

# Chapter 15

## Legal Aspects of Bioethics in Tajikistan

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### **ABSTRACT**

*The chapter presents a detailed account of the available legal mechanisms on biotechnological issues in her country. Among the issues discussed are biosafety regulations, especially ones concerning the Cartagena Protocol as well as the governance structure in Tajikistan on these issues.*

### **LOCATION**

Tajikistan is a mountainous landlocked country in Central Asia, bordering with Afghanistan, Uzbekistan, Kyrgyzstan, and China. The total area of Tajikistan Republic is 143.1 thousands of square km of which 93% is Himalayan mountainous terrain, and population more than 7 million people. Tajikistan consists of 4 administrative divisions: 2 provinces (Sughd in the north and Khatlon in the south), 1 autonomous province (Gorno-Badakhshan - Pamir), and districts of republican subordination around Dushanbe.

Tajikistan is an agrarian-industrial country, exporting cotton, vegetables and fruit.

### **HISTORICAL INSIGHT**

The Tajik people have a rich and ancient culture. The history of Tajik culture, philosophy, mentalities, traditions, behavior, and especially ethic aspects roots back to interpretations in pre-Islamic tradition and in the Koran. Religious and philosophical ideas of Tajik ancestor's in pre-Islamic time have been given in the most ancient book in "Avesto": the holy book-encyclopedia of Zoroastrians containing not only religious dogmas but also ideas on cosmogony, philosophy, morals and law. Together with information on history, religion, language, philosophy, geography, economics, literature, etc. there are most valuable information on medicine in "Avesto." At this source in telling about diagnostics of diseases, the ways to treat them, treatment of sick by means of word

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(mantra), curative plants and grasses, and surgeon knife as well. Issues of private hygiene, tasteful and healthy meal, cleanness of drinking water and other beverages, cleanness of environment, i.e., ecology, personality of physician, different methods of treatment, of healing of sick etc. are included in the separate chapters of one of the part of “Avesto” “Vandidat.” According to “Vandidat” the supreme God of Zoroastrian religion, Akhura Mazda, created a large number of curative plants, grasses and donated them to the people for them taking treatment and were healthy (Soatov, 2003, pp. 210-216).

The characteristic feature of Zoroastrians is dualism, which means that there are two fundamental concepts exist, such as light (good) and darkness (evil), and the struggle between these is the pivot and content of the universe. For Zoroastrians the main fundamental philosophy of their life have been formulated in ternary ideal of the righteous man (“good thoughts,” “good words” and “good deeds”) opposed to the ternary ideal of the infidels (“wicked thoughts,” “wicked words” and “wicked deeds”). The Zoroastrian idea about infinite time as an initial substance gave rise to zervanism—a teaching in the framework of which a materialistic trend developed that denied the creation, and God as the creator of the universe, and affirmed the belief in the eternity of the world. During feudalism period Mazdakism (Mazdak, the end of the V—the beginning of the VI century) became very influential. Those philosophical trends assimilated the Zoroastrian ideal about the struggle between light (good) and darkness (evil). He believed that the light was absolutely free in its actions while ignorance limited darkness. On social level, synthesizing economics, philosophy, and theology, Mazdak preached a communistic doctrine espousing communal ownership a property and of women, his social doctrine proclaimed ideas of justice and equality. In that period many written monuments of religious, political and scientific thought were created, many of which were destroyed during the invasion of the army of

the Arab Caliphate (VII-VIII centuries) (Bashiri. 2003, pp. 1-98; Achrorova. 2007, pp. 283-301).

During the VIII-XV centuries philosophical, social and political ideas were developing in the atmosphere of Arabian conquests and a forcible spreading of Islam. Spiritual cultures of Iranian and Arabic peoples became most closely linked.

During the Samanids period (IX-XI centuries), the Tajiks developed as a nation with its State system and literary language—Dari (Tajik) language. This period promoted the creation of Central Asian Islamic culture by the completing of the process of Islamization in Central Asia that began immediately after Arabic conquest. Possibility to return to Zoroastrian religion was still preserved. But the Samanids, having become the rulers of Central Asia, didn’t follow that reactionary way. They started the cultural mechanisms of Islamization, and successfully promoted Islam to be the ideology of their state, as well as the social consciousness of the masses. Thus appeared the real possibility to forming Central Asian Islamic culture. At this period Central Asia become one of the most important centers of oriental science. That was the time when astronomical observatories, “Houses of Wisdom” and libraries were built. Scientists from Central Asia translated and commented the scientific heritage of ancient Greece and India, and wrote original works on mathematics, astronomy, mineralogy, applied mechanics, physics, chemistry and medicine (Dinorshoev, 1999, p. 130-133).

Ethics as a scientific trend had a significant place in works of prominent oriental thinkers, and Ali Ibn Sina (Abu Ali al-Husain ibn Sina-e Balkhi (Latinized Avicenna)) was one of them; a philosopher, musician, poet, physician, the follower of Aristotle, he was a scientist of encyclopedic knowledge and one of the greatest minds of the middle Ages. Roger Bacon was certainly right when he wrote that Ibn Sina was “the greatest teacher of philosophy after Aristotle” (UNESCO, 2006, p. 1-18). Tajik by birth, he was born in the suburb of Bukhara (Afshona) in 980, lived in different

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