

São Tomé and Príncipe: Mapping of International Disaster Response Laws, Rules and Principles

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

This document is the result of a desktop review of information either publicly available or shared by the Red Cross Society of STP. This document was prepared by Candela Nicole Navarro under the supervision of Jeanique Serradinho and María Martínez. The document was reviewed by Luissander Carvalho of the Red Cross Society of STP. The information is up to date as at April 2021.

IFRC Disaster Law wishes to express its gratitude to the persons who took the time to review and provide input to this country profile. Nevertheless, the challenges surrounding desktop legal research in the region means that errors may remain. IFRC Disaster Law would therefore welcome further feedback on the contents of this document.

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

Summary	Source
<p>The main legislative document for disaster management in São Tomé and Príncipe (STP) is the Basic Law of Civil Protection and Fire Service (Law 04/2016), which establishes the general basis for the activity of the Civil Protection and Fire Service which is carried out in the national territory but also outside, in cooperation with foreign States or international organizations of which STP is a party, within the framework of international commitments and applicable rules of international law.¹ According to article 4 of Law 04/2016, the fundamental objectives of civil protection and fire service are:</p> <ul style="list-style-type: none"> a) to prevent collective risks and the occurrence of serious accidents or calamities resulting from them; b) to mitigate collective risks and limit their effects; c) to help and assist people and other living beings in danger and to protect cultural and environmental goods and values of high public interest; and d) to support the restoration of normal life for people in areas affected by serious accidents or calamities.² <p>Law 04/2016 provides the institutional framework for civil protection and disaster management in STP, outlining the composition and responsibilities of each government body. Article 46 states that unless an international treaty or convention provides otherwise, the request and the granting of external assistance, in the event of a serious accident or catastrophe, is the responsibility of the Government (the specific Government entity is not specified). The products and equipment that constitute the external aid, requested or granted are exempted from any duties or taxes, for their importation, and priority should be given to the respective customs clearance. Formalities at border crossing by persons engaged in relief missions are reduced to the absolute minimum.³</p> <p>Furthermore, article 36 establishes the National Commission for Civil Protection and Fire Service (CNPCB) as a specialized technical advisory and national coordination body which is responsible for, among others, initiating the foreseen actions in the emergency plans and ensuring the conduct of the protection and rescue operations resulting from them; enabling the quick and efficient mobilization of organizations and indispensable personnel and of the available means that allow the coordinated</p>	<p>Law 04/2016, Basic Law of Civil Protection and Fire Service</p>

¹ Law 04/2016, Basic Law of Civil Protection and Fire Service, article 2.

² Law 04/2016, Basic Law of Civil Protection and Fire Service, article 4.

³ Law 04/2016, Basic Law of Civil Protection and Fire Service, article 46.

conduct of the actions to be carried out; and formulating requests from the Government for assistance to other countries and to international organizations, through the competent bodies.⁴

As provided in article 37, the CNPCB is chaired by the member of the Government in charge of the area of Internal Administration and includes the following members:

- a) President of the Regional Government;*
- b) Presidents of the District Chambers;*
- c) Commander of the SNPCB;*
- d) Coordinator of the National Council for the Prevention of Risks and Catastrophes (CONPREC);*
- e) Representative of the Armed Forces Staff;*
- f) General Commander of the National Police; and*
- g) President of the Red Cross of São Tomé and Príncipe.⁵*

The President, when he deems it convenient, may invite other entities to participate in the meetings of the Commission, which due to their technical or other capacities, may be relevant for decision-making, within the scope of Civil Protection and Fire policies.⁶

Decree 17/2011 establishes the creation of the National Council for Disaster Preparedness and Response (CONPREC), which includes:

- a) Ministry of Foreign Affairs and Communities;*
- b) Ministry of Health;*
- c) Ministry of Labor, Solidarity and Family;*
- d) Armed forces;*
- e) National Police;*
- f) Civil Protection and Firefighters;*
- g) General Regulatory Authority;*
- h) National Institute of Meteorology;*
- i) General Directorate for the Environment;*
- j) Red Cross of São Tomé and Príncipe; and*
- k) Representative of the Minister's Secretary to the government.⁷*

Some of the attributions of CONPREC include directing and coordinating disaster management actions, namely prevention and response operations, reducing vulnerabilities, elaborating contingency plans and supervising their subsequent implementation, ensuring the management of humanitarian assistance, supporting other entities involved in disaster response operations, proposing and adopting disaster-related legislation, and mobilizing financial resources.⁸

[Decree 17/2011](#)

⁴ Law 04/2016, Basic Law of Civil Protection and Fire Service, article 36.

⁵ Law 04/2016, Basic Law of Civil Protection and Fire Service, article 37.

⁶ Law 04/2016, Basic Law of Civil Protection and Fire Service, article 37.

⁷ Decree 17/2011, article 2.

⁸ Decree 17/2011, article 5.

CONPREC is chaired by a General Coordinator, and its institutional structure consist of a Prevention and Responses Office, an Administration and HR Office, a Coordination Office, a National Emergency Operations Center (CENOE), and a Legal Affairs Office.⁹ Moreover, CONPREC has three consultation bodies, one of which is a Multi-sectoral Technical Committee for Disaster Management (Technical Committee).¹⁰ This Technical Committee is in charge of, among others, proposing the launch of appeals for humanitarian assistance, for relief actions and post-disaster rehabilitation, in a close connection between emergency and development.¹¹

The National Adaptation Plan of Action on Climate Change of 2006 (Adaptation Plan) highlights that it is the responsibility of the public safety and civil protection sector to execute, through the CENOE the following actions: to minimize the loss of life and goods as well as environmental damage; to guarantee the maintenance of law and order; to proceed with actions related to displacement, temporary lodging and relocation of populations that the emergency situation imposes; to promote primary and secondary evacuation of the sick and the installation of the essential medical care for the effected populations; to guarantee the attendance and the well-being of the population and to promote the meeting of families; to proceed with actions related to sanitation, the repair and re-establishment of water and energy facilities; to assure the transportation of goods, water and fuels; to promote safeguards of historical and cultural patrimony; to obtain external help, to the extent of the existent bilateral agreements, whenever the extension of the damages is so serious that national resources are revealed insufficient; to proceed to the rehabilitation of the essential public services.¹² However, the Adaptation Plan does not provide specific procedures for the management of international disaster assistance.

Furthermore, the National Strategy for Disaster Risk Management (ENGRD) 2016 defines the strategic lines for the implementation of prevention, mitigation and response to disasters in the next 7 years, with a view to leading São Tomé and Príncipe to a state of readiness and promoting sustainable economic and social development. The vision of the ENGRD can be achieved through (i) the commitment of government authorities and civil society; (ii) sensitization of communities; (iii) multi-sector approach to disaster management issues, (iv) and promotion of scientific knowledge.¹³ The ENGRD is multi-sectoral in scope and represents a unique instrument in the national context of disaster management, in its various aspects, thus reflecting the interdependence between the various spheres involved in socio-economic development and calling for greater coordination between actors and for greater involvement of communities that constitute the most vulnerable group, towards the adoption of a culture of building resilience.¹⁴ In this context, the objectives of the ENGRD are, among others, to:

- create a national platform for effective and efficient response in the event of natural and technological disasters;
- reduce the number of loss of human life, property, social infrastructure and the negative impact on the environment caused by natural and anthropogenic disasters;
- create and institutionalize the disaster management structure from the base to the central level to ensure integrated risk management and emergency response, at its different levels; and
- promote the creation and expansion of community Disaster Risk Management committees in order to ensure the expansion of information on disaster risks and how to deal with them.¹⁵

One of the strategic lines of the ENGRD is the reinforcement of international cooperation. More specifically, this line of action consists of two strategic priorities: technical, political cooperation and exchange of information, and international coordination protocols. The first strategic priority covers the identification of regional and international initiatives for cooperation in technical or information exchanges; the preparation and distribution of a list of priority initiatives to members of the DRM National Cabinet; and accountability by the DRM National Office to organize active coordination and information sharing with other countries facing similar problems as well as neighboring countries. The second strategic priority involves organizing workshops with the participation of some leaders of regional and international organizations on disasters and civil protection; preparing and implementing the International Assistance Protocol; and adhering to international and regional conventions and protocols on matters and

[National Adaptation Plan of Action on Climate Change 2006](#)

National Strategy for Disaster Risk Management 2016

⁹ Decree 17/2011, article 6.

¹⁰ Decree 17/2011, article 15.

¹¹ Decree 17/2011, article 17.

¹² National Adaptation Plan of Action on Climate Change, 2006, page 19.

¹³ National Strategy for Disaster Risk Management 2016, page 10.

¹⁴ National Strategy for Disaster Risk Management 2016, page 10.

¹⁵ National Strategy for Disaster Risk Management 2016, page 11.

<p><i>reduction of risk factors, such as the spread of pandemics and harmful products.¹⁶ Some of the key recommendations of the ENGRD are to clearly define the roles and responsibilities of CONPREC and of those of the relevant ministries, and to develop specific emergency plans for a more efficient response.¹⁷</i></p> <p><i>The Basic Health Law (Law 09/2018) of STP provides in article 16 that, considering the indivisibility of health in the international community, STP recognizes the consequent interdependencies in the health sector worldwide and assumes the respective responsibilities. STP engages with international health organizations of recognized prestige, coordinates its policy with the broad guidelines of these organizations and guarantees the fulfillment of international commitments freely assumed. Bilateral and multilateral cooperation with other countries, bodies and agencies for cooperation in the field of health are encouraged, in particular with Portuguese-speaking countries.¹⁸ Furthermore, article 23 establishes that when situations of catastrophe or serious health emergency occur, the Minister in charge of the Health sector takes the necessary exception measures, coordinating the actions of the central services of the Ministry with the bodies of the National Health Service and the various levels of authorities of health.¹⁹ Although not explicitly related to the management of international assistance, these provisions including strengthened international cooperation and internal procedures for exceptional measures to be implemented in emergency situation can contribute to better preparedness when responding to disasters, including public health emergencies.</i></p>	<p>Law 09/2018, Basic Health Law</p>
---	--

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

Summary	Source
<p><i>As stated above, Decree 17/2011 establishes CONPREC. As provided in article 5, CONPREC is in charge of, among others, guaranteeing the management of humanitarian assistance, to be channeled to the target populations and institutions, in a timely manner; supporting and coordinating the participation of other entities involved in actions to respond to the effects of disasters and relief in the event of a national emergency; directing search and rescue operations in the event of an emergency; and mobilizing financial resources.²⁰ Although it is not explicitly stated, CONPREC appears to be the focal point for coordinating national and international efforts in disaster response. However, the law does not provide specific procedures for carrying out such coordination.</i></p> <p><i>This is reinforced by the National Strategy for Disaster Risk Management, which provides that CONPREC has the competence to coordinate the actions of Disaster Risk Management and ensure a quick and effective response to emergencies.²¹ CONPREC, as a technical body of a multi-sectorial and multidisciplinary nature must guarantee the integration of technicians from the Ministries and focal points of the United Nations humanitarian group.²²</i></p>	<p>Decree 17/2011</p> <p>National Strategy for Disaster Risk Management 2016</p> <p>National Contingency Plan 2017-2019</p>

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

Summary	Source
---------	--------

¹⁶ National Strategy for Disaster Risk Management 2016, page 30.

¹⁷ National Strategy for Disaster Risk Management 2016, page 34.

¹⁸ Law 09/2018, Basic Health Law, article 16.

¹⁹ Law 09/2018, Basic Health Law, article 23.

²⁰ Decree 17/2011, article 5.

²¹ National Strategy for Disaster Risk Management 2016, page 18.

²² National Contingency Plan 2017-2019, page 43.

Law 04/2016 does not outline the roles and responsibilities of different institutions relating to international disaster assistance in detail, save for providing in Article 46 that unless an international treaty or convention provides otherwise, the request and the granting of external assistance, in the event of a serious accident or catastrophe, are the responsibility of the Government.

[Law 04/2016, Basic Law of Civil Protection and Fire Service](#)

However, it does outline the roles and responsibilities of various institutions more generally. As a starting point, it outlines in article 5 the activities the of Civil Protection and Fire Service, which include:

- a) the survey, forecast, assessment and prevention of collective risks of natural or technological origin;*
- b) continuous vulnerability assessments;*
- c) disseminating information and training of populations, with a view to raising their awareness of self-protection and collaboration with the authorities;*
- d) planning of emergency solutions, aiming at the search, rescue, provision of relief and assistance, as well as the evacuation, accommodation and supply of populations;*
- e) taking inventory of available resources and means and of the most easily mobilized, at local, regional and national level;*
- f) the study and dissemination of appropriate forms of protection for buildings in general, monuments and other cultural assets, essential service facilities, as well as the environment and natural resources; and*
- g) prediction and planning of actions related to the eventual isolation of areas and populations affected by risks.²³*

As stated above, Chapter III provides the institutional framework within the civil protection sector. While the government is in charge of defining the general guidelines of the government policy for civil and fire prevention, as well as their execution, and declaring the state of emergency, contingency or calamity,²⁴ it is the responsibility of the CNPCB to: ensure the implementation of the general guidelines of the government policy in all administration services; to analyse the functioning of the bodies and services that, directly or indirectly, perform civil protection and fire service functions; to analyse the rights on international cooperation, in the field of civil protection and fire service; to define the guidelines for the elaboration of emergency plans; to adopt mechanisms which facilitate institutional collaboration; and to establish priorities and objectives; to jointly formulate requests with the Government for assistance from other countries and international organizations.²⁵

The CNPCB is the main body responsible for developing protocols for effective coordination among national and international actors. Additional relevant actors in civil protection include:

- a) the Fire Brigades;*
- b) the Armed Forces;*
- c) the National Police;*
- d) Maritime and civil aviation authorities;*
- e) Legal Medicine services; and*
- f) the security and rescue services of public and private companies in ports and airports.²⁶*

Decree 17/2011 establishes further attributions to CONPREC, apart from those highlighted in Question 2 above. The responsibilities of CONPREC include:

[Decree 17/2011](#)

²³ Law 04/2016, Basic Law of Civil Protection and Fire Service, article 5.

²⁴ Law 04/2016, Basic Law of Civil Protection and Fire Service, article 30.

²⁵ Law 04/2016, Basic Law of Civil Protection and Fire Service, article 36.

²⁶ Law 04/2016, Basic Law of Civil Protection and Fire Service, article 44.

- a) *the direction and coordination of the management of any disasters, namely in prevention and relief actions for the victims of the same;*
- b) *reducing the vulnerability of people, infrastructure and assets exposed to the negative effects of disasters;*
- c) *ensuring the rehabilitation of human tissue and post-catastrophe infrastructures, quickly and efficiently.*
- d) *coordinating the implementation of the Master Plan for Disaster Prevention and Response approved by the Government;*
- e) *conceiving, formulating and proposing to the Government specific plans for socio-economic development for arid and semi-arid areas.*
- f) *guaranteeing the elaboration and updating of the Contingency Plans;*
- g) *in coordination with the Ministries of National Defense, Interior and other sectors and with Civil Society to establish, operate and coordinate the National Civil Protection Unit (UNAPROC);*
- h) *guaranteeing the management of humanitarian assistance, in order to be channeled to the target populations and institutions, in a timely manner;*
- i) *supporting and coordinating the participation of other entities involved in actions to respond to the effects of disasters and relief in the event of a national emergency;*
- j) *directing search and rescue operations in the event of an emergency;*
- k) *coordinating the activities of the Technical Committee on Disaster Management (CTGC);*
- l) *proposing the adoption or updating of legislation on the prevention and response of any catastrophes, as well as the accession or ratification of international conventions related to catastrophes;*
- m) *mobilizing financial resources for the implementation of projects and programs related to the reduction of vulnerability, prevention and response to the effects of disasters;*
- n) *proposing to the supervising Minister the creation or extinction of CONPREC delegations; and*
- o) *defining the conditions to which the activities of technicians from national or foreign organizations must obey in the preparation of studies, opinions or projects under the provision of services.²⁷*

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

Article 10 of Law 04/2016 provides that a situation of disaster can be declared when, in view of the occurrence or danger of the occurrence of one or some of the events referred to in article 3 and its foreseeable intensity, the need to adopt exceptional measures to prevent, react or restore the normality of living conditions in the areas affected by its effects is recognized.²⁸ As per article 15, it is the responsibility of the President of the regional government and the President of the district chamber to declare the state of alert at the regional and local level, respectively. The member of the Government in charge of the internal administration area can declare the situation of alert for the whole of the National Territory or with the scope limited to a part of the National Territory.²⁹ A declaration of the state of alert should essentially mentions the nature of the event that originated the declared situation, the temporal and territorial scope and the structure of coordination and control of the means and resources to be made available.³⁰

[Law 04/2016, Basic Law of Civil Protection and Fire Service](#)

²⁷ Decree 17/2011, article 5.

²⁸ Law 04/2016, Basic Law of Civil Protection and Fire Service, article 10.

²⁹ Law 04/2016, Basic Law of Civil Protection and Fire Service, article 15.

³⁰ Law 04/2016, Basic Law of Civil Protection and Fire Service, article 16.

<p><i>The Constitution of STP provides in article 80 that it is the responsibility of the President of the Republic to declare a state of siege and emergency, after hearing the Government and after being authorized by the National Assembly.³¹ Article 84 establishes that in the exercise of his duties and competences, the President of the Republic decides in the form of the presidential decree.³² As an example, on March 17 2020, the state of emergency was declared in STP through Presidential Decree n° 3/2020 in view of the need of prevention, control and contingency measures to fight against the Covid-19 pandemic. Article 2 provides that it is the responsibility of the government to define and implement the necessary measures for the materialization of this Decree.³³ Although no specific procedures for requesting international assistance in the state of emergency are established, it is the responsibility of the President to make the appropriate decisions.</i></p> <p><i>Therefore, the declaration of the state of disaster is the responsibility of the Government and takes the form of a resolution by the Council of Ministers.³⁴ Also, chapter III provides the legal framework for the direction and coordination of the Civil Protection and Fire Service Policy, outlining the various government bodies involved in civil protection activities. As stated above, article 36 establishes the CNPCB as a specialized technical advisory and national coordination body which responsible for, among others, initiating the foreseen actions in the emergency plans and ensuring the conduct of the protection and rescue operations resulting from them; enabling the quick and efficient mobilization of organizations and indispensable personnel and of the available means that allow the coordinated conduct of the actions to be carried out; formulating requests from the Government for assistance to other countries and to international organizations, through the competent bodies.³⁵</i></p> <p><i>While CONPREC can propose the launch of appeals for humanitarian assistance, for relief actions and post-disaster rehabilitation in a close connection between emergency and development bodies,³⁶ it is up to the government to call for international aid and to formulate the requests with the technical assistance of the CNPCB. The law does not provide specific procedures as to how this process of requesting/welcoming and terminating international disaster assistance is carried out.</i></p>	<p>Law 1/2003, Constitution of the Democratic Republic of São Tomé and Príncipe</p> <p>Presidential Decree 3/2020</p> <p>Decree 17/2011</p>
<p>Question 5: Do your country's laws and regulations provide for necessary legal facilities to be provided to international assisting actors?</p>	
<p>Summary</p>	<p>Source</p>
<p><u><i>Legal facilities under international law</i></u></p> <p><i>STP 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. More specifically, the norms contained in international conventions, treaties and international agreements validly adopted and ratified by the respective competent bodies apply in the STP legal order following their official publication, and as such are internationally binding on the STP.³⁷</i></p> <p><i>There are a number of 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 telecommunications equipment and resources during emergencies, specifically requiring state parties to reduce or remove regulatory barriers to the use of telecommunication resources for disaster relief.³⁸ With regards to transport, of most relevance is Annex 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</i></p>	<p>Constitution of STP</p>

³¹ Law 1/2003, Constitution of the DAemocratic Republic of São Tomé and Príncipe, article 80.

³² Law 1/2003, Constitution of the Democratic Republic of São Tomé and Príncipe, article 84.

³³ Presidential Decree 3/2020, article 2.

³⁴ Law 04/2016, Basic Law of Civil Protection and Fire Service, article 21.

³⁵ Law 04/2016, Basic Law of Civil Protection and Fire Service, article 36.

³⁶ Decree 17/2011, article 17.

³⁷ See the Constitution of São Tomé and Príncipe, article 13.

³⁸ 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).

*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.*³⁹

In terms of customs, the International Convention on the Simplification and Harmonisation of Customs Procedures (Kyoto Convention),⁴⁰ which was adopted in 1973 and revised in 1999, and the Convention on Temporary Admission (Istanbul Convention),⁴¹ 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”.⁴² 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.⁴³ 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.⁴⁴ Much of the customary law in the area of privileges and immunities has been codified in the Vienna Convention on Diplomatic Relations⁴⁵ and the Vienna Convention on Consular Relations.⁴⁶ 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.⁴⁷ Intergovernmental organisations have also traditionally been granted privileges and immunities to enable them to carry out their functions without undue interference, but in general NGOs do not benefit from privileges and immunities under international law.⁴⁸

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.⁴⁹

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.⁵⁰ In

³⁹ 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.

⁴⁰ Protocol of Amendment to the International Convention on the Simplification and Harmonization of Customs Procedures of 18 May 1973, 26 June 1999.

⁴¹ Convention on Temporary Admission, 26 June 1990.

⁴² Annexe B.3 to the Kyoto Convention, recommendation 7.

⁴³ 2007 IDRL Study, page 39.

⁴⁴ 2007 IDRL Study, page 39.

⁴⁵ Vienna Convention on Diplomatic Relations, April 18, 1961, 500 U.N.T.S. 95.

⁴⁶ Vienna Convention on Consular Relations, April 24, 1963, 596 U.N.T.S. 261.

⁴⁷ 2007 IDRL Study, page 40.

⁴⁸ 2007 IDRL Study, page 40.

⁴⁹ UN Safety Convention, articles 7 and 11.

⁵⁰ See article 11 of the Convention on the Rights of Persons with Disabilities.

addition, there are a number of global human rights treaties, such as the International Covenant on Civil and Political Rights⁵¹ and the International Covenant on Economic, Social and Cultural Rights⁵² 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.⁵³

There are also instruments which regulate the management of specific types of disasters or emergencies. For example, the International Health Regulations (the IHR)⁵⁴ 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.⁵⁵ A third example is the International Convention on Oil Pollution Preparedness, Response and Cooperation⁵⁶ and its Protocol on Preparedness, Response and Cooperation to Pollution Incidents by Hazardous and Noxious Substances⁵⁷ 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.⁵⁸

In terms of regional instruments, article 23 of the African Charter on the Rights and Welfare of the Child⁵⁹ (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.

At sub-regional level, the Regional Strategy for Central Africa for risk prevention, disaster management and climate change adaptation, (adopted by Ministers in June 2012 and approved by Heads of States and Government on the 25 May 2015) is based in the framework of the Hyogo Framework for Action, and has the objective to “contribute to the achievement of sustainable development and the reduction of poverty through the substantial reduction of the social, economic and environmental impacts of disasters in accordance with the African Regional Strategy and the Hyogo Framework for Action.” It does not contain any provisions directly related to international disaster assistance.

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

<u>Convention</u>	<u>State party</u>
Tampere Convention⁶⁰	No

⁵¹ International Covenant on Civil and Political Rights, 16 December 1966, 999 U.N.T.S. 171.

⁵² International Covenant on Economic Social and Cultural Rights, 16 December 1966, 999 U.N.T.S. 3.

⁵³ 2007 IDRL Study, page 34.

⁵⁴ World Health Assembly, Revision of the International Health Regulations, Doc. No. WHA58.3 (23 May 2005).

⁵⁵ 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.

⁵⁶ International Convention on Oil Pollution Preparedness, Response and Cooperation, 30 November 1990, 30 I.L.M. 733 (1990).

⁵⁷ Protocol on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances, 15 March 2000.

⁵⁸ 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.

⁵⁹ African Charter on the Rights and Welfare of the Child, 11 July 1990, OAU Doc. CAB/LEG/24.9/49 (1990).

⁶⁰ Information obtained from the UN Treaty Collection (UNTC) available at https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXV-4&chapter=25.

<i>Chicago Convention</i> ⁶¹	Yes		
<i>Convention on the Facilitation of International Maritime Traffic</i> ⁶²	No		
<i>Annexe B.3 to the Kyoto Convention</i> ⁶³	Yes		
<i>Annexe J-5 to the Kyoto Convention</i> ⁶⁴	Yes		
<i>Annexe B2 to the Istanbul Convention</i> ⁶⁵	No		
<i>Annexe B9 to the Istanbul Convention</i> ⁶⁶	No		
<i>Annexe C to the Istanbul Convention</i> ⁶⁷	No		
<i>Annexe D to the Istanbul Convention</i> ⁶⁸	No		
<i>Vienna Convention on Diplomatic Relations</i> ⁶⁹	Yes		
<i>Vienna Convention on Consular Relations</i> ⁷⁰	Yes		
<i>Framework Convention on Civil Defence Assistance</i> ⁷¹	No		
<i>UN Safety Convention and Optional Protocol</i> ⁷²	No		
<i>Convention on the Rights of Persons with Disabilities</i> ⁷³	Yes		
<i>IHR</i> ⁷⁴	Yes		
<i>Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency</i> ⁷⁵	No		
<i>International Convention on Oil Pollution Preparedness, Response and Cooperation</i> ⁷⁶	No		
<i>ACRWC</i> ⁷⁷	Yes		
<i>International Covenant on Civil and Political Rights</i> ⁷⁸	Yes		

⁶¹ Information obtained from ICAO available at <https://www.icao.int/publications/Pages/doc7300.aspx>.

⁶² Information obtained from the UNTC available at <https://treaties.un.org/Pages/showDetails.aspx?objid=0800000280129d04>.

⁶³ 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.

⁶⁴ Information obtained from the WCO available at http://www.wcoomd.org/en/Topics/Facilitation/Instrument%20and%20Tools/Conventions/pf_revised_kyoto_conv/Instruments.

⁶⁵ Information obtained from the UNTC available at <https://treaties.un.org/Pages/showDetails.aspx?objid=08000002800b2770&clang=en>.

⁶⁶ Information obtained from the UNTC available at <https://treaties.un.org/Pages/showDetails.aspx?objid=08000002800b2770&clang=en>.

⁶⁷ Information obtained from the UNTC available at <https://treaties.un.org/Pages/showDetails.aspx?objid=08000002800b2770&clang=en>.

⁶⁸ Information obtained from the UNTC available at <https://treaties.un.org/Pages/showDetails.aspx?objid=08000002800b2770&clang=en>.

⁶⁹ Information obtained from https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=III-3&chapter=3&clang=en.

⁷⁰ Information obtained from the UNTC https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=III-6&chapter=3.

⁷¹ Information obtained from the UNTC available at <https://treaties.un.org/Pages/showDetails.aspx?objid=0800000280086ecb&clang=en>.

⁷² Information obtained from the UNTC available at https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-8&chapter=18 and https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-8-a&chapter=18&clang=en.

⁷³ Information obtained from the UNTC available at https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-15&chapter=4.

⁷⁴ Information obtained from World Health Organization available at https://www.who.int/ihr/legal_issues/states_parties/en/.

⁷⁵ 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>.

⁷⁶ Information obtained from the UNTC <https://treaties.un.org/Pages/showDetails.aspx?objid=08000002800aada6>.

⁷⁷ Information obtained from the AU available at <https://au.int/en/treaties/african-charter-rights-and-welfare-child>.

⁷⁸ Information obtained from the UNTC available at https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&clang=en.

<i>International Covenant on Economic, Social and Cultural Rights</i> ⁷⁹	Yes	
<i>Kampala Convention</i> ⁸⁰	Signed, but not ratified.	

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

i. Landing rights

As stated above, STP is a State party in 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).⁸¹

In terms of domestic law, Law 03/2021 establishes the Aeronautical Code of STP. Article 22 provides exceptions to the requirements for the authorization of entry for foreign aircrafts, providing that the Aeronautical Authority may make exceptions to the standard regime in the case of search and rescue operations or flights carried out for sanitary or humanitarian reasons.⁸²

ii. Customs arrangements for specialized goods and equipment

As stated above, article 46 of Law 04/2016 provides the products and equipment that constitute external aid, requested or granted are exempt from any duties or taxes for their importation, and priority should be given to the respective customs clearance.

Law 39/2009 approves the Customs Code of STP, and establishes in article 122 a list of goods which are exempt from the payment of import duties, among which are included humanitarian goods destined for Caritas, the Red Cross, Non-Governmental Organizations, or for other institutions with identical purposes, even in the case of donations or imports from abroad.⁸³ Furthermore, article 74 provides that, exceptionally, the use of a license may be permitted, in case of import or export of goods generally considered perishable and having an urgent character; and goods belonging to the State, local authorities or assimilated bodies, international organizations and diplomatic bodies, by depositing a guarantee, guarantee or presentation of justification for exemption from payment of customs duties. Regularization through the respective customs clearance must be carried out within three days from the departure of the goods.⁸⁴

Law 8/2012 establishes that registered NGOs in STP (national and international) enjoy full tax and customs exemptions.⁸⁵ In addition, Decree 6/76, which created the Red Cross Society of STP provides in article 3 that the National Society enjoys the advantages granted to State services, namely: free transport in the case of disasters, calamities, accidents, or disturbances; an annual subsidy; the right to State lodging for its headquarters; the possibility of organising collections and subscriptions; exemption from postage and customs duties.⁸⁶ Although it does not specify which goods this duty exemption involves any goods imported by the National Society, including disaster relief equipment, food or medication, appear to be exempt of customs duties.

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

[Law 03/2021, Aeronautical Code](#)

[Law 04/2016, Basic Law of Civil Protection and Fire Service](#)

[Law 39/2009, Customs Code](#)

Decree 6/76

⁷⁹ Information obtained from the UNTC available at https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtsg_no=IV-3&chapter=4.

⁸⁰ 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%208KAMPALA%20CONVENTION%29.pdf>.

⁸¹ Chicago Convention on International Civil Aviation 1944, Annex 9.

⁸² Law 03/2021, Aeronautical Code, article 22.

⁸³ Law 39/2009, Customs Code, article 122.

⁸⁴ Law 39/2009, Customs Code, article 74.

⁸⁵ Law 8/2012, Functioning of non-governmental organizations, article 30.

⁸⁶ Decree 6/76, article 3.

Communications equipment

From the resources available for review, the law does not appear specify whether communications equipment imported as part of international disaster assistance enjoy exemptions of tax and customs duties, although it is arguable that it would fall under the exemption provided in article 46 of Law 04/2016. With regards to licensing, Basic Telecommunications Law (Law 03/2004) provides in article 7 the licensing regime for the use of telecommunications networks, stating that the license will be issued to any natural or legal person who respects the conditions set out in the specifications and in this law, and that the issuance of the license involves the payment of an initial fee.⁸⁷ There do not appear to be special procedures in respect of international disaster assistance.

Food, medication and quarantine

The Customs Code provides in article 269 that medicines can only enjoy simplified customs clearance procedures through authorization from the competent entity of the Ministry of Health.⁸⁸ Although not directly related to disaster assistance, this provision can facilitate the import of medication. The law appears to be silent on quarantine procedures for rescue dogs, and on simplified customs procedures or tax and duty exemptions for food imported as humanitarian assistance. However, it is arguable that in disaster settings, the importation of food, medicine and rescue dogs could be expedited under article 46 of Law 04/2016.

Vehicles

Although the law does not explicitly provide for simplified procedures and a reduction in customs fees for the importation of vehicles used by international disaster responders, is arguable that in disaster settings, the importation of vehicles could be expedited under article 46 of Law 04/2016. Although not explicitly related to international disaster assistance, Law 13/93 regulates the tax applicable to vehicles. Article 5 states that vehicles used by the following agents are exempt of the vehicle tax:

- a) the State and any of its, Organs, Bodies or Services, even if it enjoys financial or administrative autonomy, namely the Coordination and Assistance bodies, excluding state-owned companies or co-subsidized by the State;
- b) foreign States when there is reciprocity of treatment;
- c) the staff of diplomatic and consular missions under the terms of the respective conventions;
- d) international or foreign organizations under the terms of agreements signed with STP.

iii. Immigration

As stated above, Law 04/2016 provides that formalities at border crossing by persons engaged in relief missions are reduced to the absolute minimum.⁸⁹

In addition, Law 5/2008 provides the Legal Regime for Foreign Citizens in STP. Article 3 specifies that the status of diplomatic and consular agents accredited in the country and similar entities, as well as the respective family members, is governed by the rules of international law,⁹⁰ in consistence with the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations. This may be useful to facilitate the entry of humanitarian assistance to the extent that such actors benefit from privileges and immunities. In addition, as per article 24, foreign citizens may be granted the following types of visas:

[Law 03/2004, Basic Telecommunications Law](#)

[Law 13/93, Vehicle Tax Regulations](#)

[Law 5/2008, Legal Regime for Foreign Citizens in São Tomé and Príncipe](#)

⁸⁷ Law 03/2004, Basic Telecommunications Law, article 7.

⁸⁸ Law 39/2009, Customs Code, article 269.

⁸⁹ Law 04/2016, Basic Law of Civil Protection and Fire Service, article 46.

⁹⁰ Law 5/2008, Legal Regime for Foreign Citizens in São Tomé and Príncipe, article 3.

- a) transit visa;
- b) official, diplomatic and courtesy visa;
- c) temporary visa;
- d) residence visa.⁹¹

Official, diplomatic and courtesy visas shall be granted by the Ministry in charge of the foreign affairs sector, which shall define the modalities for granting, extending or waiving them. This visa type allows for a stay of up to 30 days per entry, and may be granted for two entries.⁹²

In addition, article 16 establishes that in situations in which there are humanitarian or national interest reasons, namely for the fulfilment of international obligations, recognized by order of the Minister responsible for the Internal Order Sector, foreign nationals who do not meet the legal requirements for entry into STP may be authorized to enter the national territory required for this purpose.⁹³

iv. Registration of international assisting actors

Current laws and regulations in STP do not appear to provide specific procedures for registration of international assisting actors. However, Law 8/2012 provides the legal regime for the functioning of non-governmental organizations in STP. As per article 9, foreign non-governmental organizations that wish to register in STP must be legally constituted in their country of origin. The official registration is done through the Ministry of Justice who decides its approval over a period of 15 days.⁹⁴

v. Recognition of professional qualifications of foreign personnel

Simplified procedures do not appear to be in place for the recognition of foreign qualifications of international disaster relief and initial recovery assistance personnel. Although not directly related to international disaster relief personnel, the Labor Code of STP contains some provisions on foreign professional qualifications. First, article 296 states that foreign workers exercising professional activities in the country have the right to equal treatment and opportunities compared to national workers within the framework of the rules and principles of international law and in compliance with the reciprocity clauses agreed between STP and any other country, without prejudice to the provisions of the laws that reserve certain functions exclusively to nationals or that provide restrictions on the recruitment of foreigners due to the public interest.⁹⁵ Furthermore, article 297 establishes that the foreign workers must have the professional qualifications and the specialty that the country needs and their admission can only be made as long as there are no nationals who have such qualifications or their number is insufficient. Additional administrative requirements and processes may also apply.

vi. Tax and currency exchange for disaster relief activities

Save as described above, there do not appear to be explicit provisions on tax and currency exchange specifically related to international disaster assistance.⁹⁶ In general, Law 11/2009 provides amendments to the Personal Income Tax Code, highlighting in article 7 that, in line with the terms of the applicable international law, the remuneration earned by staff of diplomatic and consular missions, and that of personnel at the service of foreign or international organizations is exempt of income tax.⁹⁷ Law 10/2009 provides amendments to the Corporate Income Tax Code, stating in article 16 that some entities are exempt of income tax, including international organizations of which

Law 8/2012, Legal Regime for the Constitution and Functioning of non-governmental organizations

[Law 6/2019, Labor Code](#)

[Law 11/2009, Amendments to the Personal Income Tax Code](#)

⁹¹ Law 5/2008, Legal Regime for Foreign Citizens in São Tomé and Príncipe, article 24.

⁹² Law 5/2008, Legal Regime for Foreign Citizens in São Tomé and Príncipe, article 31.

⁹³ Law 5/2008, Legal Regime for Foreign Citizens in São Tomé and Príncipe, article 16.

⁹⁴ Law 8/2012, Functioning of non-governmental organizations, article 9.

⁹⁵ Law 6/2019, Labor Code, article 296.

⁹⁶ Note that the VAT Act or any laws related to VAT could not be accessed for this mapping.

⁹⁷ Law 11/2009, Amendments to the Personal Income Tax Code, article 7.

<p><i>STP is a member and to the extent provided for by the conventions that regulate them; associations or organizations of any religion which are recognized as legal entities, as to the taxable income exclusively from the exercise of their worship; and associations and non-profit organizations.</i>⁹⁸</p> <p><i>Decree 32/99 establishes the conduct of foreign exchange operations and the exercise of foreign exchange trading in STP.⁹⁹ However, no information could be found on exchange control by international organizations in STP.</i></p> <p>vii. Freedom of movement of international assisting actors during a disaster response</p> <p><i>There do not appear to be any provisions that explicitly facilitate the free movement and access of international assisting actors to disaster-affected populations.</i></p> <p>viii. Safety and security of international assisting actors</p> <p><i>There are no procedures in the Criminal Code, nor in laws that establish the functioning of the Armed Forces of STP that explicitly ensure the protection and safety of international assisting actors during disaster response operations. However, a few provisions were identified as indirectly relevant.</i></p> <p><i>The Internal Security Law (Law 16/2017) provides in article 20 that in extraordinary situations, determined by the Prime Minister, after reasoned communication to the President of the Republic, of terrorist attacks or serious accidents or catastrophes that requiring the joint and combined intervention of different Security Forces and Services, these are placed under the operational dependence of the Secretary General of Internal Security, through their top leaders.¹⁰⁰</i></p> <p><i>Furthermore, the Criminal Code of STP provides in article 387 that it is a crime for anyone to attack the life, physical integrity, freedom or honour of a representative of a foreign state or of an international organization, if the offended person is in STP in the performance of official functions.¹⁰¹</i></p> <p>ix. Additional facilities for international disaster relief</p> <p><i>There do not appear to be additional facilities related to international disaster relief operations.</i></p>	<p>Law 10/2009, Amendments to the Corporate Income Tax Law</p> <p>Decree 32/99, Foreign Exchange Law</p> <p>Criminal Code of São Tomé and Príncipe</p> <p>Law 16/2017, Internal Security Law</p> <p>Statutes of the Armed Forces of São Tomé and Príncipe</p>
---	---

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

Summary	Source
<p><i>The law does not appear to set out explicit quality standards for international assisting actors in São Tomé and Príncipe.</i></p> <p><i>However, Law 04/2016 establishes in article 6 that, in addition to the general principles enshrined in the national legal system, the following are special principles applicable to the activities of the Civil Protection and Fire Service:</i></p> <p>a) <i>the Principle of Priority, in terms of which priority must be given to the pursuit of the public interest in relation to Civil Protection, without prejudice to National Defense, Internal Security and Public Health, whenever there is a question of conflicting interests between them;</i></p>	<p>Law 04/2016, Basic Law of Civil Protection and Fire Service</p>

⁹⁸ Law 10/2009, Amendments to the Corporate Income Tax Code, article 16.

⁹⁹ Decree 32/99, Foreign Exchange Law, article 1.

¹⁰⁰ Law 16/2017, Internal Security Law, article 20.

¹⁰¹ Criminal Code of São Tomé and Príncipe, 2012, article 387.

<p>b) <i>the Principle of Prevention, in terms of which the risks of serious accidents or calamities must be considered in advance, in order to eliminate the causes themselves or reduce their consequences, when this is not possible;</i></p> <p>c) <i>the Precautionary Principle, according to which measures to reduce the risk of serious accidents or calamities inherent to each activity must be adopted, associated with the presumption of imputation of any damages to the mere violation of that duty of care;</i></p> <p>d) <i>the Cooperation Principle, which is based on the recognition that Civil Protection and Fire Service are the responsibility of the State, Regional and Local Power and the duty of citizens and all public and private entities;</i></p> <p>e) <i>the Principle of Coordination, which expresses the need to ensure, under the guidance of the Government, the articulation between the definition and implementation of national Civil Protection and Fire policies;</i></p> <p>f) <i>the Principle of Command Unit, which determines that all agents act, at the operational level, jointly under a single command, without prejudice to the respective hierarchical and functional dependence; and</i></p> <p>g) <i>the Principle of Information, which translates the duty to ensure the disclosure of relevant information in matters of Civil Protection and Fire Service.¹⁰²</i></p>	
---	--

Question 7: Do your country’s laws and regulations set out eligibility requirements for international assisting actors to receive legal facilities?

Summary	Source
<p><i>The domestic laws described in Question 5 above do not appear to provide specifications on eligibility requirements for international assisting actors to receive legal facilities based on, for example, their competence/experience, their commitment to adhere to domestic laws and international quality standards and principles for humanitarian assistance. Overall, the provisions included in Question 5 refer to humanitarian organizations/assistance in general rather than pointing out their level of competence or compliance.</i></p>	<p>Law 6/2019, Labor Code</p>

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>Although the current law on disaster management in STP establishes CONPREC as the focal point for coordinating international disaster assistance, it does not appear to explicitly set out a consolidated “One Stop Shop” approach nor a specialized unit for expediting the entry of international assistance.</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
---------	--------

¹⁰²

Law 04/2016, Basic Law of Civil Protection and Fire Service, article 6.

<p><i>Law 04/2016 establishes in article 7 the general and special duties of civil protection agents. Although it does not include specific procedures to ensure transparency and accountability of international assisting actors, the provisions in article 7 provide a legal framework governing civil protection activities, ensuring that the relevant actors abide by the law. More specifically, it states that citizens and other private entities have a duty to collaborate in the pursuit of the purposes of the Civil Protection and Fire Services, observing the preventive provisions of laws and regulations, taking orders, instructions and advice from the bodies and agents responsible for Internal Security and the Civil Protection and Fire Services and promptly satisfying requests made to them. The employees of the State and of legal persons governed by public law, as well as the members of the management bodies of public companies have a special duty to collaborate with the Civil Protection and Fire agencies. Those responsible for the administration, direction or leadership of private companies whose work, due to the nature of their activity, is subject to any specific form of licensing, also have a special duty to collaborate with Civil Protection and Fire agencies and agents. Disobedience and resistance to the legitimate orders of the competent entities, when practiced in a situation of alert, contingency or calamity, are sanctioned under the terms of criminal law.¹⁰³</i></p> <p><i>Law 8/2012 provides in article 35 that, in exercising its supervisory powers, the Government may order periodic audits, inquiries, investigations and inspections of NGOs in the context of providing technical and financial support to the State and its collectives or the process for registration in the National Register under the terms to be established in the regulation of the present Diploma.¹⁰⁴</i></p> <p><i>The Criminal Code of STP establishes in article 276 that it is a crime to fail to provide assistance in the event of a serious need caused by a disaster, accident, public calamity or situation of common danger, which endangers the life, health, physical integrity or freedom of others.¹⁰⁵</i></p> <p><i>As stated above, article 387 provides that anyone who attacks the life, physical integrity, freedom or honour of a representative of a foreign state or of an international organization while in STP for the performance of official functions, is a crime.¹⁰⁶ While these provisions from the Criminal Code are not directly related to international assisting actors in disaster situations, they provide a legal framework that ensures accountability as well as protection for personnel from international organizations, which would include international organisations involved in disaster response.</i></p>	<p>Law 04/2016, Basic Law of Civil Protection and Fire Service</p> <p>Law 8/2012, Legal Regime for the Constitution and Functioning of non-governmental organizations</p> <p>Criminal Code of São Tomé and Príncipe</p>
<p>Question 10: Do your country's laws and regulations outline procedures for international disaster assistance sent from, and transiting through your country?</p>	
<p>Summary</p>	<p>Source</p>
<p><i>As stated above, article 46 of Law 04/2016 provides the products and equipment that constitute external aid, requested or granted are exempt from any duties or taxes, for their importation, and priority should be given to the respective customs clearance. However, the law does not appear to specify whether goods exported by international actors after the conclusion of an operation are exempt of taxation or from any applicable restrictions or inspection requirements.</i></p> <p><i>With regards to personnel, the law provides that formalities at border crossing by persons engaged in relief missions are reduced to the absolute minimum.¹⁰⁷ However, further details are not provided in this law. With regards to persons in transit in general, Law 5/2008 defines in section II the different visa types granted to foreign citizens entering or transiting through STP. The transit visa is intended to enable entry into STP territory of persons going to a country of destination to which they are certain to be admitted. It may be issued for one or, exceptionally, two transits, and the duration of each transit may not exceed four days. A transit visa is, however, not required from foreign citizens who pass through the national territory national territory on a continuous journey, which is considered to be that which is interrupted only for technical stops in the means of transport used.¹⁰⁸</i></p>	<p>Law 39/2009, Customs Code</p> <p>Law 5/2008, Legal Regime for Foreign Citizens in São Tomé and Príncipe</p>

¹⁰³ Law 04/2016, Basic Law of Civil Protection and Fire Service, article 7.

¹⁰⁴ Law 8/2012, Functioning of non-governmental organizations, article 35.

¹⁰⁵ Criminal Code of São Tomé and Príncipe, 2012, article 276.

¹⁰⁶ Criminal Code of São Tomé and Príncipe, 2012, article 387.

¹⁰⁷ Law 04/2016, Basic Law of Civil Protection and Fire Service, article 46.

¹⁰⁸ Law 5/2008, Legal Regime for Foreign Citizens in São Tomé and Príncipe, article 30.