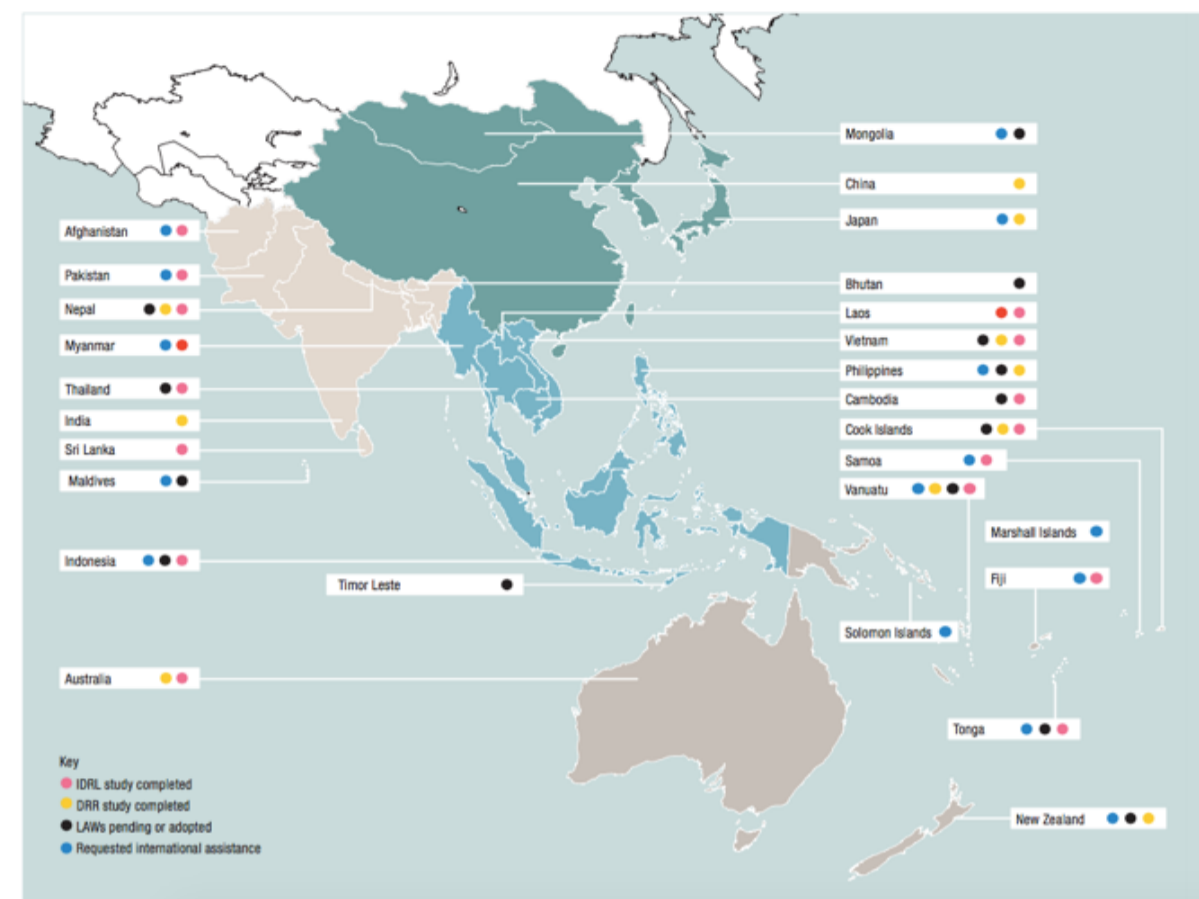


IFRC Asia Pacific Disaster Law Programme

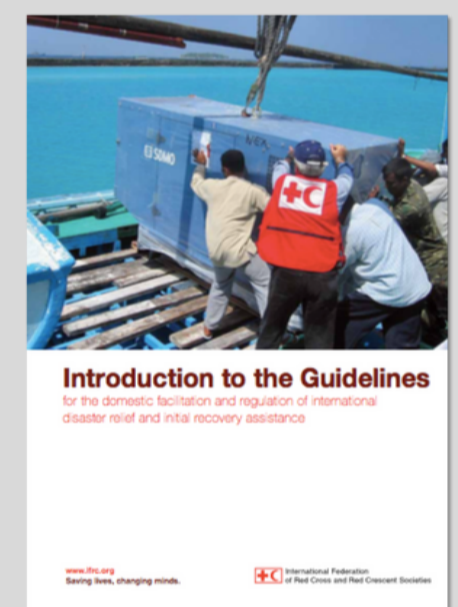
Myanmar Snapshot: IDRL

The **Asia-Pacific region is the world's most disaster-affected** – it is where 43% of the world's natural hazards occur and where 80% of people affected by natural hazards live. **Disasters bring with them not only a devastating human impact but a huge economic cost as well.** Managing international assistance in the wake of a major disaster response can be extremely challenging. Unintentional red tape can tie aid efforts in knots, with urgently needed goods stuck behind “business as usual” procedures. On the other hand, gaps in national oversight over international efforts in the chaotic atmosphere after a disaster can result in poor quality, poor coordination and poor accountability.



In November 2007, the 30th International Conference of the Red Cross and Red Crescent (including the State Parties to the Geneva Conventions and the components of the International Red Cross and Red Crescent Movement) unanimously adopted the **Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance (the IDRL Guidelines)** in order to help governments reduce potential barriers to international assistance while reaffirming the primary role of domestic actors. The IDRL Guidelines set out non-binding recommendations based on best practices and norms as well as existing international instruments, and has been developed through an extensive consultation process with governments and humanitarian stakeholders.

In the last ten years, the **IFRC has supported National Red Cross and Red Crescent Societies to support governments in over 50 countries to assess their laws through the lens of the IDRL Guidelines.** In addition to country-level advice, the IFRC has worked with partners to develop a number of additional tools on this theme, including a **Model Act for the Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance** (together with OCHA and IPU) and a model emergency decree on the same topic (with OCHA).



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, or AADMER.** Coming into force in 2009, AADMER specifically states an obligation that Parties ‘take legislative, administrative and other measures as necessary to implement their obligations under this Agreement’. AADMER provides a number of facilities for international assistance providers including exemptions from taxes, duties and other import charges, the facilitation of the entry, stay and departure of relief personnel, and protection of relief personnel and equipment. International relief providers are expected to conform to the national laws and ensure that relief goods and materials meet appropriate quality and validity standards.

ASEAN's recently adopted **work programme for 2016-20** also prioritises the need for more effective regional responses and the important role legislation has to play in supporting disaster risk management more broadly.

Examples from South East Asia

In 2010, the **Philippines** adopted the Disaster Risk Reduction and Management Act, including a provision on international assistance and the implementing rules and regulations providing that “foreign donations and importations of humanitarian assistance shall also be guided with the International Disaster Response Law and other related guidelines as may be deemed appropriate”.

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 and a research study published in 2009)

In 2007, the **Indonesian** government enacted a new law on disaster management and issued subsequent regulations and guidelines between 2008 and 2010 drawing upon the IDRL Guidelines. In 2009, following the earthquake and volcanic eruption, some of the legal facilities were put to test. The Indonesian National Board for Disaster Management coordinated the involvement of the relevant agencies/ministries under a ‘one-roof service’ at Padang airport and seaport to facilitate the entry of international personnel. The ‘one-roof service’ was believed to have been successful in facilitating the entry of relief goods and personnel during the response and was later codified through the creation of the Supporting Post in Guideline 22/2010

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.

2013

July: Myanmar adopts their National Law on Disaster Management.

October: IFRC joins MRS, the RRD, UNDP, UNOCHA, government ministries and other organizations at a consultation workshop to discuss the development of the implementing DM rules for the new law, and presents on IDRL.

2014

January – May: IFRC and MRCS provide written comments on the draft DM rules.

May: High level disaster law advocacy workshop hosted in Nay Pyi Taw by the RRD, MRCS and IFRC. Stakeholders agree to undertake an IDRL research project.

September: National Disaster Relief Simulation Exercise hosted by the RRD, ASEAN, MRCS, OCHA and UNDP held at Inle Lake, including a session on IDRL. Recommendations from the exercise highlight the need for a stronger legal framework for international assistance.

2015

April: National DM rules adopted, including brief chapter on international assistance and cooperation, based on recommendations from MRCS and IFRC.

August: IDRL Expert deployed to support the national EOC during the flood response, at the request of the RRD. New Guideline on International Assistance is drafted after discussions with MOFA and the RRD.

November: IDRL consultant hired and research study commenced.

2016

February: IDRL research mission undertaken by international consultant and MRCS IDRL Advisor.

May: High-level IDRL consultation workshop held in Nay Pyi Taw, to discuss findings and recommendations of IDRL research. The ‘Nay Pyi Taw’ outcome statement is adopted, highlighting the next steps for IDRL in Myanmar.

March – October 2016: IDRL report drafted

