



# DISASTER LAW IN SOUTHEAST ASIA

Summary of progress 2012 – 2015

## About the IFRC Disaster Law Programme

The International Federation of Red Cross and Red Crescent Societies' (IFRC) Disaster Law Programme seeks to reduce human vulnerability by promoting effective legal frameworks for disaster risk reduction and legal preparedness for disasters. It works in three main areas: collaboration with National Red Cross and Red Crescent Societies and other partners to offer technical assistance to governments on disaster law issues; building the capacity of National Societies and other stakeholders in disaster law and; dissemination, advocacy and research.

In Southeast Asia, disaster law is part of an integrated approach to strengthening community resilience. Our work is undertaken in close collaboration with initiatives relating to disaster risk reduction, disaster management, humanitarian diplomacy, advocacy, gender and diversity, and communications. Our approach seeks to build capacity and sustainability within National Societies, while contributing to national and regional law and policy processes.

**Cover photo:** A team from Cruz Vermelha de Timor Leste (CVTL - Timor Leste Red Cross) in action at a national disaster response simulation exercise in Dili, February 2015. The simulation highlighted many issues relating to the facilitation and regulation of international disaster relief.

### © International Federation of Red Cross and Red Crescent Societies, 2015.

Copies of all or part of this document may be made for non-commercial use, providing the source is acknowledged. The IFRC would appreciate receiving details of its use. Requests for commercial reproduction should be directed to the IFRC at [disaster.law@ifrc.org](mailto:disaster.law@ifrc.org)

The information expressed in this document does not necessarily represent the official policy of the IFRC or of individual National Red Cross or Red Crescent Societies. All photos used in this study are copyright of the IFRC unless otherwise indicated.

*This work has been undertaken thanks to the generosity of the Australian Red Cross, the Australian Government, the Canadian Red Cross and the Canadian Government.*

**For more information about disaster law in Southeast Asia, please contact:**

#### Lucia Cipullo

IFRC Regional Disaster Law Delegate for Southeast Asia

[lucia.cipullo@ifrc.org](mailto:lucia.cipullo@ifrc.org)

[disaster.law@ifrc.org](mailto:disaster.law@ifrc.org)

IFRC website: [www.ifrc.org/dl](http://www.ifrc.org/dl)

IFRC Southeast Asia online library disaster law page:

<https://sites.google.com/site/drrtoolsinsoutheastasia/disaster-law>





## BACKGROUND

As witnessed by recent disasters such as the 2015 earthquake in Nepal, cyclone in Vanuatu and floods in Myanmar, natural disasters continue to strike frequently and intensely across the Asia Pacific region. In Southeast Asia, states have taken great strides to improve disaster preparedness, risk reduction and response. Having strong disaster laws in place provides a basis on which to undertake all aspects of disaster risk management, and to strengthen the resilience of vulnerable and disaster-affected communities.

National Red Cross and Red Crescent Societies, together with the International Federation of Red Cross and Red Crescent Societies' (IFRC) Disaster Law Programme, have been working with governments, regional and international partners for over a decade to identify, address, and overcome legal and regulatory issues in disaster management, response and, more recently, risk reduction. Utilizing key tools such as the [Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance](#) (also known as the 'IDRL Guidelines') and the '[Checklist on Law Disaster Risk Reduction](#)', many countries have, and still are, developing, implementing, and reviewing their domestic disaster laws.

At the 31<sup>st</sup> International Conference of the Red Cross and Red Crescent, held in Geneva in 2011, a resolution was adopted which called upon states and National Societies to work together to strengthen normative frameworks and address regulatory barriers concerning disaster mitigation, response and recovery.<sup>1</sup> In addition to this, 10 of the 11 National Societies in Southeast Asia made a [joint pledge](#) to demonstrate their commitment to strengthening disaster laws in their region. Some National Societies and governments in Southeast Asia also made their own separate pledges for disaster law, including Thailand (government), Indonesia (National Society) and the Philippines (joint government and National Society pledge).

The importance of having laws in place for disaster risk management has been increasingly recognized over the years, particularly in the wake of the 2004 Indian Ocean tsunami. This need was emphasized more recently at the World Conference on Disaster Risk Reduction in Sendai, Japan, in March 2015. The outcome of this conference resulted in the Sendai Framework for Disaster Risk Reduction (the SFDRR, the successor to the Hyogo Framework for Action), which calls upon states to ensure that national legal frameworks are put in place to address both disaster risk reduction and response, including in line with the IDRL Guidelines. In addition to global frameworks such as the SFDRR, Southeast Asia has its own legally binding framework for disaster management, the 'Association for Southeast Asian Nations (ASEAN) Agreement on Disaster Management and Emergency Response' (2005), also known as the 'AADMER'. As auxiliaries to national authorities in the humanitarian field, and given their far-reaching networks of branches and volunteers, National Societies play a key role in ensuring the effective implementation of these frameworks.

<sup>1</sup> Resolution 7 on 'Strengthening normative frameworks and addressing regulatory barriers concerning disaster mitigation, response and recovery' (31C/11/R7), 31<sup>st</sup> International Conference of the Red Cross and Red Crescent, Geneva, Switzerland, 2011. Available online at [http://www.ifrc.org/PageFiles/132698/31C\\_R7\\_disaster%20laws\\_adopted\\_12Dec\\_clean\\_EN.pdf](http://www.ifrc.org/PageFiles/132698/31C_R7_disaster%20laws_adopted_12Dec_clean_EN.pdf)



---

*“The 2004 tsunami was a huge wake-up call”, explains Pak Ritola Tasmaya, Secretary General of Palang Merah Indonesia (PMI – Indonesian Red Cross). “It opened our eyes, and we saw the need to have the right laws and institutions in place to be able to prepare for, and respond to, disasters. PMI will continue to support, and promote, our national disaster law progress”.*

As quoted in the 2015 World Disasters Report, chapter 3, page 81 (IFRC).

---

In December 2015, the 32<sup>nd</sup> International Conference of the Red Cross Red Crescent will take place in Geneva, Switzerland. Strengthening disaster laws will be a key topic raised at the conference, and there will be an opportunity for states and National Societies to reaffirm their commitment to strengthening legal frameworks for disaster response, risk reduction, and also first aid.

This summary provides a brief overview of the main activities and achievements which Southeast Asian National Societies have undertaken, together with support of the IFRC, to implement the disaster law pledge over the past four years. This work has been undertaken to support their governments and key partners in the development and refinement of strong, comprehensive domestic legal frameworks for disaster risk management.<sup>2</sup>

## THE SOUTHEAST ASIA DISASTER LAW PLEDGE

The 2011 Southeast Asia National Societies’ disaster law pledge (pledge number P4399) expressed a joint commitment by National Societies in this region to strengthen two key areas of disaster law:

1. Legal preparedness for international disaster response
2. Legislation for disaster risk reduction

### 1. Legal preparedness for international disaster response:

The National Red Cross and Red Crescent Societies of Southeast Asia pledge to collaborate over the next four years to review existing national regulatory frameworks and to strengthen the role of the Red Cross Red Crescent in supporting their governments to develop legislation, policies and procedures to better facilitate and regulate international disaster assistance (in light of the Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance).

---

<sup>2</sup> Note that this document is not intended to be a comprehensive report on all substantive policy and legislative developments that have taken place in Southeast Asia over the period 2012-2015, but rather a summary of the main activities and achievements undertaken by National Societies with support from IFRC to implement the disaster law pledge and support governments and key partners in this work.





## 2. Enhancing disaster risk reduction through legislation:

The National Red Cross Societies of Southeast Asia pledge to collaborate over the next four years in efforts to review their regulatory frameworks and to advise their governments on the development of legislation, policies, and procedures which empower communities to become safer and more resilient through increased participation in disaster risk reduction activities.

This pledge was made by the following 10 National Red Cross and Red Crescent Societies<sup>3</sup>:

Brunei Darussalam Red Crescent Society	Myanmar Red Cross Society
Cambodian Red Cross	Philippine Red Cross
Indonesian Red Cross Society	Singapore Red Cross Society
Lao Red Cross	Timor Leste Red Cross Society
Malaysian Red Crescent	Vietnam Red Cross Society

## HOW HAVE NATIONAL SOCIETIES BEEN IMPLEMENTING THE DISASTER LAW PLEDGE?

National Societies across Southeast Asia have been very active over the past four years, working together with the IFRC's Disaster Law Programme to implement their commitments vis-à-vis the disaster law pledge. This period has seen many National Societies strengthen their knowledge and capacity in disaster law, and enhance their profile as key stakeholders in national policy and legislative processes. Some key areas of activity are outlined below.

### Technical assistance and legislative advocacy

Technical assistance and legislative advocacy have been two key areas in which National Societies and IFRC have been very active. This is in line with their commitment to strengthen the role of National Societies in supporting their governments to review and develop the necessary legal frameworks for disaster management, risk reduction and response.

<sup>3</sup> Although Thai Red Cross Society did not sign the joint regional disaster law pledge in 2011, they have nevertheless been very active in undertaking disaster law work, including an IDRL workshop in Bangkok in 2014. The Department of Disaster Prevention and Mitigation, situated in Thailand's Ministry of Interior, is also developing a set of guidelines on international cooperation, drawing upon the IDRL Guidelines and discussions held at the 2014 IDRL workshop and 2015 Southeast Asia Regional Disaster Law Forum.



Over the past four years, their work has included a variety of research and technical assistance projects, provision of substantive advice for the development of national disaster management laws, regulations and policies, and active engagement in relevant meetings, forums and events. Highlights from the four year period include:

**Laws and regulations adopted:**

- In 2013, Vietnam adopted a new national Law on Natural Disaster Prevention and Control. This contains a chapter on international cooperation based on the IDRL Guidelines and recommendations from Vietnam Red Cross and IFRC (including from the [Model Act on International Disaster Assistance](#) and a [research study published in 2009](#)). Disaster risk reduction elements are also integrated into various sections of the law, as a result of advocacy and technical advice provided by Vietnam Red Cross and IFRC.
- In 2015, Myanmar adopted a new set of Disaster Management Rules to implement the national Natural Disaster Management Law which was adopted in 2013. As a result of the advocacy undertaken by Myanmar Red Cross Society and IFRC, including a high-level advocacy workshop in 2014, the new rules include a chapter on communication and collaboration with assisting international actors.
- In 2015, Cambodia adopted a new national Law on Disaster Management, which includes a chapter on international cooperation and assistance based on the IDRL Guidelines, recommendations from a [study conducted by Cambodian Red Cross and IFRC](#) (published in 2009), and various inputs during the drafting process.

**Laws and regulations drafted:**

National Societies have been contributing to the revision of national disaster management laws in Indonesia and the Philippines, as well as the following new laws which have been drafted, or are in the process of being drafted:

- Disaster Management Law in Timor Leste and revised Disaster Management Policy
- Disaster and Climate Change Law in Lao PDR
- Bill on the Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance in the Philippines.





### Momentum along the Mekong: Cambodia adopts new disaster management law

In July 2015, a major milestone took place with the signing of a new National Disaster Management Law in Cambodia by his Majesty the King Norodom Sihamoni. Cambodia served as Chair of the ASEAN Committee on Disaster Management in 2015, and the adoption of the new law emphasizes the country's commitment toward strengthening and regulating disaster management and response across its territory. The law contains a chapter on international assistance and cooperation, based on recommendations made by Cambodian Red Cross, IFRC and as contained in the IDRL Guidelines. This includes a commitment that the state will bear all taxes and duties imposed on humanitarian assistance in an emergency, and provides for the granting of special visas for the entry of relief personnel. In addition to a strong focus on response, the law calls for the integration of disaster risk reduction measures into development planning, and mandates Cambodia's National Committee for Disaster Management to issue guidelines on disaster risk reduction and climate change adaptation.

Cambodia joins the ranks of fellow Mekong countries like Vietnam and Thailand who have already developed national disaster management laws. The importance of having a disaster management law in place was highlighted by His Excellency Mr. Ross Sovann from the National Committee for Disaster Management and Chair of the ASEAN Committee for Disaster Management (ACDM) for 2015. "We are the most resourceful region when it comes to knowledge and experience of disasters, because we face them all the time....but without law, we don't have a platform to support our activities", explained Mr. Sovann at the 2015 ASEAN Day for Disaster Management celebrations in Phnom Penh.

The disaster management law in Cambodia had been under development for several years, with Cambodian Red Cross (CRC) involved as a key stakeholder in this process. CRC will continue to play a role in the dissemination and implementation of the new law, especially at the community level. "Disasters happen at the grassroots level", says Dr. U Sam Ath, Head of Disaster Management at Cambodian Red Cross. "So we need to make sure the new law is disseminated and understood by communities, because this is where the action happens".

#### Research and advice:

- A research project on International Disaster Response Law (IDRL) in Indonesia was undertaken during 2012-2014, which analyses the impact and implementation of the existing legal framework for international disaster assistance. The report considers experiences from recent disasters such as the 2009 Padang earthquake in West Sumatera, and the 2010 Mount Merapi volcanic eruption. This report has been disseminated by the Indonesian Red Cross (Palang Merah Indonesia, or 'PMI') and IFRC, including at dedicated dissemination events led by Indonesia's national disaster management authority, Badan Nasional Penanggulangan Bencana (BNPB), at different universities in Indonesia.



- A case study was published in 2014 on how law and regulations support disaster risk reduction in Vietnam, a joint initiative undertaken by Vietnam Red Cross, IFRC and the United Nations Development Programme (UNDP).
- Advice and inputs have been provided into the revision of several regulations concerning disaster management in Indonesia, including the revision of Guideline (or 'perka') 22/2010 on 'the role of international organizations and foreign non-government organizations during emergency response'. PMI have also been working with BNPB and other civil society partners in preparation for the upcoming review of Indonesia's national disaster management law, due to take place in 2016.
- Disaster law advice was provided to the government and key humanitarian and development partners in Malaysia at a workshop in April 2015. This was part of discussions about how to strengthen disaster preparedness in Malaysia in light of the 2014-2015 floods.
- Research is currently underway in Indonesia regarding the existing laws related to disaster risk reduction and how they are implemented at the national and local levels, utilizing the recently developed 'Checklist on Law and Disaster Risk Reduction'.
- An IDRL project in Myanmar has recently commenced and will be undertaken in collaboration with Myanmar Red Cross Society and the Myanmar Government's Relief and Resettlement Department (situated within the Ministry of Social Welfare, Relief and Resettlement).

---

*"According to the long-standing experience of Myanmar Red Cross in disaster management, we need to mainstream risk reduction in all activities, including response, recovery and development", says U Maung Maung Khin, Director of Disaster Management at Myanmar Red Cross Society. "We need to be prepared before disasters, to make sure we provide an effective and timely response. It is important to develop disaster laws for all of these areas".*

---

### Capacity building:

Capacity building and developing a sustainable approach to disaster law within National Societies has been critical to effective implementation of the disaster law pledge. As part of this process, introductory or 'sensitization sessions' have been held for some National Societies who were relatively new to disaster law concepts, but where national processes have allowed opportunities for their involvement, including in Myanmar, Lao PDR and Timor Leste.

These initiatives have led to concrete actions where the National Societies and IFRC have been able to build knowledge, undertake advocacy, and therefore contribute to and influence national disaster law processes. The outcomes of this work are reflected in some of the achievements already listed in the section above, including:





- Influencing the development of the Disaster Management Rules in Myanmar
- Ongoing engagement in the development of the new Disaster and Climate Change Law in Lao PDR
- Designation of disaster law focal points within the National Societies
- Engagement in national platforms where disaster law themes such as IDRL can be promoted (e.g. in the DRR working group in Myanmar)
- High level advocacy workshops and trainings in the Philippines (2012), Indonesia (2013), Myanmar (2014), Thailand (2014) and Lao PDR (2015).

The capacity building work that has taken place across Southeast Asia has also resulted in recognition of the operational relevance of disaster law by National Societies and other key partners, including governments, regional organizations and the United Nations. This has led to dedicated sessions and scenarios addressing IDRL in simulation exercises in Indonesia, Malaysia, Myanmar, Thailand and Timor Leste. The outcomes of these simulation exercises have contained recommendations to strengthen national legal frameworks to facilitate international assistance, as a result of National Societies' advocacy and profiling of the issue. In addition to this, expert advice has been sought by governments, the IFRC, National Societies and key humanitarian partners in the wake of recent disasters, resulting in the deployment of IFRC Disaster Law Programme staff to the Typhoon Yolanda (Haiyan) response in the Philippines (2013) and the floods in Myanmar (2015).

### Partnerships:

Through legislative advocacy, National Societies have continued to strengthen their relationships with governments and other key partners. In doing so, National Societies are promoting more active and collaborative engagement in national law and policy processes, and serve as a bridge between communities and national and local authorities. This is being witnessed in Indonesia, for example, where PMI is working closely with civil society groups to collect feedback for the upcoming review of their national disaster management law in 2016. In addition, as part of the ongoing DRR and law project, PMI and IFRC are working with local authorities and community members to identify gaps in substance and implementation of the relevant laws for disaster risk reduction, and bring the community perspective to the forefront.

At the regional level, the past four years have seen more active engagement with regional bodies, such as ASEAN, including through the development of a Joint Action Plan with the ASEAN Coordinating Centre for Humanitarian Assistance (AHA centre), which includes a component on disaster law, and facilitating sessions during the AHA Centre Executive Programme ('ACE Programme'). National Societies have also taken the lead in promoting disaster law at national and regional events, such as ASEAN Day for Disaster Management in Cambodia, and International Day for Disaster Reduction in Indonesia, both in 2015. Ongoing collaboration between National Societies,



IFRC, and international organizations such as UNDP and the United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA) has also been strengthened over the years, through joint projects, events and other disaster law related initiatives.

These partnerships have been further enhanced through initiatives such as the Regional Disaster Law Forum, held in Bangkok, Thailand, in June 2015. During this event, National Societies were given the opportunity to share their experiences and achievements in implementing the disaster law pledge (see box below).

#### **Southeast Asia Regional Disaster Law Forum**

On 10-11 June, 2015, over 60 representatives gathered in Bangkok at the 'Regional Disaster Law Forum for Southeast Asia'. These included National Society leaders and technical staff, NDMOs, ministries of foreign affairs, parliamentarians, United Nations organizations, NGOs and the ASEAN Secretariat. This was the first time in over three years that National Societies and governments in Southeast Asia had come together with key partners to take stock and discuss disaster law developments at the national, regional and international levels. The Forum considered how states and National Societies have been working together to develop or review disaster management laws and regulations; how to enhance engagement with ASEAN and preparation for the post-2015 AADMER work programme; and discussions on key disaster law themes and pledges coming before the 32nd International Conference of the Red Cross Red Crescent in December 2015. The outcomes of the Forum demonstrated how Southeast Asia is a leader when it comes to developing national disaster laws, and the important role National Societies have to play as the bridge between the community/local level and national level law and policy making processes. The final Forum report and recommendations are available online at the IFRC Southeast Asia online library.

#### **New initiatives:**

As part of their collaborative efforts to strengthen disaster laws and the role of the Red Cross Red Crescent in Southeast Asia, new initiatives have been undertaken by National Societies with an increased emphasis on peer-to-peer learning. During the four year pledge period, an exchange took place between Lao PDR and Vietnam to learn about the experience of drafting a new disaster management law, and the role of different organizations in this process. Such initiatives have extended beyond Southeast Asia, to include National Societies from other parts of the Asia Pacific region, as witnessed during the disaster law exchange conducted between Vietnam Red Cross and the Democratic Peoples' Republic of Korea (DPRK) Red Cross. These initiatives have enabled National Societies to not only promote the strengthening of national disaster laws, but also foster a collaborative learning experience from the national down to the local level among different Societies and governments. Other new initiatives under discussion during the four year pledge period include the development of a new disaster law project in the Philippines, which will focus on knowledge and capacity building for the Philippine Red Cross (due to commence in 2016).





### Peer to peer learning in the region: focus on Vietnam

Vietnam is looked to by National Societies and governments across Asia as an example of best practice when it comes to developing national disaster risk management legislation. Vietnam Red Cross was actively involved in the development of Vietnam's national Natural Disaster Prevention and Control Law (2013), which adopted recommendations on international assistance and disaster risk reduction, developed by VNRC and IFRC. "The adoption of the new law on disaster prevention and control is a significant step for Vietnam, to prepare our people to reduce risks and impacts of disasters, especially in the context of climate change", explains Mr. Doan Van Thai, Vice President and Secretary General of Vietnam Red Cross Society. "It encourages the participation of citizens, civil society, community leaders and the private sector in many areas of disaster risk management".

Now that implementation of the new law has begun, other countries are looking to Vietnam to learn from their experience. During the pledge period, two exchange tours were conducted which fostered great dialogue and sharing of experiences between the National Societies, national authorities and humanitarian and development organizations. In November 2014, representatives from IFRC, UNDP, Lao Red Cross, Vietnam Red Cross and a delegation of Lao PDR government officials travelled to Hanoi and Lao Cai province to learn about the disaster management law development process. One year later, in November 2015, a delegation from the Democratic People's Republic of Korea (DPRK), including from the National Assembly and DPRK Red Cross, also travelled to Vietnam for the same learning experience, which included a visit to Ninh Binh province to understand how the national disaster management law was being implemented at the provincial level.

National Societies are also placing an increasing focus on effective implementation and dissemination of disaster laws, particularly at the community level. At the time of writing, discussions were underway in Vietnam and Cambodia to prepare for disseminations of each country's national disaster management law and the role of the Red Cross, so that actors at all levels have an understanding of the meaning and impact of these laws.

## MOVING FORWARD

There is no doubt that significant progress has been made by National Societies across Southeast Asia over the period 2012 -2015, and much has been done to implement the disaster law pledge and other key commitments. The increasing emphasis placed on the role of law and regulations as a foundation for resilience, coupled with the reality that disasters show no sign of abating, highlights the need for continued progress in this area. The scope of this work is likely to evolve, as issues such as climate change, the protection of persons after disasters, first aid, environmental protection, migration and gender and diversity are increasingly prevalent. It is in this changing environment that National Societies' ongoing commitment to advocate for and provide support to strengthen disaster risk management laws, regulations and policies will be much needed - as will their role in ensuring that the right laws and procedures are implemented effectively in order to build community resilience and better protect people at risk.



# THE FUNDAMENTAL PRINCIPLES OF THE INTERNATIONAL RED CROSS AND RED CRESCENT MOVEMENT

**Humanity** The International Red Cross and Red Crescent Movement, born of a desire to bring assistance without discrimination to the wounded on the battlefield, endeavours, in its international and national capacity, to prevent and alleviate human suffering wherever it may be found. Its purpose is to protect life and health and to ensure respect for the human being. It promotes mutual understanding, friendship, cooperation and lasting peace amongst all peoples.

**Impartiality** It makes no discrimination as to nationality, race, religious beliefs, class or political opinions. It endeavours to relieve the suffering of individuals, being guided solely by their needs, and to give priority to the most urgent cases of distress.

**Neutrality** In order to enjoy the confidence of all, the Movement may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature.

**Independence** The Movement is independent. The National Societies, while auxiliaries in the humanitarian services of their governments and subject to the laws of their respective countries, must always maintain their autonomy so that they may be able at all times to act in accordance with the principles of the Movement.

**Voluntary service** It is a voluntary relief movement not prompted in any manner by desire for gain.

**Unity** There can be only one Red Cross or Red Crescent Society in any one country. It must be open to all. It must carry on its humanitarian work throughout its territory.

**Universality** The International Red Cross and Red Crescent Movement, in which all societies have equal status and share equal responsibilities and duties in helping each other, is worldwide.