo could be affiliated,<sup>37</sup> which is especially relevant for coordinating national and international efforts in disaster response.*

[Decree 84/131, Directorate of Civil Protection](#)

*Therefore, although the laws of Togo do not appear to explicitly assign a clear focal point for coordinating international disaster assistance, from the provisions set out above it would appear to be the General Director of the Agency and/or the Directorate of Civil Protection.*

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

**Summary**

**Source**

*As stated above, the Agency, established by Decree 2017/11 has various functions related to DRM. Apart from the aforementioned functions which are related to the coordination of prevention and management actions in emergency situations, and the supervision of rescue and relief operations, the Agency is also in charge of preparing and organizing simulation exercises; providing information and education for the population in the field of civil protection; training personnel and actors involved in the field of civil protection; protecting displaced persons and refugees in collaboration with the concerned structures; consulting support in the implementation of intervention plans in administrations and development activities.<sup>38</sup> Each organ within the Agency has specific working areas. The Supervisory Board is responsible for approving the budget, the activity and financial report, the manual of procedures, the transfer of assets, the recruitment of the general manager and the status and regime of the Agency's personnel as well as the salary scale.<sup>39</sup> The Administrative board is in charge of, among others, implementing the decisions of the Supervisory Board, recruiting the general director, adopting the budget, the activity report and the financial report, adopting the procedures manual, etc.<sup>40</sup> Lastly, the General Directorate implements the decisions of the Board of Directors, applies the provisions of the procedures and management manual, recruits and dismisses the Agency's staff in accordance with the procedures and management manual.<sup>41</sup> Decree 2017/11 does not explicitly mention the roles of the Agency in regard to international disaster assistance.*

[Decree 2017/11, National Civil Protection Agency](#)

*Decree 84/131, which establishes the organization and attribution of the Directorate of Civil Protection, provides in article 4 that the director of civil protection is responsible for the elaboration of the intervention techniques of the civil protection units; the organization and the coordination of the action of the civil protection services at the national and regional level; the training of the permanent staff and the voluntary collaborators; the acquisition of civil protection equipment; the education and the information of the populations on the dangers of the different types of disasters and on the possibilities and the means of prevention and protection; to ensure the connections with the international organizations of civil protection to which the Togolese republic could be affiliated.<sup>42</sup>*

[Decree 84/131, Directorate of Civil Protection](#)

<sup>34</sup> Decree 2017/11, National Civil Protection Agency, article 3.  
<sup>35</sup> Decree 2017/11, article 16.  
<sup>36</sup> Decree 84/131, article 2.  
<sup>37</sup> Decree 84/131, articles 3-4.  
<sup>38</sup> Decree 2017/11, National Civil Protection Agency, article 3.  
<sup>39</sup> Decree 2017/11, article 5.  
<sup>40</sup> Decree 2017/11, article 8.  
<sup>41</sup> Decree 2017/11, article 16.  
<sup>42</sup> Decree 84/131, articles 4.

However, neither the Agency nor the Directorate of Civil Protection have been assigned the responsibility to facilitate and regulate international disaster assistance.

Section 2.1.3 of the Strategy further elaborates on the institutional aspects of DRR in Togo, stating that several sector institutions, public, private, civil society organizations and technical and financial partners are involved in DRM. As stated above, these institutions are grouped together within the National DRR Platform. The National DRR Platform was set up in April 2007 by order of the Minister of Environment and Forest Resources in accordance with the recommendation of the Hyogo Framework for Action, the priorities of which constitute its field of action,<sup>43</sup> and is comprised of representatives of sectoral ministries involved in DRR, institutions of the United Nations system, NGOs, the Red Cross and Red Crescent societies, the private sector and the following relevant ministries:

[National Strategy for Disaster Risk Reduction 2013-2017](#)

- Ministry of Environment and Forest Resources;
- Ministry of Security and Civil Protection;
- Ministry of Transport;
- Ministry of Economy and Finance;
- Ministry of Urbanism and Housing;
- Ministry of Water, Sanitation and Village Hydraulics;
- Ministry of Social Action and National Solidarity; and
- High Commission for Repatriation and Humanitarian Action.<sup>44</sup>

With regards to NGOs, the Strategy provides that NGOs intervene in disaster management through their various support to communities at the humanitarian level and in terms of support for the establishment of community information networks. The Strategy also explicitly recognizes that the Togolese Red Cross Society is of notable presence in this field.<sup>45</sup> It is also noted that in terms of management and sharing of information at the national level, no formal mechanism is currently operational on a permanent basis, but in each emergency, efforts are made to make it possible to manage the situation as well as possible. The technical secretariat of the National DRR Platform has always played the role of a center for collecting and disseminating information. The most widely used means of dissemination are the media, local authorities and community networks set up by the Red Cross.<sup>46</sup> These provisions highlight the important role of the Togolese Red Cross in information management before and during disasters.

However, none of the abovementioned institutions assign detailed roles and responsibilities with regards to the effective regulation and facilitation of international disaster assistance.

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

Summary	Source
<p><i>There do not appear to be defined procedures in place for requesting/welcoming and terminating international assistance in Togolese law.</i></p>	

<sup>43</sup> National Strategy for Disaster Risk Reduction 2013-2017, Section 2.1.3.

<sup>44</sup> National Strategy for Disaster Risk Reduction 2013-2017, Section 2.1.3.

<sup>45</sup> National Strategy for Disaster Risk Reduction 2013-2017, Section 2.1.5.

<sup>46</sup> National Strategy for Disaster Risk Reduction 2013-2017, Section 2.3.

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

**Summary**

**Source**

Legal facilities under international law

Togo subscribes to the monist approach to international law, according to which international agreements automatically become part of domestic law as soon as they are ratified and published in the official national gazette ("Journal officiel de la Republique").<sup>47</sup>

There are several international agreements of relevance to international disaster assistance. Most relevant to this study are those instruments that expedite and facilitate the provision of international humanitarian assistance. The Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations (Tampere Convention) provides legal facilities for the importation of telecommunication equipment and resources during emergencies, specifically requiring state parties to reduce or remove regulatory barriers to the use of telecommunication resources for disaster relief.<sup>48</sup> With regards to transport, of most relevance is Annexe 9 of the Chicago Convention on Civil Aviation (Chicago Convention) which provides procedural guidance for customs, immigration, agriculture, and public health clearance of aircrafts containing humanitarian assistance in response to disasters, including passengers, goods, and mail. Further, the Convention on the Facilitation of International Maritime Traffic mandates parties to facilitate the entry and exit of vessels engaged in natural disaster relief work and facilitate the entry of persons and cargo related to natural disaster relief work.<sup>49</sup>

In terms of customs, the International Convention on the Simplification and Harmonisation of Customs Procedures (Kyoto Convention),<sup>50</sup> which was adopted in 1973 and revised in 1999, and the Convention on Temporary Admission (Istanbul Convention),<sup>51</sup> simplify and harmonise customs clearance procedures for the importation of goods. Specifically, Annexe B3 of the Kyoto Convention recommends as practice that states exempt goods, including "foodstuffs, medicaments, clothing and blankets sent as gifts to an approved charitable or philanthropic organisation for distribution free of charge to needy persons by the organisation or under its control".<sup>52</sup> Annexe J5 provides guidelines to expedite the clearance of relief consignments intended to assist those affected by disasters. Annexe B2 to the Istanbul Convention regulates the importation of professional and communication equipment for practitioners of various disciplines in support to relief efforts. The measures and exemptions for temporary admission of goods for humanitarian purposes in response to natural disasters and other catastrophes are stipulated in Annexe B9. In addition, Annexe C of the Istanbul Convention allows for the temporary admission of means of transport used by a foreign entity and Annexe D allows for temporary admission of animals, including those involved in rescue operations.

It is also relevant to note treaties related to privileges and immunities law. The doctrine of privileges and immunities is not directly linked to disasters.<sup>53</sup> However, it is essential for those entities involved in disaster response to which it applies, as it addresses many of the access and operations related issues identified as problematic in field operations, as it typically allows the holder of privileges and immunities to easily enter, exit and operate in a foreign country with minimum interference from domestic authorities.<sup>54</sup> Much of the customary law in the area of privileges and immunities has been codified in the Vienna Convention on Diplomatic Relations<sup>55</sup> and the Vienna Convention on Consular Relations.<sup>56</sup> However, personal diplomatic and consular privileges and immunities generally do not extend outside the scope of mission staff and their families, and therefore civil protection, military and other disaster responders generally do not benefit from them.<sup>57</sup> Intergovernmental organisations have also traditionally been granted privileges and immunities to enable them to carry out their functions without undue

<sup>47</sup> See the Constitution of Togo, Articles 137 – 140.

<sup>48</sup> See article 9 of the Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations, June 18, 1998, UN depositary notification C.N.608.1998.TREATIES-8 of Dec. 4 1998 (entered into force Jan. 8, 2005) (Tampere Convention).

<sup>49</sup> See article 5.11 and 5.12 of Annexe 1 of the Convention on the Facilitation of International Maritime Traffic, 9 April 1965, 591 U.N.T.S. 265.

<sup>50</sup> Protocol of Amendment to the International Convention on the Simplification and Harmonization of Customs Procedures of 18 May 1973, 26 June 1999.

<sup>51</sup> Convention on Temporary Admission, 26 June 1990.

<sup>52</sup> Annexe B.3 to the Kyoto Convention, recommendation 7.

<sup>53</sup> 2007 IDRL Study, page 39.

<sup>54</sup> 2007 IDRL Study, page 39.

<sup>55</sup> Vienna Convention on Diplomatic Relations, April 18, 1961, 500 U.N.T.S. 95.

<sup>56</sup> Vienna Convention on Consular Relations, April 24, 1963, 596 U.N.T.S. 261.

<sup>57</sup> 2007 IDRL Study, page 40.

interference, but in general NGOs do not benefit from privileges and immunities under international law.<sup>58</sup> It was not possible to determine which organizations have been granted privileges and immunities in Togo.

In addition, the Framework Convention on Civil Defence Assistance provides a legal framework to reduce obstacles for effective international cooperation between states in disaster settings. It is also worth mentioning the Convention on the Safety of UN and Associated Personnel (UN Safety Convention) and the Optional Protocol thereto, which imposes an obligation on a state hosting a UN operation to protect UN personnel and property to prevent or reduce any impunity for those who attack UN or associated personnel or property.<sup>59</sup>

In terms of human rights treaties, the Convention on the Rights of Persons with Disabilities references disaster assistance the most directly. State parties are required to take all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including humanitarian emergencies and natural disasters.<sup>60</sup> In addition, there are several global human rights treaties, such as the International Covenant on Civil and Political Rights<sup>61</sup> and the International Covenant on Economic, Social and Cultural Rights<sup>62</sup> that set out rights closely linked to disaster relief and recovery assistance. These include the rights to life, food and water, housing, clothing, health, livelihood, and freedom from discrimination.<sup>63</sup>

There are also instruments which regulate the management of specific types of disasters or emergencies. For example, the International Health Regulations (the IHR)<sup>64</sup> regulate health emergencies with potential transboundary effects, defining the rights and responsibilities for state parties in handling outbreaks and providing public health measures for international traffic and travel. Another example is the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, which sets out rules for the initiation, coordination, and operation of international assistance operations in case of nuclear or radiological events as well as for legal facilities to be granted for the effective administration of assistance.<sup>65</sup> A third example is the International Convention on Oil Pollution Preparedness, Response and Cooperation<sup>66</sup> and its Protocol on Preparedness, Response and Cooperation to Pollution Incidents by Hazardous and Noxious Substances<sup>67</sup> which require state parties to cooperate and provide advisory services, technical support, and equipment when necessary and within their capabilities and resources, to respond to an oil pollution incident, as well as to take the legal or administrative measures necessary to facilitate the arrival and utilisation of vessels and the expeditious movement of personnel, cargoes, materials and equipment.<sup>68</sup>

In terms of regional instruments, article 23 of the African Charter on the Rights and Welfare of the Child<sup>69</sup> (ACRWC) provides that states shall take all appropriate measures to ensure that refugee children as well as children who have been internally displaced, including by disasters, receive appropriate humanitarian assistance. In addition, the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), provides in article 5(7) that state parties are obligated to facilitate the coordination of international relief and allow rapid and unimpeded passage of humanitarian relief to internally displaced persons. Further, states shall enable and facilitate the role of local and international organisations and humanitarian agencies, as well as other relevant actors, to provide protection and assistance to IDPs.

The tables below examine which of the above-mentioned agreements Togo is a state party to:

<u>Convention</u>	<u>State party</u>
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<sup>58</sup> 2007 IDRL Study, page 40.

<sup>59</sup> UN Safety Convention, articles 7 and 11.

<sup>60</sup> See article 11 of the Convention on the Rights of Persons with Disabilities.

<sup>61</sup> International Covenant on Civil and Political Rights, 16 December 1966, 999 U.N.T.S. 171.

<sup>62</sup> International Covenant on Economic Social and Cultural Rights, 16 December 1966, 999 U.N.T.S. 3.

<sup>63</sup> 2007 IDRL Study, page 34.

<sup>64</sup> World Health Assembly, Revision of the International Health Regulations, Doc. No. WHA58.3 (23 May 2005).

<sup>65</sup> Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency Sept. 26, 1986, 1439 U.N.T.S. 275, articles 1, 2, 3, 4, 7, 8, 9, 10, and 11.

<sup>66</sup> International Convention on Oil Pollution Preparedness, Response and Cooperation, 30 November 1990, 30 I.L.M. 733 (1990).

<sup>67</sup> Protocol on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances, 15 March 2000.

<sup>68</sup> See article 7 on the Convention on Oil Pollution Preparedness, Response and Cooperation and article 5 of the Protocol on Preparedness, Response and Cooperation to Pollution Incidents by Hazardous and Noxious Substances.

<sup>69</sup> African Charter on the Rights and Welfare of the Child, 11 July 1990, OAU Doc. CAB/LEG/24.9/49 (1990).



<b>Tampere Convention</b> <sup>70</sup>	No		
<b>Chicago Convention</b> <sup>71</sup>	Yes		
<b>Convention on the Facilitation of International Maritime Traffic</b> <sup>72</sup>	No		
<b>Annexe B.3 to the Kyoto Convention</b> <sup>73</sup>	Yes <sup>74</sup>		
<b>Annexe J-5 to the Kyoto Convention</b> <sup>75</sup>	Yes <sup>76</sup>		
<b>Annexe B2 to the Istanbul Convention</b> <sup>77</sup>	No		
<b>Annexe B9 to the Istanbul Convention</b> <sup>78</sup>	No		
<b>Annexe C to the Istanbul Convention</b> <sup>79</sup>	No		
<b>Annexe D to the Istanbul Convention</b> <sup>80</sup>	No		
<b>Vienna Convention on Diplomatic Relations</b> <sup>81</sup>	Yes		
<b>Vienna Convention on Consular Relations</b> <sup>82</sup>	Yes		
<b>Framework Convention on Civil Defence Assistance</b> <sup>83</sup>	No		
<b>UN Safety Convention and Optional Protocol</b> <sup>84</sup>	Convention only		
<b>Convention on the Rights of Persons with Disabilities</b> <sup>85</sup>	Yes		
<b>IHR</b> <sup>86</sup>	Yes		
<b>Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency</b> <sup>87</sup>	No		
<b>International Convention on Oil Pollution Preparedness, Response and Cooperation</b> <sup>88</sup>	No		
<b>ACRWC</b> <sup>89</sup>	Yes		
<b>International Covenant on Civil and Political Rights</b> <sup>90</sup>	Yes		

<sup>70</sup> Information obtained from the UN Treaty Collection (UNTC) available at [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtmsg\\_no=XXV-4&chapter=25](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtmsg_no=XXV-4&chapter=25).

<sup>71</sup> Information obtained from ICAO available at <https://www.icao.int/publications/Pages/doc7300.aspx>.

<sup>72</sup> Information obtained from the UNTC available at <https://treaties.un.org/Pages/showDetails.aspx?objid=0800000280129d04>.

<sup>73</sup> Information obtained from the World Customs Organization (WCO) available at [http://www.wcoomd.org/en/Topics/Facilitation/Instrument%20and%20Tools/Conventions/pf\\_revised\\_kyoto\\_conv/Instruments](http://www.wcoomd.org/en/Topics/Facilitation/Instrument%20and%20Tools/Conventions/pf_revised_kyoto_conv/Instruments).

<sup>74</sup> See <http://www.wcoomd.org/-/media/wco/public/global/pdf/about-us/legal-instruments/conventions-and-agreements/contracting-parties-and-instruments/togo/pg0237b1-notification.pdf?la=en>.

<sup>75</sup> Information obtained from the WCO available at [http://www.wcoomd.org/en/Topics/Facilitation/Instrument%20and%20Tools/Conventions/pf\\_revised\\_kyoto\\_conv/Instruments](http://www.wcoomd.org/en/Topics/Facilitation/Instrument%20and%20Tools/Conventions/pf_revised_kyoto_conv/Instruments).

<sup>76</sup> See <http://www.wcoomd.org/-/media/wco/public/global/pdf/about-us/legal-instruments/conventions-and-agreements/contracting-parties-and-instruments/togo/pg0237b1-notification.pdf?la=en>.

<sup>77</sup> Information obtained from the UNTC available at <https://treaties.un.org/Pages/showDetails.aspx?objid=08000002800b2770&clang=en>.

<sup>78</sup> Information obtained from the UNTC available at <https://treaties.un.org/Pages/showDetails.aspx?objid=08000002800b2770&clang=en>.

<sup>79</sup> Information obtained from the UNTC available at <https://treaties.un.org/Pages/showDetails.aspx?objid=08000002800b2770&clang=en>.

<sup>80</sup> Information obtained from the UNTC available at <https://treaties.un.org/Pages/showDetails.aspx?objid=08000002800b2770&clang=en>.

<sup>81</sup> Information obtained from [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtmsg\\_no=III-3&chapter=3&clang=en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtmsg_no=III-3&chapter=3&clang=en).

<sup>82</sup> Information obtained from the UNTC [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtmsg\\_no=III-6&chapter=3](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtmsg_no=III-6&chapter=3).

<sup>83</sup> Information obtained from the UNTC available at <https://treaties.un.org/Pages/showDetails.aspx?objid=0800000280086ecb&clang=en>.

<sup>84</sup> Information obtained from the UNTC available at [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtmsg\\_no=XVIII-8&chapter=18](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtmsg_no=XVIII-8&chapter=18) and [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg\\_no=XVIII-8-a&chapter=18&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg_no=XVIII-8-a&chapter=18&clang=en).

<sup>85</sup> Information obtained from the UNTC available at [https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtmsg\\_no=IV-15&chapter=4](https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtmsg_no=IV-15&chapter=4).

<sup>86</sup> Information obtained from World Health Organisation available at [https://www.who.int/ihr/legal\\_issues/states\\_parties/en/](https://www.who.int/ihr/legal_issues/states_parties/en/).

<sup>87</sup> Information obtained from the International Atomic Energy Agency available at <https://www.iaea.org/topics/nuclear-safety-conventions/convention-assistance-case-nuclear-accident-or-radiological-emergency#:~:text=The%20Convention%20on%20Assistance%20in,in%20the%20event%20of%20nuclear>.

<sup>88</sup> Information obtained from the UNTC <https://treaties.un.org/Pages/showDetails.aspx?objid=08000002800aada6>.

<sup>89</sup> Information obtained from the AU available at <https://au.int/en/treaties/african-charter-rights-and-welfare-child>.

<sup>90</sup> Information obtained from the UNTC available at [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg\\_no=IV-4&chapter=4&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg_no=IV-4&chapter=4&clang=en).

<b>International Covenant on Economic, Social and Cultural Rights<sup>91</sup></b>	Yes
<b>Kampala Convention<sup>92</sup></b>	Yes

The sections below examine whether there are any legal facilities provided for international assisting actors in terms of the regional and domestic laws in Togo.

### **i. Landing rights**

As mentioned above, terms of International Law, Togo is a State party to the Convention of Civil Aviation of 1944 (Chicago Convention), which includes, in Annex 9, provisions and recommended practices for the facilitation of international emergency assistance (relief flights and relief personnel), and the implementation of public health and quarantine measures at international airports.<sup>93</sup>

Also of relevance is the Civil Aviation Community Code of the West African Economic and Monetary Union (UEMOA), of which Togo is a member state, which provides in article 53 that except in cases of force majeure and the cases provided for in the Code, aircraft may only land and take off from regularly established aerodromes. The conditions under which certain types of aircraft may land or take off from other than an aerodrome, with the agreement of the person, natural or legal, who has the use of the land or water area used, are established by the national legislation in force. However, such agreement is not necessary in the case of assistance or rescue operations for which recourse is made to aircraft.<sup>94</sup> This provision may facilitate the landing rights of aircrafts arriving in Togo in relief operations.

The Civil Aviation Code of Togo, established by Law 2016/11, provides the national legal framework for civil aviation in compliance with the Chicago Convention. Article 143 establishes that the sanitary control at the borders is governed on the Togolese territory by the provisions of the international sanitary regulations taken by the World Health Organization, of the international arrangements and of the national regulation taken in the matter in order to prevent the propagation by air of communicable diseases.<sup>95</sup> However, Law 2016/11 is silent on simplified customs and landing procedures for airplanes carrying humanitarian assistance.

### **ii. Customs arrangements**

Although simplified procedures for the import and use of equipment is not provided, Decree 84/131 provides in article 4 that the civil protection director is in charge of the approval and acquisition of civil protection equipment, which could include international disaster relief equipment. However, as stated above, the Kyoto Convention and its annexes have force of law in Togo. This means that Annexe B3, which recommends as practice that states exempt goods, including “foodstuffs, medicaments, clothing and blankets sent as gifts to an approved charitable or philanthropic organisation for distribution free of charge to needy persons by the organisation or under its control”,<sup>96</sup> and Annexe J5, which provides guidelines to expedite the clearance of relief consignments intended to assist those affected by disasters, therefore apply in the country.

In terms of regional agreements, Regulation 09/2008/CN/UEMOA establishes simplified procedures for customs clearance. Article 2 states that in order to facilitate the customs clearance procedure, the customs authorities of the Member States may authorize the lodging either of definitive simplified declarations or of simplified declarations to be regularized by means of supplementary declarations of a global, periodic or recapitulative nature, under the guarantee of a general guarantee tender. Simplified declarations to be regularized are authorized for goods which, on import or export, are of an urgent nature or require split shipments, in particular products intended for free zones. However, in the context of facilitation, Member States may grant simplified procedures to certain goods for reasons related to

[Chicago Convention 1944 \(Annex 9\)](#)

[Regulation 2007/01, UEMOA Civil Aviation Community Code](#)

[Law 2016/11, Civil Aviation Code](#)

[Decree 84/131, Directorate of Civil Protection](#)

[Regulation 09/2008/CN/UEMOA, Simplified procedures for customs clearance](#)

<sup>91</sup> Information obtained from the UNTC available at [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsq\\_no=IV-3&chapter=4](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsq_no=IV-3&chapter=4).

<sup>92</sup> Information obtained from the AU available at <https://au.int/sites/default/files/treaties/36846-sl-AFRICAN%20UNION%20CONVENTION%20FOR%20THE%20PROTECTION%20AND%20ASSISTANCE%20OF%20INTERNALLY%20DISPLACED%20PERSONS%20IN%20AFRICA%20%28KAMPALA%20CONVENTION%29.pdf>.

<sup>93</sup> Chicago Convention on International Civil Aviation 1944, Annex 9.

<sup>94</sup> Regulation 2007/01, UEMOA Civil Aviation Community Code, article 53.

<sup>95</sup> Law 2016/11, Civil Aviation Code, article 143.

<sup>96</sup> Annexe B.3 to the Kyoto Convention, recommendation 7.

conservation requirements, urgency or any other duly justified reason.<sup>97</sup> Although this regulation does not specify which goods or equipment could be subject to these provisions, it could potentially include international relief goods and equipment of urgent nature. Article 3 provides the requirements for simplified customs procedures, stating that the simplified declaration does not include all the information required by the regulations in force; however, it must contain, where applicable, the following information:

- name or company name of the importer;
- full address of the importer;
- number of the fiscal identifier;
- total number in figures and letters of the articles covered by the declaration;
- total number of packages in a shipment;
- description of Goods;
- name and Code of Country of Origin;
- name and code of country of origin;
- identification of the means of transport;
- mentions of the attached documents;
- gross and net weight of the goods;
- customs value of the goods in figures and letters;
- rate and amount to be collected for import duties;
- rate and amount to be collected for import duties; and  
name, address, company name, approval number of declarants, date and signature.<sup>98</sup>

#### Communications equipment

The law is silent on simplified customs and registration procedures for the import/export and use of communications equipment by international assisting actors.<sup>99</sup>

Although the expedited import of communications equipment could potentially be facilitated through the provisions discussed above, the normal rules, which are set out in Telecommunications Law 98/005, would apply to the use of communications equipment in Togo.

#### Food, medicine and quarantine

Although the expedited import of food and medicine as part of international relief operations could be facilitated through the procedures described above, these should be read with Regulation 007/2007/CM/UEMOA, which seeks to establish the general principles as well as the organizational arrangements and procedures guaranteeing the safety of plants, animals and food, at Community (UEMOA) level and at national level. It establishes the structures and mechanisms for health security within the Union. It applies to all stages of the production, processing and distribution of plants, animals and food sold.<sup>100</sup> This regulation provides specific procedures of sanitary inspection and verification of imports/exports of food and animals, and the implementation of quarantine measures in case of a health crisis. It is silent on procedures to be implemented when importing food, drugs, or rescue dogs as part of international disaster assistance.

In addition, with regards to medicine, as mentioned above, the Health Code provides in section 2 for the import of medicines in the framework of donations. It states that any free offer made within the framework of the activities of non-governmental organizations, bilateral or multilateral cooperation or international solidarity movements is considered as a donation of drugs or products falling under the pharmaceutical monopoly. The donation must correspond to the needs expressed by the recipient authorities and national communities. Special exemptions may be granted by the Minister responsible for health in favour of donations during

[Telecommunications Law 98/005](#)

[Regulation 007/2007/CM/UEMOA](#)

<sup>97</sup> Regulation 09/2008/CN/UEMOA, Simplified procedures for customs clearance, article 2.

<sup>98</sup> Regulation 09/2008/CN/UEMOA, Simplified procedures for customs clearance, article 3.

<sup>99</sup> See article 26 and 27 of the Telecommunications Law 98/005.

<sup>100</sup> Regulation 007/2007/CM/UEMOA, article 2.

disasters.<sup>101</sup> Any importation of drugs or products included in the list of essential drugs falling under the pharmaceutical monopoly and being the subject of a donation must be authorized by the national commission for the registration of drugs and other pharmaceutical products.<sup>102</sup> The conditions of importation of drugs and products subject to a donation are determined by joint order of the ministers responsible for health and finance.<sup>103</sup> The decision to refuse authorization to import drugs or products that are the subject of a donation is justified.<sup>104</sup>

[Public Health Code of the Togolese Republic](#)

### Vehicles

Although the expedited import of vehicles associated with international relief operations could potentially be facilitated through the provisions discussed above, the normal rules, applicable to the licensing and registration of vehicles appears to apply. However, one provision identified as potentially relevant is the Financial Management Law 2019/022, which contains in article 4.2. provisions on the Laissez-Passer tax. It states that the laissez-passer tax is made up of the temporary importation sticker for vehicles or passes. It is seen on foreign registration vehicles entering national territory, among which are included the vehicles of the diplomatic and consular corps, which are exempt from the laissez-passer tax.<sup>105</sup>

[Financial Management Law 2019/022](#)

### **iii. Immigration**

In terms of domestic arrangements, Law 87/12 outlines the types of foreign citizens in Togo, namely immigrants and non-immigrants.<sup>106</sup> Article 3 states that the following are qualified as non-immigrant foreigners:

1. persons with diplomatic or consular status, as well as their spouses and minor children;
2. civilian agents placed by foreign governments and international organizations at the disposal of the Togolese government for technical assistance, as well as their spouses and minor children. This category would likely encompass international disaster assisting actors, although further details are not provided;
3. military agents assigned to Togo in accordance with the agreements concluded between their government and the Togolese government, as well as their spouses and minor children; and
4. all other people whose stay in Togo does not exceed three months.<sup>107</sup>

Law 87/12 provides three types of entry visas, depending on the length of stay. However, there are no procedures in place for the waiving of visas or for expediting the processing of visas for international relief personnel nor for the recognition of foreign driving licenses.

It is also relevant to note that the Labor Code, approved by Law 2006/10 provides in article 46 that the recruitment in Togo and outside Togo of a worker of foreign nationality must be preceded by a hiring authorization and be the subject to an employment contract concluded in writing and endorsed by the director general of labor.<sup>108</sup> The Labor Code is, however, silent on procedures for granting work permits to international relief personnel.

[Law 87/12, Foreign citizens in Togo](#)

[Law 2006/10, Labor Code](#)

### **iv. Registration of international assisting actors**

The domestic laws of Togo do not appear to provide special or simplified registration requirements for international assisting actors. It could not be confirmed whether an international assisting actor would need to be registered in Togo to access facilities such as a bank account, water and electricity, and to enter into contracts (e.g., lease agreements/employment agreements).

<sup>101</sup> Public Health Code of the Togolese Republic, 2009, article 313.

<sup>102</sup> Public Health Code of the Togolese Republic, 2009, article 314.

<sup>103</sup> Public Health Code of the Togolese Republic, 2009, article 315.

<sup>104</sup> Public Health Code of the Togolese Republic, 2009, article 316.

<sup>105</sup> Financial Management Law 2019/022, article 4.2.

<sup>106</sup> Law 87/12, Foreign citizens in Togo, article 2.

<sup>107</sup> Law 87/12, Foreign citizens in Togo, article 3.

<sup>108</sup> Law 2006/10, Labor Code, article 46.

**v. Recognition of professional qualification of foreign personnel**

Directive 06/CM/UEMOA seeks to facilitate free movement as well as the establishment for the exercise of the profession of Doctor in the Member States by a doctor who is a national of the West African Economic and Monetary Union (the Union) already registered with the National Order of Doctors of one of the Member States.<sup>109</sup> Although no direct mention of international relief personnel is made, article 5 provides that any doctor who is a national of the Union regularly registered with the National Order of Doctors of a member country of UEMOA may freely exercise his profession, as a self-employed or salaried person, in any other member country of the Union, under the following conditions:

- they hold a doctorate degree in medicine and in addition, for the specialist, one or more diplomas or certificates of specialties recognized by the African and Malagasy Council for Higher Education (CAMES);
- they are in possession of a letter of introduction from the President of the National Council of the Order of Physicians of the country of origin or provenance;
- they are registered with the National Council of the Order of Physicians of the host country.<sup>110</sup>

The Public Health Code provides in article 165 that a decree of the minister responsible for higher education sets the conditions under which holders of a foreign diploma of Doctor of Medicine or dental surgeon can apply for the equivalence of their diplomas with the state diploma to practice their profession in Togo.<sup>111</sup> However, the law does not specify whether the same procedure applies to international relief personnel.

However, there do not appear to be any procedures to simplify the recognition of any other foreign professional qualifications, such as those of nurses, engineers, or architects in the domestic laws of Togo.

**vi. Tax and currency exchange for disaster relief activities.**

The General Tax Code provides that all acts concerning mutual benefit societies or approved aid societies shall be exempt from registration and stamp duties, except for acts transferring ownership or enjoyment of movable or immovable property. Legally constituted professional organisations which have provided in their statutes for mutual aid between their members benefit from the tax immunities granted to mutual aid societies.<sup>112</sup>

Togo has a source-based tax system in terms of which both residents and non-residents are subject to tax on income earned from a source in Togo.<sup>113</sup> Double Taxation Agreements are in force with France and Benin, Burkina Faso, Guinea-Bissau, Ivory Coast, Mali, Niger and Senegal.<sup>114</sup> However, there do not appear to be explicit exemptions from taxation for international disaster assistance providers. However, Decree 2017/11 does establish in article 25 that the Agency benefits from an exemption from all customs duties and taxes when it proceeds, on external financing as well as on donations and bequests, for the acquisition of services, equipment, materials, and necessary products. to the accomplishment of its mission, in accordance with the regulations in force.<sup>115</sup>

The General Tax Code, approved by Law 2018/024 states in article 4 that Ambassadors and diplomatic agents, consuls and consular agents of foreign nationality are exempt from income tax under reciprocity conditions. However, this exemption only covers official remunerations of interested parties and private income from foreign sources received by them.<sup>116</sup> As per article 206, among the eligible actors for reimbursement of VAT are diplomatic or consular representations and international organizations, subject to a formal reciprocal agreement or headquarters agreement, where they have previously paid the tax.<sup>117</sup> Furthermore, some of the goods and services exempted of VAT include medical consultations, treatment of a medical nature, all medical services provided by hospitals, clinics and other similar establishments, as well as treatment provided by veterinary surgeons, paramedical care, hospital fees, supplies of prostheses and laboratory analyses;

[Directive 06/CM/UEMOA](#)

[General Tax Code, Law 2018/024](#)

<sup>109</sup> Directive 06/CM/UEMOA, article 2.

<sup>110</sup> Directive 06/CM/UEMOA, article 5.

<sup>111</sup> Public Health Code of the Togolese Republic, 2009, article 165.

<sup>112</sup> General Tax Code, Law 2018/024, article 544.

<sup>113</sup> ENS, Doing Business in Togo, available at <https://www.ensafrica.com/doing-business/download/?termId=58>.

<sup>114</sup> ENS, Doing Business in Togo, available at <https://www.ensafrica.com/doing-business/download/?termId=58>.

<sup>115</sup> Decree 2017/11, article 25.

<sup>116</sup> General Tax Code, Law 2018/024, article 4.

<sup>117</sup> General Tax Code, Law 2018/024, article 206.

services rendered benevolently or at a price equal to or lower than the cost price by legally constituted non-profit associations and public utility institutions; operations carried out by non-profit organizations and charities.<sup>118</sup>

Some of the entities exempted of the corporate income tax provided in the General Tax Code include relief organizations<sup>119</sup>, and therefore it is arguable that these provisions apply to international disaster actors operating in Togo.

Article 180 of the Financial Management law 2019/022 provides a list of goods and services exempt of the value added tax (VAT) including, among others, services rendered on a voluntary basis or at a price equal to or lower than the cost price by legally constituted non-profit associations and public utility establishments; and operations carried out by non-profit organizations.<sup>120</sup> Although not directly related to international assisting actors, these provisions include NGOs, which have a key role in disaster management.

In terms of exchange Togo is a member of UEMOA and subject to the UEMOA exchange control regulations (Regulation 09/2010/CM/UEMOA). Although the Regulations are silent on procedures for currency exchange for international disaster relief activities, Annex VI of these Regulations provides that diplomatic privileges and exemptions apply to:

- a) articles sent by ambassadors, members of the diplomatic corps or foreign persons enjoying diplomatic immunity;
- b) articles sent to the national diplomatic corps abroad;
- c) motor vehicles belonging to ambassadors or other members of the diplomatic corps, registered in the country in a normal series or circulating under the conditions provided for by customs regulations.<sup>121</sup>

Besides the provisions presented above, current legislation in Togo does not contain provisions that allow international humanitarian actors to freely bring foreign currencies into the country for relief operations.

**vii. Freedom of movement of international assisting actors during a disaster response**

There does not appear to be any provisions that facilitate the free movement and access of international assisting actors to disaster-affected populations.

**viii. Safety and security of international assisting actors**

The domestic law is silent on procedures for the provision of safety for international assisting actors. However, Decree 2008-010/PR provides some categories of events that justify the sending of the special forces of the gendarmerie, which include events having the character of a real disaster and requiring prompt and decisive action either to rescue persons or to protect persons and property in the event of floods, landslides, railway accidents, shipwrecks, explosions, fires, discovery of unexploded ordnance, or other disasters.<sup>122</sup> Furthermore, Decree 2016-001 establishes a special body of the gendarmerie called the mobile gendarmerie group, which is an intervention formation of the gendarmerie whose territorial jurisdiction corresponds to that of a gendarmerie region. The mobile gendarmerie group is responsible, within its territorial jurisdiction, for carrying out security missions, maintaining or re-establishing public order, providing aid and assistance to the population in the event of disasters or catastrophes and providing reinforcement to territorial units.<sup>123</sup>

**ix. Additional facilities for international disaster relief**

There do not appear to be additional facilities for international disaster relief operations.

[Regulation 09/2010/CM/UEMOA](#)

[Regulation 09/2010/CM/UEMOA](#)

[Decree 2008-010/PR](#)

[Decree 2016-001](#)

[Code Pénal 2015](#)

[Statutes of the Armed Forces](#)

[Functioning of the Armed Forces](#)

<sup>118</sup> General Tax Code, Law 2018/024, article 180.

<sup>119</sup> General Tax Code, Law 2018/024, article 93.

<sup>120</sup> Financial Management Law 2019/022, article 180.

<sup>121</sup> Regulation 09/2010/CM/UEMOA, Annex VI.

<sup>122</sup> Decree 2008-010/PR, National Togolese Gendarmerie, article 31.

<sup>123</sup> Decree 2016-001, Re-organization of the National Togolese Gendarmerie, article 54.

<b>Question 6: Do your country's laws and regulations set out quality standards for international assisting actors?</b>	
<b>Summary</b>	<b>Source</b>
<p><i>Laws and regulations in Togo do not appear to set out minimum quality standards for international disaster assistance.</i></p> <p><i>Although not directly related to international disaster assistance, the Strategy does provide in section 3.1 the fundamental principles and framework guiding DRR actions in Togo. The basic principles are as follows:</i></p> <ul style="list-style-type: none"> <li><i>• DRR actions are people centered. In this regard, communities are the focus of all DRR policies, programs, and projects. The approach values local know-how, local learning methods and is based on a comprehensive approach to strengthening community mechanisms for coping with disasters through appropriate mitigation strategies;</i></li> <li><i>• DRR actions are based on an "all-hazards" (natural and man-made), "integrated" (all operations) and "comprehensive" (all stages of the disaster cycle) approach. It emphasizes the systematic identification, analysis, control and treatment of all disaster risks;</i></li> <li><i>• DRR actions aim to reduce people's physical weaknesses, social, environmental and economic vulnerabilities. They optimize national planning to ensure that priority is given to reducing the risk of environmental and socio-economic vulnerabilities of the communities most at risk. They use risk analysis/assessment methodologies in planning for development;</i></li> <li><i>• DRR actions should be integrated into national poverty reduction and development policies;</i></li> <li><i>• DRR actions should be linked to decentralization policy to help strengthen local and regional capacities; and</i></li> <li><i>• DRR actions should be supported by regional and international cooperation. Togo must work to develop technical and financial partnerships in order to seize all the opportunities offered by disaster risk reduction. Togo must work to develop technical and financial partnerships to seize all opportunities for capacity building for risk prevention and disaster management in the country, and disaster management at local, national and regional levels.<sup>124</sup></i></li> </ul>	<p><a href="#">National Strategy for Disaster Risk Reduction 2013-2017</a></p>
<b>Question 7: Do your country's laws and regulations set out eligibility requirements for international assisting actors to receive legal facilities?</b>	
<b>Summary</b>	<b>Source</b>
<p><i>There do not appear to be laws and regulations explicitly setting out eligibility requirements for international assisting actors to receive legal facilities in Togo.</i></p>	

<sup>124</sup>

*National Strategy for Disaster Risk Reduction 2013-2017, Section 3.1.*

Question 8: Do your country's laws and regulations establish a specialized unit for expediting the entry of international disaster assistance?	
Summary	Source
<p><i>There do not appear to be provisions that establish a specialized unit for expediting the entry of international disaster assistance, nor does there appear to be a consolidated "One Stop Shop" approach to international disaster assistance in Togo.</i></p>	
Question 9: Do your country's laws and regulations provide adequate transparency, safeguards and accountability mechanisms governing international disaster relief and initial recovery assistance?	
Summary	Source
<p><i>Current laws for civil protection in Togo are silent on procedures to guard against the misappropriation of disaster relief funds, and do not contain a specific mechanism to remove eligibility to receive legal facilities from international actors in case of violation of humanitarian quality standards, although the normal criminal laws of Togo would apply in such instances relating to fraud and corruption etc.</i></p> <p><i>It is interesting to note that the Criminal Code of the Togolese Republic contains a few provisions relating to disaster settings in section 5 provisions related to the failure to assist. Article 189 states that the failure to render assistance to a person in danger is constituted by the fact of not rendering assistance to a person in danger, when the person who could have acted by himself or by provoking assistance without danger to himself or to third parties, voluntarily abstains from doing so.<sup>125</sup> In terms of article 190, any person guilty of failing to render assistance is punished by imprisonment for one to five years and a fine of one million (1,000,000) to five million (5,000,000) CFA francs or one of these two penalties. In addition, any person who, in the event of a public calamity or danger, has, without valid reason, refused or neglected to respond to the request for assistance or the requisition for help made by the qualified authority, may be subject to the same punishment.<sup>126</sup></i></p>	<p><a href="#">Code Pénal 2015</a></p>
Question 10: Do your country's laws and regulations outline procedures for international disaster assistance sent from, and transiting through your country?	
Summary	Source
<p><i>There do not appear to be special provisions for the transit and export of international disaster assistance sent from, or transiting through Togo in terms of domestic arrangements, and therefore the normal rules applicable to the transit and export of goods, equipment and personnel would apply.</i></p>	<p><a href="#">General Tax Code, Law 2018/024</a></p>

<sup>125</sup> Loi 2015/10, Portant Nouveau Code Penal, article 189.

<sup>126</sup> Loi 2015/10, Portant Nouveau Code Penal, article 190.