

Approach for drafting of the Disaster Management Law, Myanmar

Consultation with UN Agencies and NGOs

Jointly Organized by
Relief and Resettlement Department, Myanmar and ADPC
14th December 2011, Nay Pyi Taw

Background

- Myanmar is prone to nine hazards including Cyclone, Fire, Earthquake, Landslide and Floods.
- It has been severely impacted by disasters in recent past which include Cyclone Nargis of 2008, Cyclone Giri of 2010 and Earthquake of 2011 in Shan State.
- Government of Myanmar has a well laid out institutional set up for Disaster management from national to village tract level
- Standing Order on Natural Disaster Management has been issued which mentions responsibilities and functions of Ministries and departments in disaster management

*- It includes
village tract, PM -*

Background

- Government of Myanmar has drafted the Myanmar Action Plan on Disaster Risk Reduction (MAPDRR) 2009-2015
- MAPDRR identified 64 priority projects including Drafting of Disaster Management Law
- Government of Myanmar has started the process of drafting Disaster management law
- The Law aims to further the disaster management system in country
- The first Consultation was held under the Chair of Hon'ble Deputy Minister, Social Welfare, Relief and Resettlement on 28th June 2011 at Nay Pyi Taw

Study of Disaster Management Act of selected countries

*SE Asia: Thailand and Indonesia,
South Asia: India and Sri Lanka*

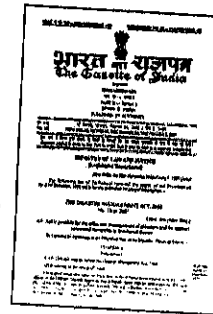
Country	Name of the Act, Year
India	Disaster Management Act, 2005
Sri Lanka	Disaster Management Act, 2005
Indonesia	Presidential Law on Disaster Management, 2007
Thailand	Disaster Prevention and Mitigation Act, 2007

Overview of Disaster Management Act 2005, India

11 Chapters, 79 Articles

Key features of the Act

- Identifies Authorities and their roles at National, State (Province) and District levels chaired by Prime Minister, Chief Minister and District Collector respectively
- National government plays support role to the state (provincial) government for DM
- DM technical agency: National Institute of Disaster Management focusing on capacity building, policy formulation, etc
- Special power including giving direction to concerned departments, control and restrict movement, etc to Authorities in the case of threatening disaster situation



India...

- National Disaster Response Force for response
- Disaster Management Plan at National, State and District level;
- Ministry level Disaster Management Plans
- Budgetary Provision: 2 types of fund by the National as well as Provincial Government
 - > Disaster Response Fund
 - > Disaster Mitigation Fund
- Ministry to make provisions in its annual budget to carry out DM Plan
- Penalty : Punishment of false claim, false warning, offences
- National and State Government to makes out rules for Act

Overview of selected DM Acts

Section	Sri Lanka	India	Thailand	Indonesia
1. Year Enacted	2005	2005	2007	2007
2. Name	Disaster Management Act	Disaster Management Act	Disaster Prevention and Mitigation Act	Disaster Management
3. Number of Article/Sections	26 Sections	79 Articles	58 Sections	85 Articles
4. National Committee (Supreme authority)	National Council for Disaster Management	National Disaster Management Authority-national level	National Disaster Prevention and Mitigation Committee	National Disaster Management Authority
5. National Master DM Plan	Required	Required	Required	Required
6. Level of authority	National level Ministerial level Departmental Public corporations to prepare their own DM Plan	National State District Local	Central Provincial District Local	National government Regional government

... selected Disaster Management Acts

Section	Sri Lanka	India	Thailand	Indonesia
7. Identifying Disaster phase-wise tasks and functions to be carried out by designated authorities	Briefly mention	Briefly mention	Focused on disaster response	Detailing out for each phase
8. Establishment of technical specialized agencies for DM	Disaster Management Center (DMC)	National Institute for Disaster Management	Department of Disaster Prevention and Mitigation (both at operation and technical)	National Disaster Management Agency (both operations and technical)
9. Budgetary allocation	Yes, Initial amount clearly stated	For Disaster Response and Mitigation	Not clearly mentioned	Disaster Management Budget & Ready Fund for emergency response
10. Ministerial/ Departmental DM plan in accordance with National DM Plan	Specifically mentioned	Specifically mention	Broadly mention	Broadly mention
11. Penal Provision	Yes	Yes	Yes	Yes

key Elements in DM Act

1. Preamble, legal context, Objective, Definitions
2. Designating institutions/ranks at different levels responsible for DM, its composition and other support mechanisms
3. Fixing roles and responsibilities of designated institutions and ministries/dep'ts in different phases/overall DM
4. Special/emergency powers
5. Disaster management Policy, Plans, etc
6. Budgetary/Funding provision
7. Penalty provision

Reference for DM Act the Republic of the Union of Myanmar

- National Disaster Management Act, Myanmar to be drafted in accordance with

Legislation Section 96 of the Constitution

The Pyidaungsu Hluttaw shall have the right to enact laws for the entire or any part of the Union related to matters prescribed in Schedule One of the Union Legislative List

Item 5. Agriculture and Livelihood Breeding Sector

- (f) Meteorology, hydrology and seismic survey
- (l) Livestock proliferation, prevention and treatment diseases and research work

Item 9. Social Sector

- (m) Relief and rehabilitation
- (n) Fire Brigade

... Reference

Legislation Section 188 of the Constitution

The Region or State Hluttaw shall have the right to enact laws for the entire or any part of the Region or State related to matters prescribed in Schedule Two of the Region or State Hluttaw Legislative List

Item 7 Social Sector

(c) Preventive and precautionary measures against fire and natural disasters

Legislation Section 196 of the Constitution

The legislative power relating to the matters listed in the Schedule Three for respective Divisions or Zones are allotted to the Self-Administered Division or the Self-Administered Zone Leading Bodies

Item 5 – Prevention of Fire Hazard

Approach

28th June: Initial consultation

TV Subjects: Initial Consultation, National
Cooperation Outline

Consultation Meeting for feedback and comments

Consultation on First draft

Consultation on final draft

Finalization of the Law (Completed on 11/12/2011)

Key discussion during Inter-ministerial consultation

- **Presidential Disaster Management Law, Indonesia by, Indonesia**
- **Experience sharing on Development of Disaster Management Laws in China by China**
- **Presentation on draft Disaster Management Law by RRD and Attorney General**
- **Presentation on proposed Disaster risk management law, by ADPC**
- **Group consultation on the Drafted Outline and recommendation facilitated by RRD and ADPC**

Section in the draft DM Law, Myanmar

1. **Preamble**
2. **Chapter 1 : Title and Definition**
3. **Chapter 2 : Objectives**
4. **Chapter 3 : Formation of National Disaster Management Committee, its roles and functions**
5. **Chapter 4 : Formation of Regional Disaster Management Committee, its roles and functions**
6. **Chapter 5 : Announcement of Emergency Situation**
7. **Chapter Six : Disaster Management**
8. **Chapter 7 : Preparedness before disaster**
9. **Chapter 8 : Emergency Response during disaster**
10. **Chapter 9 : Rehabilitation and Reconstruction after disaster**

Section in the draft DM Law, Myanmar
National

- 11. Chapter 10: Disaster Management Fund
- 12. Chapter 11 : Offenses and Penalties
- 13. Chapter 12 : General Provision

Director General Speech:

For DM Law, they organized Main Task Force Group. In this draft, Law Consultant From National President Office is also participate.

Tomorrow, there is task force Meeting from today feedback. They have plan to apply draft DM Law in January Parliament. RRD would like coordinate with all of us. RRD welcome many feedback for this DM Law.

thank you