

Disaster Law

International Disaster Response Law (IDRL) in Indonesia

Background

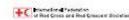
Indonesia has one of the most comprehensive legal frameworks for disaster management and response in the world. Palang Merah Indonesia (PMI) and the International Federation of Red Cross and Red Crescent Societies (IFRC) have played a key role in supporting the development of this framework, providing technical advice to make sure the legal framework comprehensively addresses the role of international disaster assistance, based on the [‘Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance’](#). Over the period 2012-2014, PMI and IFRC undertook a research study to look at how well the legal framework for international disaster assistance has been implemented, or how it could be improved. Key recommendations from this research can be considered as part of the review of Indonesia’s Law 24/2007 on Disaster Management.



International Disaster Response Law (IDRL) in Indonesia

An analysis of the impact and implementation of Indonesia’s legal framework for international disaster assistance

Prepared by



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Summary of Recommendations¹:

Strengthen implementation of existing legal framework:

Indonesia’s disaster management law and the accompanying legal framework relating to international assistance is already very good. In addition to reviewing the DM law, improvements can be made by strengthening the **implementation** of the law. This can be done through:

- Conducting field and table top exercises which focus on implementation of the legal framework for disaster management and response.
- Preparing a clear summary of the legal framework relating to international assistance and emergency response to share with relevant actors.
- Preparing simple tools for national and provincial agencies to use during a disaster to identify the triggers and need for international assistance.

¹ Please note that these recommendations are a summary and are not fully comprehensive. For full details and recommendations, please see the report ‘International Disaster Response Law in Indonesia: An analysis of the Impact and implementation of Indonesia’s legal framework for international disaster assistance’ available online at www.ifrc.org/dl

Eligibility requirements for 'easy access' and enforcement mechanisms:

- Include an enforcement mechanism within the legal framework to ensure that humanitarian principles and responsibilities, as outlined in the IDRL Guidelines, are upheld. This could be done by linking eligibility for 'easy access' legal facilities for international responders to adherence to humanitarian principles (i.e. international responders must meet certain eligibility requirements and uphold humanitarian principles, in order to receive 'easy access' for their response).
- Establish a vetting and / or supervising mechanism so that only those international actors who can demonstrate compliance with humanitarian principles can register to participate in disaster management and emergency response.

Initiation and termination of international assistance:

- Consolidate the processes for initiation and termination of international assistance (e.g. damage and needs assessment, determination of scale of disaster, declaration of emergency status etc.) into one part of the legal framework (e.g. revise law 24/2007, regulation 23/2008 or guideline 22/2010 to include sufficient detail on these processes).
- Include a provision in the legal framework which outlines that international assisting actors are consulted before their assistance is terminated, so that they are aware of the termination date and can plan their relief programs and allocate funding appropriately, and in accordance with the given timeframe.

Improve scope of legal facilities ('easy access') for entry and operations:

- Revise the current scope of 'easy access' provisions within the legal framework to include all 'legal facilities' contained in the IDRL Guidelines.
- Allow for an extension of 'easy access' legal facilities for both emergency response and early recovery periods.



PMI and IFRC meeting with BNPB to discuss disaster law developments in Indonesia, October 2014.

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