



**GOVERNMENT REGULATION
OF THE REPUBLIC OF INDONESIA
NUMBER 23 OF 2008
CONCERNING
PARTICIPATION OF INTERNATIONAL
INSTITUTIONS AND FOREIGN NON-
GOVERNMENTAL ORGANIZATIONS IN
DISASTER MANAGEMENT**

**NATIONAL AGENCY DISASTER MANAGEMENT
(BNPB)**



PRESIDEN
REPUBLIK INDONESIA

**GOVERNMENT REGULATION OF THE REPUBLIC OF
INDONESIA**

NUMBER 23 OF 2008

CONCERNING

**PARTICIPATION OF INTERNATIONAL INSTITUTIONS AND
FOREIGN NON-GOVERNMENTAL ORGANIZATIONS IN
DISASTER MANAGEMENT**

BY THE GRACE OF THE ONE ALMIGHTY GOD

THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

Having considered : that to apply the previous of article 30 paragraph (3) of Law Number 24 of 2007 concerning Disaster Management, it is necessary to stipulate a government Regulation concerning participation of International Institutions and Foreign Non-Governmental Organizations in Disaster Management;

Having Observed : 1. Article 5 paragraph (2) of the 1945 constitution of the Republic of Indonesia;
2. Law Number 24 of 2007 concerning Disaster Management (state gazettes of the Republic of Indonesia of 2007 Number 57, supplement to the state Gazettes of the Republic of Indonesia);

HAS DECIDED:

To issue : **THE PARTICIPATION OF INTERNATIONAL INSTITUTIONS AND FOREIGN NON-GOV GOVERNMENTAL ORGANIZATION.**

CHAPTER I

GENERAL PROVISIONS

ARTICLE 1

According to this government regulation the definition is as follows:

1. International institutions means organizations within the United Nations the organizational structure of the United Nations or representing the United Nations or other international organizations.
2. Foreign non-governmental organizations means international institutions that are functionally, organized from and not representing a government, or an international organization established separately from the state where it was established.
3. Disaster management means a series of efforts encompassing policies on development with disaster risk, disaster prevention, emergency response, and rehabilitation.
4. Disaster Management National Agency hereinafter referred to as BNPB means a non-departmental government institution in accordance with the provisions of legislation.
5. Related agencies/institutions means the agencies/institutions related to disaster management.

Article 2

Participation of International institutions and foreign non-governmental organizations in disaster management aim to support empowerment of disaster management, reduction disaster in threat and risk reduction, and in victims suffering, and to accelerate community life recovery.

Article 3

Regulation on participation of international institutions and foreign non-governmental organizations in disaster management shall include pre-disaster, emergency response, and post-disaster measures.

Article 4

BNPB Head shall have authority to determine participation of international institutions' and foreign non-governmental organizations in disaster management.

CHAPTER II

PROCEDURES FOR PARTICIPATION OF INTERNATIONAL INSTITUTIONS' AND FOREIGN NON-GOVERNMENTAL ORGANIZATIONS

Article 5

- (1) International institutions or foreign non-governmental organizations that will participate in disaster management shall prepare:
 - a. a proposal;
 - b. a memorandum of understanding; and
 - c. a work plan.
- (2) Proposal as referred to in paragraph (1) letter a shall be prepared by international institutions or foreign non-governmental organizations in consultation with overseas representative of the Republic of Indonesia.
- (3) Memorandum of understanding as referred to in paragraph (1) letter b shall be prepared jointly by the BNPB and the international institution or foreign non-governmental organization involving agencies in charge of foreign affairs.
- (4) Memorandum of understanding as referred to in paragraph (1) may be prepared by related agencies/institution and international institution or foreign non-governmental organization under coordination of the BNPB by involving responsible agencies in charge of foreign affairs.

Article 6

- (1) The BNPB and international institution or foreign non-governmental organization shall jointly prepare the work plan as referred to in Article 5 paragraph (1) letter c and may involve related agencies/institutions.
- (2) Work plan preparation as referred to in Article 5 paragraph (1) letter c by related agencies/institution and international institution or foreign non-governmental organization shall be under coordination of the BNPB.

Article 7

The application of Memorandum of Understanding and work plan as referred to in Article 5 and Article 6 shall be under coordination of the BNPB.

Article 8

- (1) During the emergency response, international institution or foreign non-governmental organization can directly provide aid without going through the procedure as referred to in Article 5 and Article 6.
- (2) Aid from international institutions or foreign non-governmental organizations as referred to in Article (1) shall be provided along with a list of personnel, logistics, equipment, and location of the activities.
- (3) The list of personnel, logistics, and equipment as referred to in paragraph (2) may be submitted before, on, or immediately after the aid arrival in Indonesia.
- (4) Based on the list of personnel, logistics, and equipment as referred to in paragraph (3), the head of the BNPB shall grant approval according to the needs for disaster emergency response.

- (5) In carrying out the provisions as referred to in paragraph (4), the head of the BNPB shall have coordination with related agencies/institutions.
- (6) In the event the international institutions or foreign non-governmental organization providing aid in the form of funds, shall be delivered or sent directly to BNPB.
- (7) Provisions concerning the fund aid as referred to in paragraph (6) shall be regulated in accordance with the provisions of legislation.

Article 9

Mobilization of personnel, logistics, and/or equipment as referred to in Article 8 paragraph (2), paragraph (3), and paragraph (4) shall have accessibility in accordance with the provisions of legislation.

CHAPTER III

IMPLEMENTATION OF INTERNATIONAL INSTITUTIONS' AND FOREIGN NON-GOVERNMENTAL ORGANIZATIONS' PARTICIPATION

Article 10

- (1) Participation of International institutions or foreign non-governmental organizations in disaster management at pre-disaster and post-disaster stages shall adapt to disaster management policy.
- (2) Participation of International institutions or foreign non-governmental organizations referred to in paragraph (1) shall be under coordination of the BNPB.
- (3) Participation of International institutions or foreign non-governmental organizations in disaster management during the emergency response shall be command of the BNPB.

Article 11

- (1) The Government shall guarantee to provide protection for workers from international institutions or foreign non-governmental organizations who carry out disaster management measures.
- (2) Protection as referred to in paragraph (1) shall be provided in accordance with the provisions of legislation.

Article 12

- (1) International institutions or foreign non-governmental organizations may participate in disaster management severally, jointly, and/or in conjunction with Indonesian working partner.
- (2) International institutions or foreign non-governmental organizations that provide inclusive aid in the form of foreign personnel, logistics, and/or equipment as referred to in Article 8 may participate in disaster management severally.
- (3) International institutions or foreign non-governmental organizations that provide non-inclusive aid referred to in paragraph (2) may participate in disaster management jointly, to be complementary to other international institutions or foreign non-governmental organizations.
- (4) International institution or foreign non-governmental organization as referred to in paragraph (2) and paragraph (3) may participate in disaster management in conjunction with its Indonesian partner, either with related agencies/institutions or non-governmental organizations that have similar vision and mission.

Article 13

- (1) International institutions or foreign non-governmental organizations referred to in Article 12 may be provided with facilitation for disaster management measures.
- (2) Facilitation as referred to in paragraph (1) shall be provided in accordance with the provisions of legislation.

Article 14

- (1) International institutions and foreign non-governmental organization that participate in disaster management shall be prohibited from engaging in activities with political or national security background.
- (2) To determine whether an activity contains a political or national security element as referred to in paragraph (1), the Head of the BNPB shall have coordination with agencies having the tasks and responsibilities in the fields of intelligence service and national security.
- (3) International institutions and foreign non-governmental organizations that participate in disaster management shall consider and respect of the local community social, cultural, and religious backgrounds.

CHAPTER IV

SUPERVISION AND REPORTING

Article 15

- (1) The BNPB shall supervise participation of international institutions' and foreign non-governmental organizations' in disaster management.
- (2) Supervision referred to in paragraph (1) shall be exercised to observe the activities.

- (3) Provisions concerning supervision procedure referred to in paragraph (1) shall be stipulated by BNPB Head's Regulation.

Article 16

- (1) International institutions and foreign non-governmental organizations shall submit an accountability report on their activities to the BNPB periodically, at the end of its term of service or at any time at the request of the BNPB.
- (2) BNPB shall announce the report referred to in paragraph (1) to the public in a transparent manner.
- (3) Provisions on reporting procedure and the report's substance referred to in paragraph (1) shall be stipulated by the Head of BNPB the Regulation.

CHAPTER V

OTHER PROVISIONS

Article 17

- (1) In the event that the disaster management aid from a foreign country, the Head of the BNPB shall consult and coordinate with the minister in charge in foreign affairs.
- (2) Provisions as referred to in paragraph (1) shall be apply in accordance with the provisions of legislation.

CHAPTER VI

CONCLUDING PROVISIONS

Article 18

This government regulation takes effect from the date of the enactment.

In order that everybody may take cognizance hereof,
enactment of this Government Regulation be
promulgated in the state gazette of the Republic of
Indonesia.

Stipulated in Jakarta

On 28 February 2008

THE PRESIDENT OF

THE REPUBLIC OF INDONESIA,

signed

DR. H. SUSILO BAMBANG
YUDHOYONO

Promulgated in Jakarta

On February 28, 2008

MINISTER OF JUSTICE AND
HUMAN RIGHTS OF THE
REPUBLIC OF INDONESIA,

signed

ANDI MATTALATTA

**STATE GAZETTE OF THE REPUBLIC OF INDONESIA
OFFICIAL GAZETTE OF 2008 NUMBER 44**

This copy is in conformity with the
original

STATE SECRETARIAT OF THE
REPUBLIC OF INDONESIA

Head of Bureau for Legislation Division of
Politic and People's welfare

Signed and sealed

Wisnu Setiawan

**ELUCIDATION
OF
GOVERNMENT REGULATION NUMBER 23 OF 2008
CONCERNING
PARTICIPATION OF INTERNATIONAL INSTITUTIONS AND
FOREIGN NON-GOVERNMENTAL ORGANIZATIONS IN
DISASTER MANAGEMENT**

I. GENERAL

The regulation of participation of international institutions and foreign non-governmental organizations' in disaster management in Indonesia aims not only to support the empowerment of disaster management efforts, reduction disaster threat and risk reduction, disaster victims' suffering reduction, and to accelerate community life recovery, but also:

1. to guarantee respect for the government's role and action based on the public interest, as the only in charge of regulating and coordinating disaster management measures;
2. to enable international communities to effectively provide support and contribution to disaster management measures;
3. to clarify the process, role, and responsibility of the Government and the international communities in disaster management measures;
4. to minimize administrative and legal obstacles that can affect the effectiveness and efficiency of providing international aid in an emergency situation; and
5. to guarantee international cooperation and aid provided in accordance with humanity principles as well as national and international standard quality.

Participation of International institutions and foreign non-governmental organizations in disaster management in Indonesia shall be based on the principles referred to in Law Number 24 of 2007 concerning Disaster Management. It shall be based on Law Number 37 of 1999 concerning Foreign Relations and Law Number 24 of 2000 concerning International Agreement. The international institutions and foreign non-governmental organizations shall respect the sovereignty of the unitary state of the Republic of Indonesia, put humanity principles as the only objective and

guarantee that the aid shall be provided without differentiating between ethnic groups, religions, cultural, social, economic and political backgrounds, as well as genders, in accordance with the prevailing law in good coordination and integrity with the government, the regional governments, other international institutions and foreign non-governmental organizations, of the government working partner and the communities, based on high institutional competence, and employs workers having national and international recognition; use the prevailing mechanism in Indonesia and involve the disaster victims communities and the working partner in disaster management properly; and in accordance with the prevailing international and national laws including the law of human rights and humanity.

International institutions and foreign non-governmental organizations, in playing their roles in Indonesia, shall meet the national prevailing minimum quality standard, shall involve disaster victims communities starting from planning, implementation, monitoring, up to program evaluation, shall not have any negative impact on the community life and economic, social, and cultural institutions of the communities, shall not go beyond the expiration on a type of given aid, shall not be linked to certain political, ideological and religious interests, and shall not serve as a policy instrument of a certain foreign government.

To maximize all existing resources particularly those coming from foreign aid, the government shall:

1. bear the main responsibility to provide or manage efforts for disaster risk reduction, aid and assistance for recovery in the territory of the unitary state of the Republic of Indonesia;
2. have the full right, in accordance with humanity principles and international law, to coordinate, monitor, and manage disaster aid and recovery assistance provided by aid providers in the territory of the Unitary State Republic of Indonesia;
3. guarantee that the required procedure has been prepared for facilitating the conveyance of information on natural disasters promptly, including information on potential disasters, together with other countries or international organizations if necessary, including the office of the Emergency Relief Coordinator United Nations Office;

4. provide correct information to the international community on national legislation that is very relevant to initiation and implementation of disaster management activities;
5. provide a clear and effective system in coordinating with the international community for all disaster management activities;
6. guarantee the fulfillment of disaster victims necessities by seeking or receiving aid from the international community when the disaster situation exceeds capability of the Government to overcome the situation;
7. provide protection to workers, structures, archives, and communication equipment used by the international institution and foreign non-governmental organization in disaster management measures; and
8. guarantee that the international institutions especially the agencies, financing, programs, workers and properties of the United Nations, can play their roles in disaster management in accordance with the Convention on Privileges and Immunity of the United Nations Convention on the Privileges and Immunities.

II. ARTICLE BY ARTICLE

Article 1

cleared.

Article 2

cleared.

Article 3

cleared.

Article 4

cleared.

Article 5

cleared.

Article 6

cleared.

Article 7

cleared.

Article 8

cleared.

Article 9

“Provisions of the legislation means the legislation on disaster management.

Article 10

cleared.

Article 11

cleared.

Article 12

Paragraph (1)

cleared.

Paragraph (2)

cleared.

Paragraph (3)

cleared.

Paragraph (4)

“Foreign non-governmental organizations that may work in conjunction related agencies/institutions or non-governmental organizations” means foreign non-governmental organizations that have been provided with support by virtue of technical cooperation agreements in economic, social, and cultural affairs.

Article 13

Paragraph (1)

cleared.

Paragraph (2)

“Legislation” in these provisions includes:

- a. Law Number 10 of 1995 concerning Customs as amended by Law Number 17 of 2006 concerning Amendment to Law Number 10 of 1995 concerning Customs.
- b. Government Regulation Number 19 of 1955 concerning Regulation on Exemption on General Import Duty and Export Duty for the Benefit of Certain Foreign Official and Expert Categories.
- c. Government Regulation Number 8 of 1957 concerning Exemption on Import Duty Based on International Relations.
- d. Government Regulation Number 6 of 1969 concerning Exemption on Import.

Article 14

Paragraph (1)

cleared.

Paragraph (2)

To “have coordination” in these provisions means verification process for determining whether an activity contains a political or national security element.

Paragraph (3)

cleared.

Article 15

cleared.

Article 16

Paragraph (1)

“Periodically” in these provisions means the report submitted on a semester or annual basis.

Paragraph (2)

cleared.

Paragraph (3)

cleared.

Article 17

cleared.

Article 18

cleared.

**SUPPLEMENT TO THE STATE GAZETTE OF THE REPUBLIC
OF INDONESIA NUMBER 4830**

TRANSLATOR'S STATEMENT

The translation is rendered accurately and consistently from Indonesian into English.

Jakarta, March 30, 2009

Pahala Tamba -
Sworn Translator

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