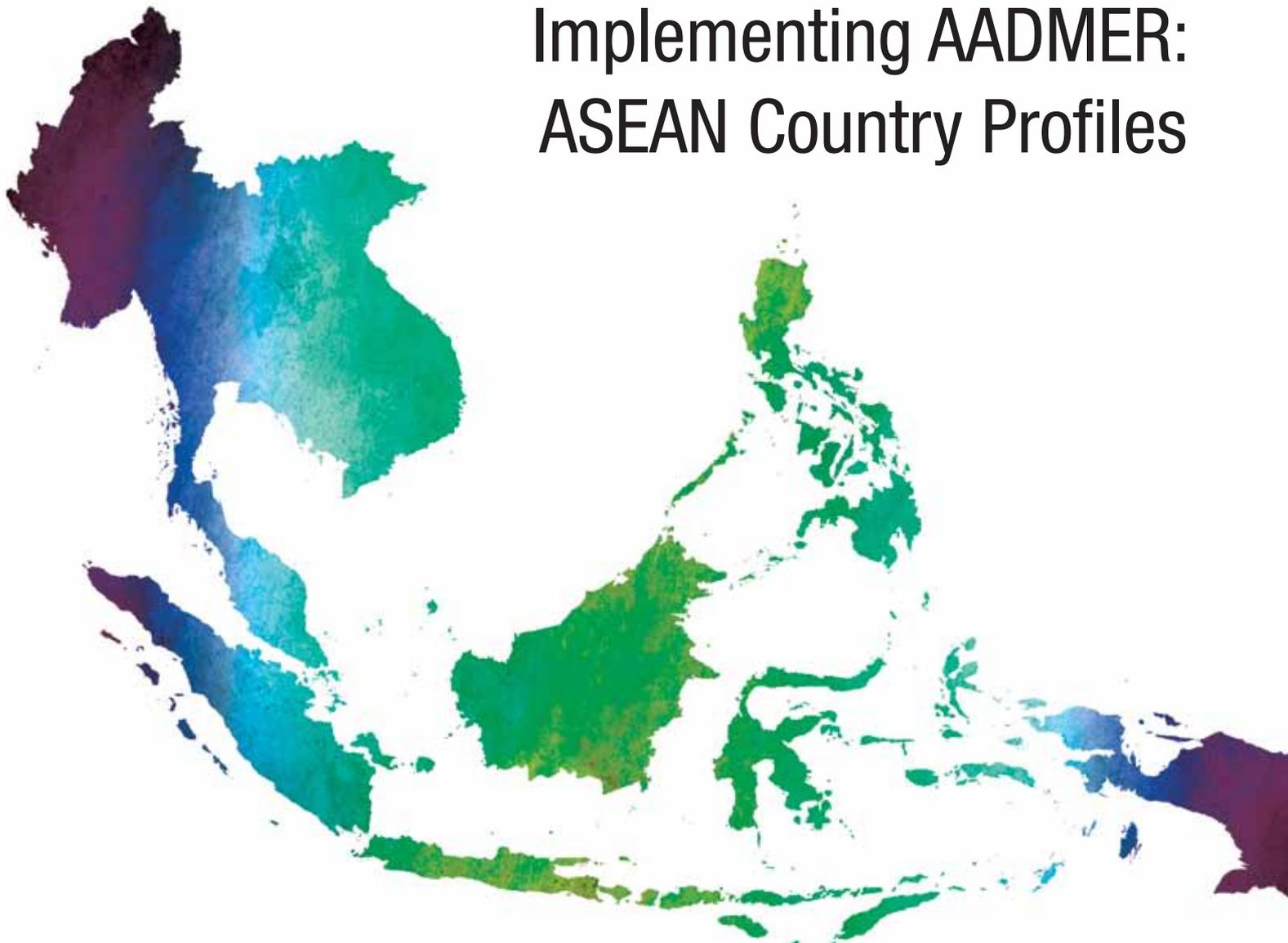


ASEAN Disaster Law Mapping

Implementing AADMER:
ASEAN Country Profiles



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ASEAN Disaster Law Mapping

Implementing AADMER:
ASEAN Country Profiles

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Publication

The ASEAN Country Profile Report provides further national level analysis in support of the “Implementing AADMER: A Regional Stocktake ” and should be read in conjunction with this report. This is part of a wider regional project to develop an online platform and other forms of peer learning on implementing the disaster preparedness and response elements of the ASEAN Agreement on Disaster Management and Emergency Response (AADMER). The report was prepared on behalf of the IFRC Disaster Law Programme as part of a project to provide technical and research support to the ASEAN Committee on Disaster Management (ACDM). The report provides country level profiles analysing implementation of AADMER in relevant national laws and policies of the ten ASEAN Member States (AMS).

Brunei Darussalam



1. DRM System Overview

Scope of the analysis

This analysis is based on a regional survey of documents (desk review), examining disaster risk management national laws, regulations, policies and plans available in English for all 10 ASEAN MS. It focused on disaster preparedness and response, in accordance with the terms of reference. The analysed documents were drawn from online sources and also supplemented by country participants in a September regional consultation workshop. The consultation was invaluable for the national-level explanations of how different laws and institutions interact, especially the newer ones, and for providing updates on material not yet available in English. This has made it possible to note documents not yet translated into English and to highlight the different ways ASEAN MS are implementing the AADMER. It is hoped that country partners can continue to assist in providing these documents as they become available.

Analysis of sub-national regulations, initiatives in sectoral ministries, and current practice (including SOPs), was not part of this regional overview study, which was a preliminary mapping process. As reiterated by workshop participants, sub-national mechanisms, cross-sectoral links and administrative implementation and practices can only be analysed accurately as part of country-specific studies in partnership with Government, due to the need for translation (except for the Philippines and Singapore), consultation and verification. Such studies are a potential second stage after this regional survey.

AADMER Implementation Mapping

The available DRM system national laws, regulations and decrees, and the national DRM system guidelines, policies and plans, were mapped against relevant provisions of the AADMER. Two tables summarizing the AADMER provisions thematically are also provided as part of this regional report, and can be read together with the country table to better understand the basis for analysis. In general terms:

- The analysis looks first at national / domestic DRM systems with regard to the national disaster preparedness and response characteristics highlighted in the AADMER. The AADMER emphasizes that ASEAN MS control disaster response in their own territories, and require robust national DRM systems. These national systems are then the building blocks for regional coordination.
- The second major theme of the analysis is therefore the elements of AADMER regional cooperation that require specific measures in the MS laws, policies or administration. These two areas together are described as implementation of the AADMER.

Brunei DRM System type

Type C – Disaster emergency management law: A specific law on disasters, focused on emergency preparedness and response to natural hazards, some technological hazards; and may have elements of early warning and recovery.

National institutional framework

The Government of Brunei Darussalam issued the Disaster Management Order (DMO) in August 2006.¹ It establishes the National Disaster Council (NDC) as the high-level policy and planning body (Part III articles 8-11) and the National Disaster Management Centre (NDMC) as the secretariat and implementing body in support of the Council (Part IV Article 16-17). The Council is required to prepare the national disaster management plan. The DMO predates AADMER's entry into force in December 2009, and does not refer directly to ASEAN.

Sub-national structures

National institutions only are established under the DMO. But under these general powers they have established “multi-stakeholder District Disaster Management Councils (DDMC) in all four districts of the Sultanate.”²

Funding and budget

Under the DMO, the NDC is required to “identify resources that may be used for disaster operations” (Art. 9 (c)).

Under the National Standard Operating Procedures (NaSOP)³- “NDMC will giving fund in use or disaster management assistance” (p. 28).

AADMER / AHA Focal point

The NDMC is the AHA Centre National Focal Point.

2. Key documents

Short form citations only are used. All documents were gathered and are available on request unless otherwise noted.

DRM System Laws, Decrees and Regulations at the National Level

- 1984 Brunei Emergency Regulations Act
- 2006 Disaster Management Order (DMO)
- 2011 Edtn Constitution of Brunei Darussalam
- 2017 Proclamation of Emergency (2 year renewal since 1962)

DRM System Guidelines, Policies, Plans and Strategies at the National Level

- 2012 National Standard Operating Procedures (NaSOP) – (Not available in English; notes in table are based on regional consultation feedback)
- 2010 Community Based Disaster Preparedness Policy (not available in English – based on secondary source)

1 Note: Although the DMO is an Executive Order made under Constitution Article 83(3) emergency powers, it has the status of legislation in accordance with the terms of the emergency powers renewed every two years since 1984.

2 Ndah and Odim. 2017. Systemic Study of Disaster Risk Reduction in Brunei. *Int J Disaster Risk Sci.* (2017) 8:208–223. P.210; and Brunei Darussalam Government. 2011. Brunei's written statement made at the Third Global Platform for Disaster Risk Reduction, Geneva, Switzerland, 8–13 May 2011.

3 The NaSOP is not available in English. References to NaSOP provisions are based on regional consultation notes and require verification.

Other related national laws and policies

Related laws were collected as a resource but were not part of the analysis of DRM system laws and policies in the following table.

1984 Geneva and Red Cross Act
 2006 Civil Aviation Order
 2006 Customs Order
 2007 Medicines Order
 2010 edtn Infectious Diseases Act
 2010 edtn Infectious Diseases (Quarantine) Regulations
 2012 Customs (Amendment) Regulations
 2013 Customs (Amendment) Order (adopting the regulations)
 2013 Customs (Customs Rulings) Regulations
 2013 edtn Fire and Rescue Act
 2013 edtn Passports Act
 2013 Hazardous Waste (control of Export, Import and Transit)
 2013 Telecommunications (Radio-Communication) Regulations
 2014 Civil Aviation (Amendment) Regulations
 2014 edtn Immigration Act
 2014 edtn Immigration Regulations
 2015 Proclamation of Emergency
 2016 Fire Safety Order

Select reports and other documents

A small number of other reports and documents were consulted for the purposes of factual information where laws or policies were not available in English, as follows:

National

2011 Brunei Darussalam Statement made at the Global Platform for Disaster Risk Reduction
 2011 National HFA Implementation Report Brunei
 2015 Brunei Darussalam Presentation CBDRM (13th ASEAN & Japan High Level Officials Meeting Kobe, Japan)
 2015 Brunei Darussalam Statement made at the Third WCDRR

Other

2015 JICA Country Report Brunei
 2015 Soe et al Building the Capacity of Brunei Darussalam on Disaster Management
 2017 Ndah and Odihi. Systemic Study of DRR in Brunei

3. Brunei: Tables of National Provisions Relevant to the AADMER

Table annotations Key:

Hyphen (–) indicates documents were analysed and no relevant provisions were found.

Star (*) indicates no or insufficient relevant documents available in English to analyze.

A. Brunei National measures underpinning domestic disaster preparedness and response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
1. Domestic Preparedness 1.1 Provisions on national level capacity development a. General awareness and education	DMO, Functions of NDMC Director, Article 21, the director is required to prepare a public response plan.	*	Brunei Darussalam commemorated ASEAN Day of DM in schools in 2014 and conducted disaster management orientation in 4 districts. (AADMER Accomplishment Report 2010-2015, P. 30)
	b. Specific training, simulation exercises, training institutes	DMO, Functions of DMC Director, Article 17 (f) "to ensure that persons exercising or performing functions under this Order in relation to disaster operations are appropriately trained;"	*
	c. Resources (funds, material, equipment, personnel)	DMO, NDC is "Art. 9 (c) to identify resources that may be used for disaster operations."	*
1.2 Provisions on sub-national capacity development a. General awareness and education	DMO, Functions of NDMC Director, Article 21, the director is required to prepare a public response plan.	The NaSOP provides for general awareness and education at community level (p.15).(Workshop feedback). The 2010 Community Based Disaster Preparedness Policy is in place (not in English).	"... disaster management in Brunei has been institutionalized under multi-stakeholder District Disaster Management Councils (DDMC) in all four districts of the Sultanate." (2017 Ndah and Odim).
	b. Specific training, simulation exercises, training institutes	DMO, Functions of DMC Director, Article 17 (f) "to ensure that persons exercising or performing functions under this Order in relation to disaster operations are appropriately trained;"	*
	c. Resources (funds, material, equipment, personnel)	DMO, NDC is "Art. 9 (c) to identify resources that may be used for disaster operations."	*

A. Brunei National measures underpinning domestic disaster preparedness and response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
2. Domestic early warning system (EWS) provisions	–	NaSOP 2012 requires EWS to be established.	Implementation is under way (Workshop feedback).
a. Basis for EWS			
b. Content of EWS, e.g. risk assessment, community engagement / awareness, use of indigenous knowledge, detailed procedures, EWS training / simulations	–	EWS includes basic assessment and community engagement	
3. Resources for domestic disaster response Funds, material, equipment, personnel	DMO, NDC is “Art. 9 (c) to identify resources that may be used for disaster operations.”	*	
4. Domestic non-government stakeholders	DMO Art. 11 NDC may invite other persons to meetings to give advice.	*	Not in DMO, but DDMCs are described as “...multi-stakeholder District Disaster Management Councils (DDMC).” 2017 Ndah and Odim
a. Affected communities	–	*	
b. National Society of Red Cross or Red Crescent	–	*	
c. Civil society	–	NaSOP includes representation for relevant government agencies and NGOS as needed (p.6)	
d. Private sector	–	*	
e. Women / gender	–	*	
f. Social inclusion / vulnerable groups	–	*	

B. Brunei National Measures to Implement the AADMER Provisions on Regional Disaster Preparedness and Response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
1. ASEAN DRM mechanisms Specific mention of the AADMER, AHA Centre, SASOPS etc.	–	2012 NaSOP mentions AHA Centre and the regional SASOPs (p.18)	Brunei hosted the 3-day I, ASEAN Regional Disaster Emergency Response Simulation Exercise 2016 (ARDEX-16), Dec 2016
2. Treaty implementation Provisions on regional / international treaty implementation.	DMO “regional and international arrangements concerning matters relating to effective disaster management” are part of NDC and NDMC roles under Art. 9 and Art. 17. (See text at end of table)	*	

B. Brunei National Measures to Implement the AADMER Provisions on Regional Disaster Preparedness and Response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
3. Regional / international cooperation in DRM General provisions / powers	NDC and NDMC have general regional liaison functions under DMO Art. 9 and Art. 17 respectively (See text at end of table)	*	
4. Regional preparedness / EWS Provisions on regional preparedness, e.g. EWS, information on hazards, technical cooperation, mitigation measures, regional standby arrangements	DMO, NDC general functions include Art. 9 (c) on "regional and international arrangements" on disaster management. DMO, NDMC Director, Art. 17 (b) "To establish and maintain regional and international arrangements" on disaster management.	*	
5. Regional / international disaster response a. General provisions on disaster response coordination	DMO, NDC general functions include Art. 9 (c) on "regional and international arrangements" on disaster management. DMO, NDMC Director, Art. 17 (b) "To establish and maintain regional and international arrangements" on disaster management; and Art. 17 (e) "To coordinate assistance for disaster management and disaster operations, whether within or outside Brunei Darussalam;"	*	9 individuals from Brunei were trained in the ASEAN Emergency Response and Assessment Team (ERAT) induction courses. (AADMER Accomplishment Report 2010-2015, P. 29).
b. Specific provisions on sharing information on existing threats and hazards, mobilizing resources for regional response.	—	*	
6. Receiving assistance a. Provisions on requesting and receiving interstate bilateral / regional / international assistance.	DMO, NDC general functions include Art. 9(i) "To decide on the assistance offered by any country or territory, organisation or individual;" DMO, Functions of NDMC Director, include Art. 17 (e) to "coordinate assistance for disaster management and disaster operations, whether within or outside Brunei Darussalam;"	*	

B. Brunei National Measures to Implement the AADMER Provisions on Regional Disaster Preparedness and Response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
b. Any tax exemptions for incoming humanitarian assistance E.g. Equipment (including telecommunications), relief goods and materials; vehicles (registration and license plates without tax; licenses and / or any other permits for military aircraft and vehicles).	–	*	
c. Any other facilitation of incoming humanitarian assistance. (E.g. Facilitated entry / exit of personnel; clearance / licensing of relief items aircraft and vehicles (civilian and military) and radio frequencies; local facilities and services; or conducting joint assessments.	–	*	
7. Sending assistance a. Provisions on responding to requests and sending interstate bilateral / regional / international assistance.	DMO, NDC general functions include Art. 9 (h) “to decide on the assistance to be provided to any country or territory relating to disaster operations;” DMO, Functions of NDMC Director, include Art. 17 (e) “To coordinate assistance for disaster management and disaster operations, whether within or outside Brunei Darussalam;”	*	
b. Any specific provisions on resource allocation for sending assistance.	–	*	
8. Transit of assistance Provisions on transit of bilateral / regional / international assistance destined for another country.	DMO, Functions of NDMC Director, Art. 17 (e) “To coordinate assistance for disaster management and disaster operations, whether within or outside Brunei Darussalam;”	*	

Brunei – Text / description of DRM provisions on regional / international cooperation

NDC has regional liaison functions under DMO Article 9:

- Art. 9 (c) “to ensure that regional and international arrangements concerning matters relating to effective disaster management are established and maintained;”

- Art. 9 (h) “to decide on the assistance to be provided to any country or territory relating to disaster operations;”
- Art. 9(i) “To decide on the assistance offered by any country or territory, organisation or individual;”

Functions of NDMC Director, DMO Article 17:

Art. 17 (b) “To establish and maintain regional and international arrangements concerning matters relating to effective disaster management.”

Art. (e) “To coordinate assistance for disaster management and disaster operations, whether within or outside Brunei Darussalam;”

Cambodia



1. DRM System Overview

Scope of the Analysis

This analysis is based on a regional desk review of documents, examining disaster risk management national laws, regulations, policies and plans available in English for all 10 ASEAN Member States. It focused on disaster preparedness and response, in accordance with the terms of reference. The analysed documents were drawn from online sources and supplemented by country participants in a September regional consultation workshop. The consultation was invaluable for the national-level explanations of how different laws and institutions interact, especially the newer ones, and for providing updates on material not yet available in English. This has made it possible to note documents not yet translated into English and to highlight the different ways ASEAN Member States are implementing the AADMER. It is hoped that country partners can continue to assist in providing these documents as they become available.

Analysis of sub-national regulations, initiatives in sectoral ministries, and current practice (including SOPs), was not part of this regional overview study, which was a preliminary mapping process. As reiterated by workshop participants, sub-national mechanisms, cross-sectoral links and administrative implementation and practices can only be analysed accurately as part of country-specific studies in partnership with the Royal Government of Cambodia, due to the need for translation (except for the Philippines and Singapore), consultation and verification. Such studies are a potential second stage after this regional survey.

AADMER Implementation Mapping

The available DRM system national laws, regulations and decrees, and the national DRM system guidelines, policies and plans, were mapped against relevant provisions of the AADMER. Two tables summarizing the AADMER provisions thematically are also provided as part of the regional report, and can be read together with the country table to better understand the basis for analysis. In general terms:

- The analysis looks first at national / domestic DRM systems with regard to the national disaster preparedness and response characteristics highlighted in the AADMER. The AADMER emphasizes that ASEAN Member States regulate disaster response in their own territories, and require robust national DRM systems. These national systems are then the building blocks for regional coordination.
- The second major theme of the analysis is therefore the elements of AADMER regional cooperation that require specific measures in the Member States laws, policies or administration. These two areas together are described as implementation of the AADMER.

Cambodia DRM System Type

Type D – Broad DRM System Law(s): Covers the full spectrum of disaster risk management: some elements of DRR, prevention, preparedness, early warning, mitigation, emergency management / response, and early recovery. Establishes specialist national institutions for DRM coordination and at least some local structures or roles.

National Institutional Framework

Cambodia's legislature passed the Law on Disaster Management (DM Law) in 2015. This was a major shift from an institutional system for disaster risk management based only on subsidiary legislation, which had been in place since 1995, to a broader and more authoritative legislative mandate on disaster risk management. The DM Law formalizes the National Committee for Disaster Management (NCDM) as the headquarters of the Royal Government of Cambodia (RGC) on disaster risk management. Under the DM Law, the day-to-day operation of NCDM is to be governed by a Secretariat-General, focal points in line government ministries, and Sub-National Committees for Disaster Management down to local level, which have a key operational role.

The disaster risk management framework and relative responsibilities of the institutions are set out in broad terms within the law, but the law also relies on details to be set out in decrees.⁴ A new 2015 Royal Decree on the role and functioning of the NCDM has already been made.⁵ Under Article three of this Royal Decree, the NCDM has a broad role in national disaster risk management, and also has the function to “strengthen and expand collaboration at the regional and international levels in disaster reduction.” Other decrees are under development, as part of the implementation of the DM Law.⁶

Sub-national Structures:

The DM Law requires the re-establishment of “Sub-National Committees for Disaster Management, including City and Provincial Committees for Disaster Management, Town and District Committees for Disaster Management and Commune Committees for Disaster Management,” and that their new organizational structure and functions will be determined by sub-decree (Art.9).

DM Law Article 19 provides for local level structures and responsibilities as follows: “It shall be considered as the responsibilities of the commune-sangkat, town, district-khan committees for disaster management if the disaster occurred within the administering territory of any commune-sangkat, town, district-khan. It shall be regarded as the responsibilities of the city-province committees for disaster management if the disaster has affected more than one town, district-khan or occurred in town, district-khan of the city-province.”

Funding and Budget

The DM Law Chapter 7 provides NCDM with national budget and authorizes it to receive other external funds in compliance with the legal procedures and regulations in force (Articles 38, 39):

- “Art. 38 The expenditure for the functioning of NCDM shall be allocated by the national budget in the budget plan of the Office of the Council of Ministers. NCDM shall have the right to receive and utilize funds obtained from other sources for executing its tasks in compliance with the effective procedures.”
- “Art.39 The state shall have the appropriate reserve budget and resource to be ensured for the disaster management.”

The DM Law also requires the NCDM to issue a guideline “to the sub-national committees for disaster management, ministries-institutions, armed forces, public sector, private sector and civil society,” for “reserving assets for disaster relief and emergency response.” (Art. 17).

4 IFRC and UNDP. 2017. Implementing the Law on Disaster Management in Cambodia: Developing Subsidiary Legislation. P. 6

5 Cambodia, Royal Decree on the Organization and Functioning of the National Committee for Disaster Management, NS/RKT/1215/1141, December 2015 (Unofficial translation).

6 A useful reference on the scope of the intended decrees in the Cambodia DM Law is: IFRC and UNDP. 2017. Implementing the Law on Disaster Management in Cambodia: Developing Subsidiary Legislation. P. 6

AADMER / AHA Focal point

The national Focal Point for the AADMER / AHA Centre is appointed by the Royal Government of Cambodia, in accordance with the AHA Centre Agreement, and is currently the NCDM.

2. Key Documents

Short form citations only are used. All documents were gathered and are available on request unless otherwise noted.

DRM System Laws, Decrees and Regulations at the National Level

New law, decree and resolution

2015 Disaster Management Law (DM Law)

2015 Royal Decree on Organization and Functioning of the National Committee for Disaster Management (NS/RKT/1215/1141)

2016 Royal Government of Cambodia Resolution (N°: 20 SSR) Appointment of the Components of the National Committee for Disaster Management

Previous decrees and resolutions

2002 Sub-Decree on the Organization and Functioning of the National Committee for Disaster Management (NCDM)

2010 NCDM Direction (No. 315) Implementation of Direction on the Community-Based Disaster Risk Management (CBDRM)

2012 Sub-Decree (No. 145) on the Establishment of Cambodia Food Reserve System

2014 Resolution (No. 115 SSR) of the Royal Government of Cambodia on Establishment of Coordination Task Force for Preparedness, Emergency Response and Recovery of the National Committee for Disaster Management

DRM System Guidelines, Policies, Plans and Strategies at the National Level

2008 Strategic National Action Plan for Disaster Risk Reduction 2008-2013

2012 Strategic Plan on Climate Change for Disaster Management Sector

2014 Climate Change Action Plan for Disaster Management 2014-2018

2014 National Action Plan for Disaster Risk Reduction (NAP-DRR) 2014-2018

Other Related National Laws and Policies

Related laws and policies were collected as a resource but were not part of the analysis of DRM system laws and policies in the following table.

1993 National Constitution of the Kingdom of Cambodia (New version)

1995 Sub-decree (Anukret) on Establishing the Department of Meteorology and Hydrology

1997 Law on Environmental Protection and Natural Resource Management

2006 National Adaptation Programme of Action to Climate Change

2006 National Plan on Avian and Human Influenza

2007 Water Resources law

- 2008 Organic Law on Local Administration
- 2009 National Comprehensive Human and Avian Influenza Plan
- 2011 National Social Protection Strategy for the Poor and Vulnerable
- 2012 Strategic Plan on Climate Change for Disaster Management Sector
- 2014 Five Year Strategic Plan for Gender Equality and Women's Empowerment 2014-2018 (Neary Rattanak IV)
- 2014 National Strategic Development Plan 2014-2018
- 2017 National Social Protection Policy Framework 2016-2025 (NSPPF)

Select Reports and other Documents

A small number of other reports and documents were consulted for the purposes of factual information where laws or policies were not available in English, as follows:

- 2009 IFRC Legal Preparedness for Responding to Disasters and Communicable Disease Emergencies: study report Cambodia
- 2010 UNISDR et al Country Assessment Report for Cambodia (hydro-meteorological services)
- 2014 Cambodia: Post-flood recovery needs assessment report
- 2014 CamDI Analysis-Report 1996-2013
- 2014 CamDi Users Manual
- 2014 Disaster Management Reference Handbook Cambodia
- 2016 Cambodia Drought El Niño Situation Analysis
- 2017 National Report Sendai Data Readiness
- 2017 IFRC UNDP Implementing the Law on Disaster Management in Cambodia: Developing Subsidiary Legislation

3. Cambodia Tables of National Provisions Relevant to the AADMER

Table annotations Key:

Hyphen (–) indicates documents were analysed and no relevant provisions were found.

Star (*) indicates no or insufficient relevant documents available in English to analyse.

A. Cambodia National measures underpinning domestic disaster preparedness and response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
<p>1. Domestic Preparedness</p> <p>1.1 Provisions on national level capacity development</p> <p>a. General awareness and education</p>	<p>DM Law Ch. 3, DM Framework Art. 10 “Prevention and mitigation activities shall focus on the pre-disaster period by identifying various hazards. Regulations and measures will be formulated for strengthening public awareness and cooperation in the development and implementation of hazard risk prevention programmes, including the climate change adaptation.”</p> <p>The 2015 Royal Decree on the Organization and Functioning of the NCDM, Article 3, includes extensive powers to the NCDM to issue DM policies, guidelines and plans, and to “promote public awareness, prevention, mitigation, preparedness..”</p> <p>“Strengthen collaboration and cooperation with development partners, public sector, private sector and civil society for the benefits of disaster reduction”</p>	<p>2012 NCDM National Contingency Plan for Disaster Response is a detailed strategy to reduce the adverse effects of floods and drought (it is not a plan for emergency response coordination). (No copy in English). (2017 IFRC and UNDP, Pp.26-27)</p> <p>The current National Action Plan for Disaster Risk Reduction (2014-18), which replaces the SNAP 2008-2013, aligns its policy priorities with key regional policies, especially AADMER (No copy in English). (2017 IFRC and UNDP, Pp.26-27).</p> <p>The National Strategic Development Plan 2014-18 (NSDP) addresses DRR challenges, and identifies financial resources to be allocated to disaster risk management. (Especially pp-37-39, 44, 140-142, 207-209).</p>	
<p>b. Specific training, simulation exercises, training institutes</p>	<p>Currently being drafted</p>	<p>*</p>	

A. Cambodia National measures underpinning domestic disaster preparedness and response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
c. Resources (funds, material, equipment, personnel)	<p>General NCDM budget under DM law Chapter 7, Articles 38, 39 (copied in above text).</p> <p>DM Law also has a general obligation of national actors to provide emergency relief resources, Art. 23: "The ministries-institutions, armed forces, public sector, private sector and civil society shall engage in the disaster relief and emergency response operations upon the request of the competent authorities and NCDM by providing the human resources, materials, equipment, budgets, and technical assistance to the operations."</p> <p>The DM Law also requires the NCDM to issue a guideline to sub-national committees and other agencies on "reserving assets for disaster relief and emergency response." (Art. 19)</p>	<p>The National Action Plan for Disaster Risk Reduction (2014-18) plan provides an estimated budget for implementation, projected at 166 Million USD for 2014-18 (No copy in English). (2017 IFRC and UNDP, Pp.26-27)</p> <p>NSDP 2014-18 identifies financial resources to be allocated to disaster risk management (pp 207-209).</p>	
1.2 Provisions on sub-national capacity development	Currently being drafted	*	
a. General awareness and education			
b. Specific training, simulation exercises, training institutes	Currently being drafted	*	
c. Resources (funds, material, equipment, personnel)	<p>NCDM budget under DM law Chapter 7, Articles 38, 39.</p> <p>DM Law NCDM guideline on "reserving assets for disaster relief and emergency response." (Art. 19)</p> <p>DM Law broad community responsibility (Art. 23)</p>	*	
2. Domestic early warning system (EWS) provisions	The Ministry of Water Resources and meteorology law (MOWRAM) has provisions on EWS.	Department of Meteorology in MOWRAM provides warnings. See website: http://www.cambodiameteo.com/map?menu=3&lang=en (almost all the text is in Khmer).	The only MOWRAM law in English is the Water Resources Law and Policy.
a. Basis for EWS			The Environmental Code is currently under revision (IFRC, UNDP, 2017, Implementing the Law on Disaster Management in Cambodia: Developing Subsidiary Legislation).
b. Content of EWS, e.g. risk assessment, community engagement / awareness, use of indigenous knowledge, detailed procedures, EWS training / simulations	*	*	

A. Cambodia National measures underpinning domestic disaster preparedness and response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
<p>3. Resources for domestic disaster response</p> <p>Funds, material, equipment, personnel</p>	<p>Currently being drafted.</p> <p>DM Law Art.20, after receiving a situation report on a disaster, the NCDM is required to “mobilize the emergency operations... in collaboration with ministries- institutions, armed forces, public sector, private sector, civil society and other stakeholders as deemed necessary.” It is then required to “convene a meeting with the relevant stakeholders on the response...”.</p> <p>NCDM budget under DM law Chapter 7, Articles 38, 39.</p> <p>DM Law NCDM guideline on “reserving assets for disaster relief and emergency response.” (Art. 19)</p> <p>DM Law broad community responsibility (Art. 23)</p>	<p>NSDP 2014-18 identifies financial resources to be allocated to disaster risk management as a cross-cutting issue in rural development (pp 207-209).</p>	
<p>4. Domestic non-government stakeholders</p> <p>a. Affected communities</p>	<p>DM Law Chapter 4 on DM Governance:</p> <p>Art. 15. “NCDM shall coordinate all disaster management activities together with ministries- institutions, armed forces, the public sector, private sector and civil society in promoting safety and resilience to disasters...”</p> <p>Also mentions the need to protect women, children and persons with disabilities in disaster response (Art. 18) and stakeholders who can potentially participate in response and recovery as deemed necessary (Art. 20, Art.27).</p>	<p>The 2017 National Social Protection Policy Framework 2016-2025 (NSPPF) is the main national gender and social inclusion plan, which applies across Government administration.</p>	<p>Note: Different parts of the government DRM processes have their own set procedures on stakeholder engagement at different decision-making levels (e.g. Executive level, parliamentary level, RGC decision-making). This issue requires inquiry into each of these areas for such analysis in Cambodia.</p>
<p>b. National Society of Red Cross or Red Crescent</p>	<p>See note</p>	<p>*</p>	<p>Cambodian Red Cross has a Memorandum of Understanding with the NDMC in preference to being mentioned in the DM Law.</p>
<p>c. Civil society</p>	<p>DM Law Arts. 15 and 20. As above.</p>	<p>*</p>	
<p>d. Private sector</p>	<p>DM Law Arts. 15 and 20. As above.</p>	<p>*</p>	

A. Cambodia National measures underpinning domestic disaster preparedness and response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
e. Women / gender	DM Law Art.18. "In the case of any disaster event or incident occurred, the on-site competent authorities of the affected areas shall... Pay high attention to the needs of women, children, elderly, handicapped, and disabled persons."	2014 Five Year Strategic Plan for Gender Equality and Women's Empowerment 2014-2018 (Neary Rattanak IV). "Gender and Climate Change, Green Growth and Disaster Risk Management" is identified as a cross-cutting issue (p.22).	Ministry of Women's Affairs has a detailed action plan on gender issues in disasters.
f. Social inclusion / vulnerable groups	DM Law Art.18. As above.		

B. Cambodia National Measures to Implement the AADMER Provisions on Regional Disaster Preparedness and Response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
1. ASEAN DRM mechanisms Specific mention of the AADMER, AHA Centre, SASOPS etc.	DM Law does not mention ASEAN, AADMER or AHA, but refers to regional agreements in general, for which NDMC is mandated to implement. DM Law Art.28 specifically empowers NCDM as "the leader in coordination and implementation of international cooperation, collaboration and international assistance in terms of budget, resources and materials for the disaster management activities including the implementation of bilateral, multilateral, regional and international agreements on disaster management and joint multi-lateral response in the period of the disaster and / or emergency." (2017 NCDM decree to be advised after translation)	NSDP 2014-18 mentions AADMER as an integral aspect of national DM efforts (p. 142).	In the regional cooperation framework NCDM "has implemented the agreement on the establishment of ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management (AHA Centre) by contributed the amount of USD 30,000 to the AHA Centre Fund on the annual basis which commenced from the fiscal year 2012." (NSDP 2014-2018 p.38). AHA conducted a One ASEAN One Response Roadshow in Cambodia in 2015, and conducted AADMER orientation workshops and other awareness-raising activities, attended by national CSOs, local governments and national agencies. (AADMER Accomplishment Report 2010-2015, P.32)
2. Treaty implementation Provisions on regional / international treaty implementation.	NCDM role DM Law Art.28 as above.		
3. Regional / international cooperation in DRM General provisions / powers	role DM Law Art.28 as above. 2015 Royal Decree Article 3 includes functions to "Strengthen collaboration and cooperation with development partners, public sector, private sector and civil society for the benefits of disaster reduction; – Strengthen and expand collaboration at the regional and international levels in disaster reduction; "	*	

B. Cambodia National Measures to Implement the AADMER Provisions on Regional Disaster Preparedness and Response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
4. Regional preparedness / EWS Provisions on regional preparedness, e.g. EWS, information on hazards, technical cooperation, mitigation measures, regional standby arrangements	NCDM role DM Law Art.28 as above. 2015 Royal Decree Article 3 as above.	*	
5. Regional / international disaster response a. General provisions on disaster response coordination	NCDM role DM Law Art.28 as above.	*	6 individuals from Cambodia were trained in ASEAN-ERAT in induction courses. (AADMER Accomplishment Report 2010-2015, P. 29)
b. Specific provisions on sharing information on existing threats and hazards, mobilizing resources for regional response.	*	*	
6. Receiving assistance a. Provisions on requesting and receiving interstate bilateral / regional / international assistance.	DM Law, detailed over the whole of Chapter 5 on International Cooperation and Assistance, Articles 28-34. (See full text at end of table, which is one of the most comprehensive and recent set of provisions on international cooperation in the ASRAM region). These include: DM Law Article 34 requires the enactment of a sub-decree on facilitating international assistance. DM Law Arts. 29 and 30 provide that international partners in Cambodia can support response; and that NCDM will provide coordination and cooperation.	*	2013 Cambodia: Post-flood recovery need assessment report. Captures learning from receiving international assistance.
b. Any tax exemptions for incoming humanitarian assistance E.g. Equipment (including telecommunications), relief goods and materials; vehicles (registration and license plates without tax; licenses and / or any other permits for military aircraft and vehicles).	DM Law Art 31. "Every tax and duty imposed on assistance for disaster management and humanitarian response activities being provided to Cambodia shall be borne by the state." (Also Art. 34 sub-decree will be relevant)	*	

B. Cambodia National Measures to Implement the AADMER Provisions on Regional Disaster Preparedness and Response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
c. Any other facilitation of incoming humanitarian assistance. (E.g. Facilitated entry / exit of personnel; clearance / licensing of relief items aircraft and vehicles (civilian and military) and radio frequencies; local facilities and services; or conducting joint assessments.	DM Law Art. 34. “NCDM and the relevant ministries-institutions shall facilitate ... support to the international response personnel for the import of materials, equipment, facilities and humanitarian assistance, as well as registration of those international institutions, the granting of special visas, and other services as deemed necessary...” The specific procedure on granting visas, and the import of materials, equipment, facilities etc. “shall be determined by a Sub-Decree.” International agencies and their personnel are to “respect and abide by the rules, regulations, cultures and customs” and “cooperate with NCDM, relevant institutions, competent authorities, and communities in performing their duties.”	*	
7. Sending assistance a. Provisions on responding to requests and sending interstate bilateral / regional / international assistance.	General – NCDM role DM Law Art.28 as above.	*	
b. Any specific provisions on resource allocation for sending assistance.	*	*	
8. Transit of assistance Provisions on transit of bilateral/ regional/ international assistance destined for another country.	General – NCDM role DM Law Art.28 as above.	*	

Cambodia – Text of DRM Provisions on Regional / International Cooperation

As one of the most comprehensive and recent set of provisions on international cooperation, the DM Law chapter 5 is provided in its entirety.

DM Law 2015, CHAPTER 5 – INTERNATIONAL COOPERATION AND ASSISTANCE (unofficial translation)

“Article 28.-

In the name of the Royal Government, NCDM is the leader in coordination and implementation of international cooperation, collaboration and international assistance in terms of budget,

resources and materials for the disaster management activities including the implementation of bilateral, multilateral, regional and international agreements on disaster management and joint multi-lateral response in the period of the disaster and / or emergency.

Article 29.-

Charitable persons, international organizations, development partners, representatives of foreign missions and embassies can support and provide assistances for disaster management activities and humanitarian response in the Kingdom of Cambodia through NCDM.

Article 30.-

NCDM shall set up a system to provide the coordination and cooperation in managing the international assistance for disaster management activities with transparency and efficiency.

Article 31.-

Every tax and duty imposed on assistance for disaster management and humanitarian response activities being provided to Cambodia shall be borne by the state.

Article 32.-

In the event that the disaster extent is greater than the response capacity of the country, the Royal Government, upon the request of NCDM, shall appeal to the international community for emergency response and recovery assistance.

Upon the commitment of international communities to provide assistance, NCDM could:

1. Declare the acceptance of international assistance.
2. Command the relevant authorities to cooperate and collaborate with donors and international response teams in the response operation.
3. Authorize the utilization of international assistance to be delivered into the country under special rules, regulations and procedures.

The recovery activities either under the grant or concessional loan shall comply with the legal procedures and effective regulations.

Article 33.-

Individuals or international institutions who are willing to provide assistance in terms of budget, resources and materials to the Kingdom of Cambodia and international response teams shall inform the Ministry of Foreign Affairs and International Cooperation and notify NCDM about this assistance including budget, resources, materials, number of people and expertise available to deploy for the disaster relief and emergency response operation.

International assistance agencies and international response personnel who have come to fulfill the disaster response tasks in the Kingdom of Cambodia territory shall respect and abide by the rules, regulations, cultures and customs of the Kingdom of Cambodia and shall cooperate with NCDM, relevant institutions, competent authorities, and communities in performing their duties.

Article 34.-

NCDM and the relevant ministries-institutions shall facilitate all requirement procedures in order to provide support to the international response personnel for the import of materials, equipment, facilities and humanitarian assistance, as well as registration of those international institutions, the granting of special visas, and other services as deemed necessary.

The specific procedure on granting visa to personnel of the international response teams and the import of materials, equipment, facilities and humanitarian assistance shall be determined by a Sub-Decree.”

Indonesia



1. DRM System Overview

Scope of the Analysis

This analysis is based on a regional survey of documents (desk review), examining disaster risk management national laws, regulations, policies and plans available in English for all 10 ASEAN MS. It focused on disaster preparedness and response, in accordance with the terms of reference. The analysed documents were drawn from online sources and also supplemented by country participants in a September regional consultation workshop. The consultation was invaluable for the national-level explanations of how different laws and institutions interact, especially the newer ones, and for providing updates on material not yet available in English. This has made it possible to note documents not yet translated into English and to highlight the different ways ASEAN MS are implementing the AADMER. It is hoped that country partners can continue to assist in providing these documents as they become available.

Analysis of sub-national regulations, initiatives in sectoral ministries, and current practice (including SOPs), was not part of this regional overview study, which was a preliminary mapping process. As reiterated by workshop participants, sub-national mechanisms, cross-sectoral links and administrative implementation and practices can only be analysed accurately as part of country-specific studies in partnership with Government, due to the need for translation (except for the Philippines and Singapore), consultation and verification. Such studies are a potential second stage after this regional survey.

AADMER Implementation Mapping

The available DRM system national laws, regulations and decrees, and the national DRM system guidelines, policies and plans, were mapped against relevant provisions of the AADMER. Two tables summarizing the AADMER provisions thematically are also provided as part of this regional report, and can be read together with the country table to better understand the basis for analysis. In general terms:

- The analysis looks first at national / domestic DRM systems with regard to the national disaster preparedness and response characteristics highlighted in the AADMER. The AADMER emphasizes that ASEAN MS control disaster response in their own territories, and require robust national DRM systems. These national systems are then the building blocks for regional coordination.
- The second major theme of the analysis is therefore the elements of AADMER regional cooperation that require specific measures in the MS laws, policies or administration. These two areas together are described as implementation of the AADMER.

Indonesia DRM System type

Type D – Broad DRM system law(s): Covers the full spectrum of disaster risk management: some elements of DRR, prevention, preparedness, early warning, mitigation, emergency management / response, and early recovery. Establishes specialist national institutions for DRM coordination and at least some local structures or roles.

National institutional framework

The disaster risk management system in Indonesia is underpinned by the Disaster Management Law 24/2007 (DM Law) and a series of regulations.⁷ The DM Law provides a broad mandate to the national disaster management agency, better known as the BNPB (for Badan Nasional Penanggulangan Bencana). Its role is further elaborated in Government Regulation PP 8/2008. BNPB is directly accountable to the President, and is led by an appointed Head, a Disaster Management Steering Committee, and a Disaster Management Executive Committee. The DM Law predates AADMER, and the later regulations concerning international assistance do not relate to interstate or ASEAN regional assistance.⁸ A review of the DM Law was commenced in 2016, and in 2017 the Regional Representative Council (*Dewan Perwakilan Daerah*) endorsed a bill to amend the DM Law.

A draft National Disaster Response Framework 2017 (14082017_NDRF_v2.1) is also currently being discussed by different government agencies. It will become a Government regulation defining the different preparedness & response roles, which will cover all government ministries.

Sub-national structures

Regional governments have general authority over disaster management in their regions (DM Law Art.9). The BPBD (Regional Disaster Management Agencies) are established by the Regional Governments and are responsible for local level preparedness, response and recovery (DM Law Ch.4 Part 2, Arts.18-25).

Funding and budget

Budgets are allocated for disaster management broadly, including preparedness, response, recovery, and DRR. The national government's responsibility for disaster management under the DM Law shall include allocating a sufficient disaster management budget from the National Budget and also making a budget allocation in the form of a 'ready fund' (Art. 6). Regional governments are also required to budget for disaster management (Art.8). There is a specific regulation on "Disaster Aid Financing and Management,"⁹ which specifies that disaster management funding is to come from national and regional government budgets and communities, and that governments are required to allocate sufficient for pre-disaster, disaster emergency response, and post-disaster stages (Arts. 4-5). It specifies that the National Government is to provide: disaster contingency fund; ready funds; and grant-patterned social assistance funds (Art. 5(3)).

AADMER / AHA Focal point

BNPB is the AHA Centre National Focal Point.

2. Key documents

Short form citations only are used. All documents were gathered and are available on request unless otherwise noted.

7 Including Government Regulation PP21/2008 Implementation of Disaster Control; and Government Regulation PP22/2008 on Disaster Aid Financing and Management.

8 Including Government Regulation PP23/2008 on Participation of International Institutions and Foreign Non- Governmental Institutions in Disaster Management; and BNPB Guideline 22/2010 on International assistance and Foreign NGOs (under review since 2014).

9 Government Regulation PP22/2008 on Disaster Aid Financing and Management.

DRM System Laws, Decrees and Regulations at the National Level

- 2007 Disaster Management Law
- 2008 Disaster Management Regulation
- 2008 National Agency Disaster Management Regulation PP21/2008
- 2008 Disaster Aid Financing and Management Regulation PP22/2008
- 2008 Participation of International Institutions and Foreign NGOs in Disaster Management Regulation PP23/2008
- 2016 Head of BNPB Regulation No .3 of 2016 Emergency Response Command System (replaces BNPB Regulation 10 of 2008) (not yet available in English)
- BNPB Special regulation on DRM Training (not available online – presume not translated into English)
- BNPB Regulation on Contingency Planning (not available online – presume not translated into English)
- 2010 BNPB Guideline 22/2010 on International assistance and Foreign NGOS

DRM System Guidelines, Policies, Plans and Strategies at the National Level

- 2010-2015 National Disaster Plan (Indonesian version)
- 2015-2019 BNPB Strategic Plan (Indonesian version)
- 2017 National Disaster Response Framework (NDRF) (14082017 Draft v2.1)

Other related national laws and policies

Related laws were collected as a resource but were not part of the analysis of DRM system laws and policies in the following table.

- 1997 Persons with Disabilities Regulation
- 2002 Food Security Regulation
- 2002 Procedures for Granting Exemption from Import Duty and Excise on the Import of Goods for the Need of International Agencies and their Officials Decree
- 2009 Human Rights Law
- 2011 Gender Equality Policy Brief

Select reports and other documents

A small number of other reports and documents were consulted for the purposes of factual information where laws or policies were not available in English, as follows:

National Reports HFA

- 2005 National Report for World Conference on Disaster Reduction
- 2009 National Report in Implementation of the Hyogo Framework for Action
- 2010 National Report on Implementation of the Hyogo Framework for Action
- 2012 National Report on Implementation of the Hyogo Framework for Action
- 2015 National Report on Implementation of the Hyogo Framework for Action

Secondary resources

2005 GTZ Legal Framework for Disaster Management Particularly in the Field of Early Warning in Indonesia

2005 IFRC Indonesia Laws, Policies, Planning and Practices on International Disaster Response

2006 IFRC Legal Issues from the International Response to the Tsunami in Indonesia

2011 HI/ASB Mainstreaming Disability into Disaster Risk Management Initiatives in Indonesia and Philippines

2014 IFRC International Disaster Response Law (IDRL) in Indonesia

2015 CFE Disaster Management Reference Handbook Indonesia

2017 IFRC Strengthening Law and Disaster Risk Reduction in Indonesia

3. Indonesia Tables of National Provisions Relevant to the AADMER

Table annotations Key:

Hyphen (–) indicates documents were analysed and no relevant provisions were found.

Star (*) indicates no or insufficient relevant documents available in English to analyze.

A. Indonesia National measures underpinning domestic disaster preparedness and response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
1. Domestic Preparedness 1.1 Provisions on national level capacity development a. General awareness and education	BMPB general mandates relating to preparedness, DRR, and mitigation all come with requirements for promoting awareness, education or training. DM Laws Arts. 26, 35, 43 and 47.	2010-2015 National Disaster Plan (not yet available in English). 2015-2019 BNPB Strategic Plan (not yet available in English).	
b. Specific training, simulation exercises, training institutes	BNPB General mandates in DM Law. BNPB regulation on DRM Training (not yet available in English). BNPB Regulation on Contingency Planning (not yet available in English).	*	HFA 2015 report: p.2 "There is growing number of disaster simulations and exercises conducted in many parts of the country, with the biggest one the Mentawai Megathrust Tsunami Disaster Exercise that was organized in 2013, which was participated by international partners and 18 neighboring countries."

A. Indonesia National measures underpinning domestic disaster preparedness and response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
c. Resources (funds, material, equipment, personnel)	<p>DM Law Budgets are for disaster management broadly, including preparedness, response, recovery, DRR</p> <p>DM Law</p> <p>Art.6 (e), (f) (national) Government's responsibility to allocate budget.</p> <p>Government Regulation PP22/2008 on Disaster Aid Financing and Management</p> <p>Arts. 4-5. Disaster management funds to come from national and regional government budgets and community. Governments are required to allocate sufficient for pre-disaster, disaster emergency response, and post-disaster stages.</p> <p>Art. 5(3) National Government is also to provide:</p> <ul style="list-style-type: none"> a. disaster contingency fund; b. ready fund; and c. grant-patterned social assistance funds. <p>Arts. 8-9 government to encourage contributions and support fundraising by Community.</p>	*	
<p>1.2 Provisions on sub-national capacity development</p> <p>a. General awareness and education</p>	<p>Regional Disaster Management Agencies (BPBD) are established by Regional Governments and are responsible for local level preparedness, response and recovery. DM Law Part 2, Arts.18-25</p> <p>Regional governments have general authority over disaster management DM Law Art.9</p>	<p>2010-2015 National Disaster Plan (not yet available in English).</p> <p>2015-2019 BNPB Strategic Plan (not yet available in English).</p>	<p>Disaster management planning has been strengthened at the provincial and district / city levels through DM Plans facilitated by BNPB.2015 National Report on Implementation of HFA. P.3.</p>
b. Specific training, simulation exercises, training institutes	<p>BNPB General mandates in DM Law.</p> <p>BNPB regulation on DRM Training (not yet available in English).</p> <p>BNPB Regulation on Contingency Planning (not yet available in English).</p>	*	

A. Indonesia National measures underpinning domestic disaster preparedness and response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
c. Resources (funds, material, equipment, personnel)	DM Law Art.8 (d) The responsibility of regional governments to allocate budget. (Regional Budget). Government Regulation PP22/2008 on Disaster Aid Financing and Management Arts. 4-5. Disaster management funds to come from national and regional government budgets and community.		
2. Domestic early warning system (EWS) provisions a. Basis for EWS	General mandate on EWS set up: DM Law Art. 44 preparedness includes early warning. Government Regulation PP21/2008 Implementation of Disaster Control provides for Emergency Alert, under the control of BNPB (Chapter 3)	2017 Draft NDRF allocates EWS to Meteorological, Climatological, & Geophysical Agency (Badan Meteorologi, klimatologi & Geofisika -BMKG).	News 2014: Indonesia hosts the Indian Ocean Tsunami Warning System with international support. ¹⁰ News 2016: At the request of the Indonesian Ministry of Communication and Information Technology (MCIT), private providers have installed new technology (DVB-T2 rollout) in 2016, in which the Indonesian MCIT plans to incorporate in its EWS. The Indonesian early warning system is designed to support up to 15 different types of disasters, three levels of warning and postcode based regional EWS. ¹¹
b. Content of EWS, e.g. risk assessment, community engagement / awareness, use of indigenous knowledge, detailed procedures, EWS training / simulations	–	*	

10 19.12.2014.Ten years after the disaster: Tsunami-Early Warning System for the Indian Ocean. GFZ news.
<http://www.gfz-potsdam.de/en/media-communication/news/details/article/zehn-jahre-nach-der-katastrophe-tsunami-fruehwarnsystem-fuer-den-indischen-ozean/>

11 2016. ABU. Indonesia includes Early Warning System in its DVB-T2 Rollout:
http://www.abu.org.my/Latest_News-@-Indonesia_includes_Early_Warning_System_in_its_DVB-T2_Rollout.aspx

A. Indonesia National measures underpinning domestic disaster preparedness and response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
<p>3. Resources for domestic disaster response</p> <p>Funds, material, equipment, personnel</p>	<p>DM Law Art.8 (d) The responsibility of regional governments to allocate budget. (Regional Budget). Government Regulation PP22/2008 on Disaster Aid Financing and Management Arts. 4-5. Disaster management funds to come from national and regional government budgets and community. BNPB Reg. 6A/2011 provides details of Ready Fund use during emergency alert, response, and response transition to emergency recovery conditions. 2016 Head of BNPB Regulation No. 3 of 2016 on Response Command System (replaces BNPB Regulation 10 of 2008) (not yet available in English)</p>	<p>Draft National Disaster Response Framework 2017 is currently being consulted within Government agencies and will apply to all ministries (Workshop feedback)</p>	<p>General MOU between BNPB and PMI (National Society of Red Cross), on response coordination. (Workshop feedback)</p>
<p>4. Domestic non-government stakeholders</p> <p>a. Affected communities</p>	<p>DM Art. 8. The responsibility of regional governments for disaster management includes "guarantee of disaster-affected community members and refugees rights in a fair manner and in accordance with minimum service standard;" DM Law Art. 12 BNPB is to communicate information on its activities to communities; and concerning disaster assistance and compensation, Art. 69: "Community elements may participate in provision of aid."</p>	<p>Draft National Disaster Response Framework 2017 mentions as stakeholder</p>	<p>There are Government Regulations on diversity and inclusion. Not only covering DRM but also other sectoral laws. (Workshop feedback)</p>
<p>b. National Society of Red Cross (PMI)</p>	<p>–</p>	<p>*</p>	<p>Strong engagement with PMI in practice. MOU between BNPB and PMI.</p>
<p>c. Civil society</p>	<p>Reconstruction in DM Law Art. 59: "participation of social institutions and organizations, business world, and community;"</p>	<p>Draft National Disaster Response Framework 2017 mentions as stakeholder, also volunteer corps.</p>	
<p>d. Private sector</p>	<p>Reconstruction in DM Law Art. 59: "participation of social institutions and organizations, business world, and community;"</p>	<p>Draft National Disaster Response Framework 2017 mentions as stakeholder</p>	

A. Indonesia National measures underpinning domestic disaster preparedness and response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
e. Women / gender	DM Law has Art. 3 principle "equality before the law". As a vulnerable group: DM Law Art. 48 requires protection of vulnerable groups; and Art. 565(2)Vulnerable group includes pregnant women or nursing mothers		
f. Social inclusion / vulnerable groups	DM Law has Art. 3 principle "equality before the law" DM Art. 8. The responsibility of regional governments for disaster management includes "guarantee of... refugees rights in a fair manner." DM Law Art. 48 requires protection of vulnerable groups	Human rights Included in 2017 Draft NDRF	

B. Indonesia National Measures to Implement the AADMER Provisions on Regional Disaster Preparedness and Response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
1. ASEAN DRM mechanisms Specific mention of the AADMER, AHA Centre, SASOPS etc.	–	2017 draft NDRF proposes an annex on ASEAN and AADMER	AHA Centre conducted One ASEAN One Response Roadshows in Indonesia in 2015, and conducted AADMER orientation workshops and other awareness-raising activities, attended by national CSOs, local governments and national agencies. (AADMER Accomplishment Report 2010-2015, P.32)
2. Treaty implementation Provisions on regional / international treaty implementation.	–	*	
3. Regional / international cooperation in DRM General provisions / powers	Government Regulation PP23/2008 Arts.10 and 15: BNPB is authorised to enter standing agreements and to coordinate international assistance and actors	2017 draft NDRF proposes an annex on international cooperation.	
4. Regional preparedness / EWS Provisions on regional preparedness, e.g. EWS, information on hazards, technical cooperation, mitigation measures, regional standby arrangements	–	*	

B. Indonesia National Measures to Implement the AADMER Provisions on Regional Disaster Preparedness and Response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
5. Regional / international disaster response	Government Regulation PP23/2008 Arts.10 and 15: BNPB is authorised to enter standing agreements and to coordinate international assistance and actors.	*	19 individuals from Indonesia were trained in ASEAN-ERAT in induction courses. (AADMER Accomplishment Report 2010-2015, P. 29)
a. General provisions on disaster response coordination			
b. Specific provisions on sharing information on existing threats and hazards, mobilizing resources for regional response.		*	
6. Receiving assistance	DM Law and Regulation - relating to international institutions and INGOs, not governments. Government Regulation PP23/2008 Arts.10 and 15: BNPB is authorised to enter standing agreements and to coordinate international assistance and actors Government Regulation PP23/2008 Art. 11	*	
a. Provisions on requesting and receiving interstate bilateral / regional / international assistance.			
b. Any tax exemptions for incoming humanitarian assistance E.g. Equipment (including telecommunications), relief goods and materials; vehicles (registration and license plates without tax; licenses and / or any other permits for military aircraft and vehicles).	Discretionary under Government Regulation PP23/2008: Art.13 International institutions or foreign non-governmental institution in disaster management activities "may be granted facilitation" in accordance with the law.	*	
c. Any other facilitation of incoming humanitarian assistance. (E.g. Facilitated entry / exit of personnel; clearance / licensing of relief items aircraft and vehicles (civilian and military) and radio frequencies; local facilities and services; or conducting joint assessments.	Discretionary under Government Regulation PP23/2008: Art.13 International institutions or foreign non-governmental institution in disaster management activities "may be granted facilitation" in accordance with the law.	*	
7. Sending assistance		*	
a. Provisions on responding to requests and sending interstate bilateral / regional / international assistance.			

B. Indonesia National Measures to Implement the AADMER Provisions on Regional Disaster Preparedness and Response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
b. Any specific provisions on resource allocation for sending assistance.		*	
8. Transit of assistance Provisions on transit of bilateral / regional / international assistance destined for another country.		*	

Indonesia – Text / description of DRM provisions on regional / international cooperation

The DM Law and Government Regulation PP23/2008, relate to receiving assistance from international institutions and INGOs, not foreign governments.

Government Regulation PP23/2008 specifies that

“In the event assistance for disaster management originates from a foreign state, the Head of BNPB must consult and coordinate with the Minister for foreign affairs. (Art. 17(1)).”

Facilitation of such international assistance is discretionary under Government Regulation PP23/2008: Under Art.13, international institutions or foreign non-governmental institution in disaster management activities, “may be granted facilitation” in accordance with law.

Lao PDR



1. DRM System Overview

Scope of the Analysis

This analysis is based on a regional survey of documents (desk review), examining disaster risk management national laws, regulations, policies and plans available in English for all 10 ASEAN MS. It focused on disaster preparedness and response, in accordance with the terms of reference. The analysed documents were drawn from online sources and also supplemented by country participants in a September regional consultation workshop. The consultation was invaluable for the national-level explanations of how different laws and institutions interact, especially the newer ones, and for providing updates on material not yet available in English. This has made it possible to note documents not yet translated into English and to highlight the different ways ASEAN MS are implementing the AADMER. It is hoped that country partners can continue to assist in providing these documents as they become available.

Analysis of sub-national regulations, initiatives in sectoral ministries, and current practice (including SOPs), was not part of this regional overview study, which was a preliminary mapping process. As reiterated by workshop participants, sub-national mechanisms, cross-sectoral links and administrative implementation and practices can only be analysed accurately as part of country-specific studies in partnership with Government, due to the need for translation (except for the Philippines and Singapore), consultation and verification. Such studies are a potential second stage after this regional survey.

AADMER Implementation Mapping

The available DRM system national laws, regulations and decrees, and the national DRM system guidelines, policies and plans, were mapped against relevant provisions of the AADMER. Two tables summarizing the AADMER provisions thematically are also provided as part of this regional report, and can be read together with the country table to better understand the basis for analysis. In general terms:

- The analysis looks first at national / domestic DRM systems with regard to the national disaster preparedness and response characteristics highlighted in the AADMER. The AADMER emphasizes that ASEAN MS control disaster response in their own territories, and require robust national DRM systems. These national systems are then the building blocks for regional coordination.
- The second major theme of the analysis is therefore the elements of AADMER regional cooperation that require specific measures in the MS laws, policies or administration. These two areas together are described as implementation of the AADMER.

Lao PDR DRM System type

Type D – Broad DRM system law(s): Covers the full spectrum of disaster risk management: some elements of DRR, prevention, preparedness, early warning, mitigation, emergency management / response, and early recovery. Establishes specialist national institutions for DRM coordination and at least some local structures or roles.

National institutional framework

In Lao PDR, a broadly focused disaster risk management system is underpinned by a series of Executive decrees establishing national and sub-national structures and mandates, and assigned ministerial responsibilities under Executive powers. However, the institutional structures are in a state of transition and responsibilities are currently shared. The National Disaster Management Committee (NDMC) created by decree in 1999 was renamed the National Disaster Prevention and Control Committee (NDPCC) by Prime a Minister's decree 373/PM in 2011. The National Disaster Management Organization (NDMO) was established in 1991 and was secretariat to the National Committee until 2013. Then, as part of a move to integrate disaster and climate risk, PM Decree 220/PM of 2013 moved the Committee's Secretariat to the Department of Disaster Management and Climate Change (DDMCC) in the Ministry of Natural Resources and Environment. At this stage, the new NDPCC and its Secretariat DDMCC continue to share responsibilities with the pre-existing National Disaster Management Office (NDMO) in the Department of Social Welfare, which also supports sub-national disaster risk management structures. None of these frameworks specifically currently address AADMER or the AHA Centre. The NDMO remains the focal point for disaster preparedness and response.

A draft Disaster Management Law is currently under consideration after being submitted to the parliament in October 2016.

Sub-national structures

Provincial Disaster Management Committees (PDMC) were already established administratively at the provincial levels but are not active in all provinces. The PDMCs are chaired by the Vice Governor of the province, with the vice chair being the provincial director of the Department of Labour and Social Welfare, and all relevant provincial departments of national ministries members. A similar structure is provided for District Disaster Management Committees (DDMC), and there is also provision for village level disaster protection units, which have been created in villages where there has been assistance from development partners.¹²

Funding and budget

2013 Prime Minister Decree (No.291/GOV 2013) (Not yet available in English) provides for funds for disaster preparedness and response by allocating 3% of the annual budget to the National Emergency Fund (held as rice reserves, money and fuel). (Workshop feedback).

Decree on Social Welfare (No. 169) (not available in English) provides the Social Welfare Fund for the Ministry of Labor and Social Welfare, which is to be used for relief assistance once it is established. (Workshop feedback).

AADMER / AHA Focal point

NDMO is the AHA Centre National Focal Point.

12 2013, UNDP in Lao PDR, Integrated Disaster and Climate Risk Management, Project Documents. P. 6 Available at: http://www.la.undp.org/content/lao_pdr/en/home/operations/projects/environment_and_energy/DisasterAndClimateRiskManagement.html

2. Key documents

Short form citations only are used. All documents were gathered and are available on request unless otherwise noted.

DRM System Laws, Decrees and Regulations at the National Level

- 1999 Establishment of National Disaster Management Committee Decree
- 2013 Law on Environmental Protection
- 2013 Prime Minister Decree 220/PM, on NDPCC and its Secretariat (Not yet available in English)
- 2013 Prime Minister Decree (No.291/GOV 2013) (Not yet available in English)
- 2017 Draft Red Cross Law (not yet available in English)

DRM System Guidelines, Policies, Plans and Strategies at the National Level

- 2003 Strategic Plan on Disaster Risk Management 2003-2005
- 2009 National Adaptation Programme of Action to Climate Change
- 2010 Strategic Plan on Disaster Risk Management
- 2017 Draft National Preparedness and Response Plan (not yet available in English)

Other related national laws and policies

Related laws were collected as a resource but were not part of the analysis of DRM system laws and policies in the following table.

- 2000 Ministry of Labor and Social Welfare (MLSW) Decree 097/MLSW
- 2003 Lao PDR Constitution
- 2003 Law on Local Administration
- 2003 Law on the Government of Lao PDR Decree
- 2004 Law on Development and Protection of Women
- 2006 Labour Law, December 2006 (amended January 2007)
- 2006 Law on State Budget
- 2007 Decree on the Rights of Persons with Disabilities – Disability Rights Education & Defense Fund
- 2008 Fire Prevention Law (not available online in English)
- 2012 Decree on Rural Development and Poverty Eradication, 2012 (PM/201)
- Decree on Social Welfare (No. 169) (not yet available in English)

Select reports and other documents

A small number of other reports and documents were consulted for the purposes of factual information where laws or policies were not available in English, as follows:

Country reports

- 2009 National Report on Implementation of the Hyogo Framework for Action
- 2011 National Report on Implementation of the Hyogo Framework for Action
- 2013 National Report on Implementation of the Hyogo Framework for Action
- 2015 National Report on Implementation of the Hyogo Framework for Action
- 2017 National Report Sendai Framework Data Readiness Review

Other

2009 IFRC Legal Preparedness for Responding to Disaster and Communicable Disease Emergencies Laos

2014 CFE Disaster Management Reference Handbook Laos

2015 Khalid and Shafiai Flood Disaster Management, Laos

2016 World Bank et al. Disaster Risk Finance Country Diagnostic Note: Lao PDR (Draft)³. Lao PDR Tables of National Provisions Relevant to the AADMER

3. Lao PDR Tables of National Provisions Relevant to the AADMER

Table annotations Key:

Hyphen (–) indicates documents were analysed and no relevant provisions were found.

Star (*) indicates no or insufficient relevant documents available in English to analyze.

A. Lao PDR National measures underpinning domestic disaster preparedness and response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
1. Domestic Preparedness 1.1 Provisions on national level capacity development a. General awareness and education	NDPCC / NDMC and NDMO 2013 Prime Minister Decree 220/PM, on NDPCC and its Secretariat (not yet available in English).	Draft National Preparedness and Response Plan 2017 will require information sharing across line ministries and coordination with international agencies. (Workshop feedback) Contingency plans are included in the annual work plan for each Ministry. For example, the Ministry of Social Welfare work plan includes a fire contingency plan, training and simulation exercise. (Workshop feedback).	The new NDPCC / NDMC and NDMO share responsibilities, with the NDMO the focal point for disaster preparedness and response.
b. Specific training, simulation exercises, training institutes	–	Included in the annual work plan for each Ministry (Workshop feedback).	Simulation exercises are conducted from national to community level. (Workshop feedback)
c. Resources (funds, material, equipment, personnel)	2013 Prime Minister Decree (No.291/GOV 2013) (yet available in English.) National raising of funds: funds for disaster preparedness and response. 3% of annual budget goes to National Emergency Fund (Made up of rice reserves, money and fuel). (Workshop feedback). NDPCC / NDMC and Secretariat in DMCCC, and NDMO (personnel)	*	

A. Lao PDR National measures underpinning domestic disaster preparedness and response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
1.2 Provisions on sub-national capacity development a. General awareness and education	Provincial (PDMC) and District Disaster Management Committees (DDMC) and some village level disaster protection units.	*	In practice, the Ministry of Social Welfare and Oxfam.
b. Specific training, simulation exercises, training institutes	–	*	In practice, the Ministry of Social Welfare and Oxfam organize simulations for provincial and community level flood and landslide training, dig drains, and test the equipment. (Workshop feedback).
c. Resources (funds, material, equipment, personnel)	Provincial (PDMC) and District Disaster Management Committees (DDMC) and some village level disaster protection units.	District Disaster Management Committees (DDMC) and some village level disaster protection units.	Caritas, Save the Children, Care, Oxfam and ECHO funding is provided for provincial DM committees. (Workshop feedback).
2. Domestic early warning system (EWS) provisions a. Basis for EWS	<p>“Ministry of Labor and Social Welfare (MLSW) Decree 097/MLSW dated June 2000, assigned the Ministry of Agriculture and Forestry (MAF), the responsibility for hydrological and meteorological early warning information to the nation.”</p> <p>Within the MAF, resides the Water Resources and Environmental Administration (WREA). Prime Minister Decree 1409/PM dated October 2008, mandates WREA to provide the government with policy advice and to propose legislation from the meteorology and hydrology realm. WREA has been tasked to conduct the meteorology and hydrology activities related to management, monitoring, and data collection.”</p> <p>(2014 CFE Disaster Management Reference Handbook Laos P. 40)</p>	There is a National Strategy for EWS (Workshop feedback).	<p>Multiple agencies are involved in EWS.</p> <p>Other governmental agencies are mandated authority to provide early warning tied to their functional responsibilities in addition to WREA.</p> <p>The Flood and Drought Committee under MAF will issue warnings related to agricultural impact of floods and droughts.</p> <p>The National Tourism Authority (NTA) is mandated to notify travellers and tourists when an emergency occurs.</p> <p>The Mekong River Commission (MRC) fulfills a major role in monitoring the Mekong levels, issuing forecasts, and facilitating cross-boundary information exchange.</p> <p>(2014 CFE Disaster Management Reference Handbook Laos P. 40)</p>
b. Content of EWS, e.g. risk assessment, community engagement / awareness, use of indigenous knowledge, detailed procedures, EWS training / simulations	–	<p>Risk assessment: Department of Meteorology and Hydrology (DMH) (2014 CFE Disaster Management Reference Handbook Laos P. 41)</p> <p>Detailed procedures are within: DMH to NDMO, MAF and line ministries (2014 CFE Disaster Management Reference Handbook Laos P. 41)</p>	National Strategy for EWS, including community-level, and indigenous knowledge is policy and practice. The Ministry of Development and Water is the lead agency. (Workshop feedback).

A. Lao PDR National measures underpinning domestic disaster preparedness and response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
3. Resources for domestic disaster response Funds, material, equipment, personnel	NDMO. 2013 Prime Minister Decree (No.291/GOV 2013) National Emergency Fund	Draft National Preparedness and Response Plan 2017	
4. Domestic non-government stakeholders a. Affected communities		*	The PDMC and DDMC members are comprised of disaster preparedness and response stakeholders from the public sector, police and armed forces, civil society organizations, industry, religious organizations, province, and Lao Red Cross. (2014 CFE Disaster Management Reference Handbook Laos P.34)
b. National Society of Red Cross or Red Crescent	Laos Red Cross is part of new NDMC / NDPC structure as one of three non-ministerial organizations. 2017 Draft Laos Red Cross Law is due to be passed in 2017. (Workshop feedback)	*	"The Lao Government partners with the Lao Red Cross volunteers trained in the areas of disaster preparedness and response for evacuation, first aid, firefighting, early warning, etc. The Red Cross teams are responsible for initiating rapid assessments and producing disaster information, joint emergency operations in rescue and relief provision for disaster victims, joint mobilization of relief assistance with Red Cross / Red Crescent partners, and conducting joint damage assessments and disaster survivor needs with local authorities." (2014 CFE Disaster Management Reference Handbook Laos P.33)
c. Civil society	Laos Youth Union and Laos Women's Union are part of new NDMC / NDPC structure as one of three non-ministerial organizations	*	
d. Private sector	–	*	In practice, the private sector is engaged during times of disasters. The Ministry of Social Welfare, the new NDPC and its Secretariat DDMCC, and the NDMO) coordinate with private sector. Most of this related to individual companies. E.g. a Dam company has an agreement to undertake joint planning annually. (Workshop feedback)

A. Lao PDR National measures underpinning domestic disaster preparedness and response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
e. Women / gender	National Union of Women is part of new NDMC / NDPC structure as one of three non-ministerial organizations (2014 CFE Disaster Management Reference Handbook Laos P.33)	*	See sectoral laws on gender and equality. (Workshop feedback)
f. Social inclusion / vulnerable groups	Decree on Social Welfare (No. 165), (not available online in English) includes a Social Welfare fund, not yet established but in the decree. Emergency relief and response, vulnerable groups, poor, people with disabilities, children. (Workshop feedback)		See sectoral laws, including laws protecting vulnerable groups. (Workshop feedback)

B. Lao PDR National Measures to Implement the AADMER Provisions on Regional Disaster Preparedness and Response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
1. ASEAN DRM mechanisms Specific mention of the AADMER, AHA Centre, SASOPS etc.	NDPCC / NDMC and NDMO 2013 Prime Minister Decree 220/PM, on NDPCC and its Secretariat (not yet available in English). SASOPs are automatically binding in domestic law and do not require a decree. (Workshop feedback)	*	SASOPs are used in practice since 2013. Also use the IASC Contingency Planning guidelines. (Workshop feedback). AHA conducted an AADMER orientation workshop and other awareness-raising activities in Lao PDR, attended by national CSOs, local governments and national agencies. (AADMER Accomplishment Report 2010-2015, P.32)
2. Treaty implementation Provisions on regional / international treaty implementation.	—	*	
3. Regional / international cooperation in DRM General provisions / powers	NDMO general role.	*	“The NDMO can serve as the lead agency for the government in regional and international disaster management as designated by the Prime Minister’s office.” (2014 CFE Disaster Management Reference Handbook Laos P.34)
4. Regional preparedness / EWS Provisions on regional preparedness, e.g. EWS, information on hazards, technical cooperation, mitigation measures, regional standby arrangements	—	*	

B. Lao PDR National Measures to Implement the AADMER Provisions on Regional Disaster Preparedness and Response

Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
<p>5. Regional / international disaster response</p> <p>a. General provisions on disaster response coordination</p>	<p>NDMO general role</p> <p>AADMER and SASOP are legal mandates in Laos law, they do not need domestic legal action to be in force. (Workshop feedback)</p>	<p>*</p>	<p>An English translation of the new decree is not yet available, but based on secondary sources it is understood that the broad DRM responsibilities of the national committee remain similar to those in the original Decree on Establishment of National Disaster Management Committee, Prime Minister Decree No. 158/PM dated 23 August 1999. This included very broad provisions on international assistance, including: "Mobilization from individuals, organizations, internal and external in kinds and money for disaster management;" and "Direct relief operation, disaster preparedness, response and rehabilitation by using government budget and the contribution of concerned agencies, International organizations and non-governmental organizations and regularly report to the Government" (Arts.2(3) and 2(3) respectively).</p>
<p>b. Specific provisions on sharing information on existing threats and hazards, mobilizing resources for regional response.</p>		<p>*</p>	
<p>6. Receiving assistance</p> <p>a. Provisions on requesting and receiving interstate bilateral / regional / international assistance.</p>	<p>NDMO general role</p>	<p>*</p>	
<p>b. Any tax exemptions for incoming humanitarian assistance</p> <p>E.g. Equipment (including telecommunications), relief goods and materials; vehicles (registration and license plates without tax; licenses and / or any other permits for military aircraft and vehicles).</p>		<p>*</p>	

B. Lao PDR National Measures to Implement the AADMER Provisions on Regional Disaster Preparedness and Response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
c. Any other facilitation of incoming humanitarian assistance. (E.g. Facilitated entry / exit of personnel; clearance / licensing of relief items aircraft and vehicles (civilian and military) and radio frequencies; local facilities and services; or conducting joint assessments.			
7. Sending assistance a. Provisions on responding to requests and sending interstate bilateral / regional / international assistance.	NDMO general role		
b. Any specific provisions on resource allocation for sending assistance.	–		
8. Transit of assistance Provisions on transit of bilateral / regional / international assistance destined for another country.	–		

Lao PDR – Text / description of DRM provisions on regional / international cooperation

An English translation of the new decree is not yet available, but based on secondary sources it is understood that the broad DRM responsibilities of the national committee remain similar to those in the original Decree on Establishment of National Disaster Management Committee, Prime Minister Decree No. 158/PM dated 23 August 1999. This included very broad mandates on international assistance, including: “Mobilization from individuals, organizations, internal and external in kinds and money for disaster management;” and “Direct relief operation, disaster preparedness, response and rehabilitation by using government budget and the contribution of concerned agencies, International organizations and non-governmental organizations and regularly report to the Government” (Arts.2(3) and 2(3) respectively).

Malaysia



1. DRM System Overview

Scope of the Analysis

This analysis is based on a regional survey of documents (desk review), examining disaster risk management national laws, regulations, policies and plans available in English for all 10 ASEAN MS. It focused on disaster preparedness and response, in accordance with the terms of reference. The analysed documents were drawn from online sources and also supplemented by country participants in a September regional consultation workshop. The consultation was invaluable for the national-level explanations of how different laws and institutions interact, especially the newer ones, and for providing updates on material not yet available in English. This has made it possible to note documents not yet translated into English and to highlight the different ways ASEAN MS are implementing the AADMER. It is hoped that country partners can continue to assist in providing these documents as they become available.

Analysis of sub-national regulations, initiatives in sectoral ministries, and current practice (including SOPs), was not part of this regional overview study, which was a preliminary mapping process. As reiterated by workshop participants, sub-national mechanisms, cross-sectoral links and administrative implementation and practices can only be analysed accurately as part of country-specific studies in partnership with Government, due to the need for translation (except for the Philippines and Singapore), consultation and verification. Such studies are a potential second stage after this regional survey.

AADMER Implementation Mapping

The available DRM system national laws, regulations and decrees, and the national DRM system guidelines, policies and plans, were mapped against relevant provisions of the AADMER. Two tables summarizing the AADMER provisions thematically are also provided as part of this regional report, and can be read together with the country table to better understand the basis for analysis. In general terms:

- The analysis looks first at national / domestic DRM systems with regard to the national disaster preparedness and response characteristics highlighted in the AADMER. The AADMER emphasizes that ASEAN MS control disaster response in their own territories, and require robust national DRM systems. These national systems are then the building blocks for regional coordination.
- The second major theme of the analysis is therefore the elements of AADMER regional cooperation that require specific measures in the MS laws, policies or administration. These two areas together are described as implementation of the AADMER. .

Malaysia DRM System type

Type C – Disaster emergency management law: A specific law on disasters, focused on emergency preparedness and response to natural hazards, some technological hazards; and may have elements of early warning and recovery.

National institutional framework

Malaysia has recently reviewed the preparedness and response aspects of its DRM system which also includes the amendment of the Civil Defence Force Act 1951. It is now a key responsibility for the Malaysia Civil Defence Force (MCDF) under the patronage of the Prime Minister's Department along with the National Disaster Management Agency (NADMA) to adapt multi-hazard approach in the disaster risk management. The MCDF is one of the responders besides the Royal Malaysian Police & Fire and Rescue (RMPFRD) department. This includes the implementation of Community-Based Disaster Risk Reduction (CBDRR) to pursue public involvement in DRR effort.

This legislation on improving response complements the administratively-established DRM system comprising the Natural Disaster Management and Relief Committee, established in 1972 under the National Security Council (NSC) Directive No. 20. The new National Disaster Management Agency (NADMA), in the Office of the Prime Minister, was created in 2015 as a separate body, having been part of the National Security Division of the Prime Minister's Department for many years. The new law and the continuing NSC Directive are relatively comprehensive, in that together they establish national, district and local committees and their responsibilities in three levels of disaster, now moving towards a fourth level, although the system remains focused on preparedness and response.

Since NADMA took over the DRM portfolio from NSC in 2015, it has been consulting with stakeholders towards drafting a new disaster risk management law. (Workshop feedback).

There is also a 1998 Prevention and Control of Infectious Diseases Act, and a 1979 Emergency (Essential Powers) Act (as amended to 2006) that form part of the overall framework for disasters and emergencies. The 2016 legislation does not mention AADMER or the AHA Centre, but it does make provision for the assignment of Civil Defence Forces to support other countries.

Sub-national structures

Under the administratively-established DRM system, sub-national structures are: State Disaster Management and Relief Committee (SDMRC); District Disaster Management and Relief Committee (DDMRC); and since the 2016 reforms, small units have been placed at the community or village level, making a fourth tier.¹³ Each State DMC is led by the State Secretary and MCDF's function is to assist them as the secretariat; and the District level is led by the District officer and MCDF acts as the secretariat at the district level.

Funding and budget

Malaysia's funds for disaster risk management are budgeted annually through the Economic Planning Unit (EPU) and also at the state and district level. The sum differs according to the size of the state affected and the number of the affected victims. NADMA also has a specific fund for disaster risk management. (Workshop feedback).

AADMER / AHA Focal point

The AHA Centre National Focal Point is the NADMA.

2. Key documents

Short form citations only are used. All documents were gathered and are available on request unless otherwise noted.

DRM System Laws, Decrees and Regulations at the National Level

1951 Civil Defence Act (Revised 1979)
 1964 Emergency (Essential Powers) Act
 1979 Emergency (Essential Powers) Act
 1997 Policy and Mechanism of National Disaster Management and Relief NSC Directive
 1998 Prevention and Control of Infectious Diseases Act
 1998 Fire Services Act 341
 2016 Civil Defence (Amendment) Act
 2016 National Security Council Act

DRM System Guidelines, Policies, Plans and Strategies at the National Level

Other related national laws and policies

Related laws were collected as a resource but were not part of the analysis of DRM system laws and policies in the following table.

1969 Civil Aviation Act
 1974 Environmental Quality Act
 1976 Local Government Act 171 (2012 version)
 1981 State Grants (Maintenance of Local Authorities) Act
 1983 Government Funding Act
 2010 Federal Constitution (2016 edtn)

Select reports and other documents

A small number of other reports and documents were consulted for the purposes of factual information where laws or policies were not available in English, as follows:

National

2009 National Report on Implementation of the Hyogo Framework for Action
 2013 National Report on Implementation of the Hyogo Framework for Action
 2017 National Report for Sendai Framework Data Readiness Review

Others

2015 Khalid and Shafiai Flood Disaster Management
 2016 CFE Disaster Management Reference Handbook Malaysia

3. Malaysia Tables of National Provisions Relevant to the AADMER

Table annotations Key:

Hyphen (-) indicates documents were analysed and no relevant provisions were found.

Star (*) indicates no or insufficient relevant documents available in English to analyze.

A. Malaysia – National measures underpinning domestic disaster preparedness and response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
<p>1. Domestic Preparedness</p> <p>1.1 Provisions on national level capacity development</p> <p>a. General awareness and education</p>	<p>Central Disaster Management and Relief Committee (CDMRC) / NADMA under NSC Directive 20.</p>	<p>*</p> <p>National Water Resources Policy</p>	<p>New Disaster Management Agency Set Up in Malaysia http://news.asiaone.com/news/malaysia/new-disaster-management-agency-set-malaysia http://www.nre.gov.my/ms-my/PustakaMedia/Penerbitan/Dasar%20Sumber%20Air%20Negara.pdf (page 6, 10, 24, 29, 34 and 50)</p>
<p>b. Specific training, simulation exercises, training institutes</p>	<p>NSC Directive 20. – s. 7D civil defence training for civilians.</p>	<p>*</p>	
<p>c. Resources (funds, material, equipment, personnel)</p>	<p>–</p>	<p>Annual DM budget through the Economic Planning Unit (EPU), at national, state and district levels. NADMA specific fund for disaster risk management. (Workshop feedback).</p> <p>National Budget year 2018 http://www.treasury.gov.my/pdf/budget/speech/bs18.pdf (page 54)</p> <p>National Budget year 2016 http://www.treasury.gov.my/pdf/budget/speech/TouchPoints_Bajet_2016_BI.pdf (page 61)</p> <p>National Budget year 2014 http://www.treasury.gov.my/pdf/budget/speech/bs14.pdf (page 49 & 50)</p> <p>11th Malaysia Plan (Chapter 6) http://epu.gov.my/sites/default/files/Chapter%206.pdf</p>	
<p>1.2 Provisions on sub-national capacity development</p> <p>a. General awareness and education</p>	<p>State Disaster Management and Relief Committees (SDMRC) led by the State Secretary; and District Disaster Management and Relief Committees (DDMRC) led by the District officer; all supported by MCDF as secretariat at sub-national levels. Since the 2016 reforms, small units have been placed at the community or village level, making a fourth tier.</p>	<p>*</p>	

A. Malaysia – National measures underpinning domestic disaster preparedness and response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
b. Specific training, simulation exercises, training institutes	NSC Directive 20. - s. 7D civil defence training for civilians.	*	Malaysia held community-based disaster management activities in all states in Malaysia and has undertaken tsunami exercises and DRR workshops. (AADMER Accomplishment Report 2010-2015, P. 16).
c. Resources (funds, material, equipment, personnel)	–	Annual DM budget through the Economic Planning Unit (EPU), at national, state and district levels. NADMA specific fund for disaster risk management. (Workshop feedback). State of Selangor Budget https://selangorkini.my/belanjawan2018 (paragraph 48 - in Malay language)	Materials and equipment are managed through the internal government e-logistics system. (Workshop feedback)
2. Domestic early warning system (EWS) a. Basis for EWS	–	Administrative allocation of responsibilities to relevant government departments.	Malaysia also uses fixed-line, radio communications system for responders and call-in hotline, government agencies and social media, all as part of EWS. (2016 CFE Disaster Management Reference Handbook Malaysia.p.46-47)
b. Content of EWS, e.g. risk assessment, community engagement / awareness, use of indigenous knowledge, detailed procedures, EWS training / simulations	–	A National Tsunami Early Warning System has been developed by the Malaysian Meteorological Department to provide early warning on tsunami threats that may affect the country. MMD is continually monitoring seismic waves, sea level changes and severe weather events as well as haze and drought situations in the country. The Malaysia Public Works Department, through the National Slope Master Plan has established systems for monitoring landslide risks. The Drainage and Irrigation Department uses Integrated Atmospheric and Radar Satellite Model-Based Rainfall and Flood Forecasting (AMRFF). (2016 CFE Disaster Management Reference Handbook Malaysia.p.46-47)	Indigenous knowledge in EWS is accepted in practice. (Workshop feedback)

A. Malaysia – National measures underpinning domestic disaster preparedness and response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
3. Resources for domestic disaster response Funds, material, equipment, personnel	CDRMC / NADMA and sub-national committees general powers. Resources of RMP-FRD and MCDF. Requisition powers for CDRMC / NADMA and sub-national committees. Supported sub-national committees, and specified organizations including Red Crescent	NSC Directive 20 is supported by seven other SOPs, that are currently under review, on: flood, drought, tsunami, earthquake, fire, oil spill, chemical accident (not available in English) (Workshop feedback).	
4. Domestic non-government stakeholders a. Affected communities	All the disaster committees at all levels have government-only membership. NSC Directive No. 20	*	Since NADMA took over the DRM portfolio from NSC in 2015, it has been consulting with all the relevant stakeholders - government departments, NGOs, private sector and Malaysian RC. It will continue to do so during the process of drafting a new disaster law, amendments to Directive 20 and review of all the SOPs. (Workshop feedback)
b. National Society of Red Cross or Red Crescent	Recognized as relief partners.	*	
c. Civil society	Some specified as relief partners.	*	
d. Private sector		*	
e. Women / gender		*	
f. Social inclusion / vulnerable groups		*	

B. Malaysia National measures to implement the AADMER provisions on regional disaster preparedness and response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
1. ASEAN DRM mechanisms Specific mention of the AADMER, AHA Centre, SASOPS etc.	–	*	The 2015 ARF DiREx in Kedah, Malaysia (AADMER Accomplishment Report 2010-2015). Regional response coordination is being done on a bilateral basis between Malaysia and other countries via the AHA Centre. NADMA is proposing to included relevant provisions on this in the new DRM law. (Workshop feedback)

B. Malaysia National measures to implement the AADMER provisions on regional disaster preparedness and response

Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
2. Treaty implementation Provisions on regional / international treaty implementation.		*	
3. Regional / international cooperation in DRM General provisions / powers	The Central Disaster Management and Relief Committee (CDMRC) / NADMA, is authorized to obtain expert assistance from a foreign country to manage a disaster (NSC Dir 20 Appendix A)	*	
4. Regional preparedness / EWS Provisions on regional preparedness, e.g. EWS, information on hazards, technical cooperation, mitigation measures, regional standby arrangements	—	*	
5. Regional / international disaster response a. General provisions on disaster response coordination	The Central Disaster Management and Relief Committee (CDMRC) / NADMA, is authorized "To get expertise assistance from local authority or foreign country to help in managing a disaster." (NSC Dir No. 20 Appendix A Art. B (5)) The Civil Defence (Amendment) Act 2016, allows that members of the Civil Defence Force may be required to serve outside Malaysia, and may also be attached to a civil defence force or organization outside Malaysia (Arts. 4 E and 4F).	*	Regional response coordination is being done on a bilateral basis between Malaysia and other countries via the AHA Centre. NADMA is proposing to included relevant provisions on this in the new DRM law. (Workshop feedback)
b. Specific provisions on sharing information on existing threats and hazards, mobilizing resources for regional response.	—	*	
6. Receiving assistance a. Provisions on requesting and receiving interstate bilateral / regional / international assistance.	Central Disaster Management and Relief Committee (CDMRC) / NADMA, is authorized to obtain expert assistance from a foreign country to manage a disaster (NSC Dir. 20 Appendix A)	*	

B. Malaysia National measures to implement the AADMER provisions on regional disaster preparedness and response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
b. Any tax exemptions for incoming humanitarian assistance E.g. Equipment (including telecommunications), relief goods and materials; vehicles (registration and license plates without tax; licenses and/or any other permits for military aircraft and vehicles).	–	*	
c. Any other facilitation of incoming humanitarian assistance. (E.g. Facilitated entry / exit of personnel; clearance / licensing of relief items aircraft and vehicles (civilian and military) and radio frequencies; local facilities and services; or conducting joint assessments.	–	*	
7. Sending assistance a. Provisions on responding to requests and sending interstate bilateral / regional / international assistance.	2016 CD (Amendment) Act, Arts. 4 E and 4F allow that members of the Malaysian Civil Defence Force may be required to serve outside Malaysia, and may also be attached to a civil defence force or organization outside Malaysia.	*	
b. Any specific provisions on resource allocation for sending assistance.	–	*	
8. Transit of assistance Provisions on transit of bilateral / regional / international assistance destined for another country.	–	*	

Malaysia – Text / description of DRM provisions on regional / international cooperation

The Central Disaster Management and Relief Committee (CDMRC) / NADMA, is authorised “To get expertise assistance from local authority or foreign country to help in managing a disaster.” (NSC Dir No. 20 Appendix A Art. B (5))

The Civil Defence (Amendment) Act 2016, allows that members of the Civil Defence Force may be required to serve outside Malaysia, and may also be attached to a civil defence force or organization outside Malaysia (Arts. 4 E and 4F).

Myanmar



1. DRM System Overview

Scope of the Analysis

This analysis is based on a regional survey of documents (desk review), examining disaster risk management national laws, regulations, policies and plans available in English for all 10 ASEAN MS. It focused on disaster preparedness and response, in accordance with the terms of reference. The analysed documents were drawn from online sources and also supplemented by country participants in a September regional consultation workshop. The consultation was invaluable for the national-level explanations of how different laws and institutions interact, especially the newer ones, and for providing updates on material not yet available in English. This has made it possible to note documents not yet translated into English and to highlight the different ways ASEAN MS are implementing the AADMER. It is hoped that country partners can continue to assist in providing these documents as they become available.

Analysis of sub-national regulations, initiatives in sectoral ministries, and current practice (including SOPs), was not part of this regional overview study, which was a preliminary mapping process. As reiterated by workshop participants, sub-national mechanisms, cross-sectoral links and administrative implementation and practices can only be analysed accurately as part of country-specific studies in partnership with Government, due to the need for translation (except for the Philippines and Singapore), consultation and verification. Such studies are a potential second stage after this regional survey.

AADMER Implementation Mapping

The available DRM system national laws, regulations and decrees, and the national DRM system guidelines, policies and plans, were mapped against relevant provisions of the AADMER. Two tables summarizing the AADMER provisions thematically are also provided as part of this regional report, and can be read together with the country table to better understand the basis for analysis. In general terms:

- The analysis looks first at national / domestic DRM systems with regard to the national disaster preparedness and response characteristics highlighted in the AADMER. The AADMER emphasizes that ASEAN MS control disaster response in their own territories, and require robust national DRM systems. These national systems are then the building blocks for regional coordination.
- The second major theme of the analysis is therefore the elements of AADMER regional cooperation that require specific measures in the MS laws, policies or administration. These two areas together are described as implementation of the AADMER.

Myanmar DRM System type

Type D – Broad DRM system law(s): Covers the full spectrum of disaster risk management: some elements of DRR, prevention, preparedness, early warning, mitigation, emergency management /response, and early recovery. Establishes specialist national institutions for DRM coordination and at least some local structures or roles.

National institutional framework

The disaster risk management system in Myanmar is established under the Disaster Management Law 2013 (DM Law) and the Disaster Management Rules 2015 (DM Rules). These create the National Disaster Management Committee (NDMC) as the high-level policy body, and the law also provides for sub-national bodies. The Relief and Resettlement Department (RRD) in the Ministry of Social Welfare, Relief and Resettlement provides secretariat services to the NDMC and implementation of the DM Law and Rules. It also houses the National Disaster Management Centre (Emergency Operations Centre during disasters), which has central responsibility for disaster information and disseminating early warnings from data obtained from the relevant agencies. The Ministry of Home Affairs and Ministry of Foreign Affairs also have key roles in their areas of responsibility. The Armed Forces (Army, Navy, and Air Force) remain primary responders in disasters and are members of the NDMC. Although the DM Law does not mention AADMER or the AHA Centre, the law's objectives include regional coordination (Art.3), and the role of the NDMC includes national and regional cooperation and coordination with international humanitarian actors (Art.5).

Sub-national structures

The DM Law (Art.7 and Art.9 on national and regional government powers to form sub-national bodies) and DM Rules (DM Rules Art. 14) mandate the establishment of sub-national bodies, which are: Region or State Disaster Management Bodies: Self-Administered Division or Self-Administered Zone Disaster Management Bodies: District Disaster Management Bodies: Township Disaster Management Bodies: Ward or Village tract Disaster Management Bodies.

Funding and budget

The NDMC role includes: spending and managing the Disaster Management Fund (DM Law Art.5), and the region and State bodies have similar roles and powers (Art.9). The National Committee is responsible for establishing the Disaster Management Fund, which it has done, being an annual allocation of 20 billion MMK (around 20 million USD) (Workshop feedback). The DM Law specifies that the Fund is sourced from: allocation from the national budget; contributions and donations from foreign countries, international organizations and external regional organizations, loans from local and foreign and other official sources; contributions and donations of local bodies, well-wishers in local and foreign, civil societies and other non-government organizations; and official accrued money received from the fund. (DM Law Ch. VII Art. 19). Region or state bodies have the same roles in budget allocation, subject to the National Committee supervision. More detail on the DM Fund is provided in DM Rules Ch.XI.

AADMER / AHA Focal point

The RRD is the National Focal Point for the ASEAN Disaster Management Committee and the AHA Centre.

2. Key documents

Short form citations only are used. All documents were gathered and are available on request unless otherwise noted.

DRM System Laws, Decrees and Regulations at the National Level

2013 Natural Disaster Management Law

2015 Disaster Management Rules

DRM System Guidelines, Policies, Plans and Strategies at the National Level

2009 Myanmar Action plan on disaster risk reduction (MAPDRR) 2009-2015

2012 Myanmar Action Plan for Disaster Risk Reduction

2017 Myanmar National framework for community disaster resilience

2017 Draft Myanmar Action Plan on Disaster Risk Reduction, 2017 (Not yet in English. Due to be endorsed in October 2017)

Other related national laws and policies

Related laws were collected as a resource but were not part of the analysis of DRM system laws and policies in the following table.

(Insufficient English language resources online)

Select reports and other documents

A small number of other reports and documents were consulted for the purposes of factual information where laws or policies were not available in English, as follows:

National

2010 National Report on Implementation of the Hyogo Framework for Action

Others

2013 Oxfam et al Review of Myanmar's Disaster Law from the Angle of Inclusivity

2013 MDRI-CESD TAF State and Regional Governments in Myanmar

2014 UNICEF Disaster Management in Myanmar (powerpoint pres)

2014 ADPC Myanmar Country Report

2015 UNDP Myanmar Local Governance Mapping

2016 IFRC Myanmar IDRL Snapshot

2017 CFE Disaster Management Reference Handbook Myanmar

3. Myanmar Tables of National Provisions Relevant to the AADMER

Table annotations Key:

Hyphen (–) indicates documents were analysed and no relevant provisions were found.

Star (*) indicates no or insufficient relevant documents available in English to analyze.

A. Myanmar National measures underpinning domestic disaster preparedness and response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
1. Domestic Preparedness 1.1 Provisions on national level capacity development a. General awareness and education	NDMC and the Relief and Resettlement Department (RRD) in the Ministry of Social Welfare, Relief and Resettlement provides secretariat services to the NDMC and implementation of the DM Law and Rules, and houses the National Disaster Management Centre. General awareness is part of the NDMC role under the DM Law (Arts. 2, 12, 28, 29) and the DM rules.	*	The Armed Forces participate in national and regional Humanitarian Assistance and Disaster Relief (HADR) exercises " (2017 CFE Disaster Management Reference Handbook Myanmar. P.26)
b. Specific training, simulation exercises, training institutes	DM Law includes conducting awareness raising, simulation and mock drills at all levels ((Arts. 2(m), 12(g), 28(e), 29(a)) Search and Rescue Training, Simulation and Mock Drills (Art. 29(o).	*	
c. Resources (funds, material, equipment, personnel)	The National Committee is responsible for establishing the National Disaster Management Fund (DM Law Art.5). The DM Law specifies the sources of disaster funds (DM Law Ch. VII Art. 19) and the DM Rules provide more detail (DM Rules Ch.XI.)	*	The National Committee has established the National Disaster Management Fund, with an annual allocation of 20 billion MMK (around 20 million USD) (Workshop feedback).
1.2 Provisions on sub-national capacity development a. General awareness and education	Sub-national DMCs roles under DM Law and DM Rules.	*	There are also Community Based Disaster Management Training and Youth Volunteer Programmes. (Workshop feedback).
b. Specific training, simulation exercises, training institutes	DM Law includes conducting awareness raising, simulation and mock drills at all levels ((Arts. 2(m), 12(g), 28(e), 29(a)) Search and Rescue Training, Simulation and Mock Drills (Art. 29(o).	*	

A. Myanmar National measures underpinning domestic disaster preparedness and response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
c. Resources (funds, material, equipment, personnel)	Region and State DM bodies are also required to establish Disaster Management Funds (DM Law Art.9). The Disaster Management Bodies of the Region or State are empowered for: "Art. 9 (p) spending and managing the Region or State Disaster Management Fund in accord with the financial regulations prepared by the guidance of the National Committee."	*	
2. Domestic early warning system (EWS) provisions a. Basis for EWS	DM Law: the National Disaster Management Centre is responsible for "monitoring and screening information relating to disasters and prompt dissemination of early warnings;"(Art. 14). DM Law Art. 14(b) all assigned agencies roles include "(b) carrying out better improvement on early warning system of natural disaster;" and Art. 15(b) "(b) giving public awareness of knowledge of the natural disaster, keeping the early warning systems, training for search and rescue and making rehearsal;" and (e) "issuing early warning information to the public to enable to evacuate in time and move their properties and cattle to the safety area;" DM Rules mention early warnings issued by the Department of Meteorology and Hydrology.	"The Myanmar government has been working to improve its early warning capacity through the country's Department of Meteorology and Hydrology (DMH), whose primary responsibility is to provide early warning to the higher authorities, local government, and disaster risk reduction agencies, media, international NGOs, Myanmar NGOs, and the general public". "Department of Meteorology and Hydrology (DMH) generates weather forecast and early warnings for cyclone, storm surge, and flood." (2017 CFE Disaster Management Reference Handbook Myanmar. p.45)	In 2017, Myanmar received US\$40 million from Japan to establish three weather radar stations in Yangon, Mandalay, and Kyaukpuy (a major town in Rakhine State, in western Myanmar) as well as 30 automatic weather observation stations across the country by 2017... The early warning system now links the DMH with each region, state, township, and district level via phone or fax... and at village tract level, storm warnings are passed on either by phone or an officer dispatched to the area, with the village authorities making announcements on public loudspeakers. Weather warnings are also being more actively broadcast through radio or TV and mobile phone alerts. (2017 CFE Disaster Management Reference Handbook Myanmar. p.45)
b. Content of EWS, e.g. risk assessment, community engagement / awareness, use of indigenous knowledge, detailed procedures, EWS training / simulations	Establishment of National Emergency Operation Centre and Regional EOCs under DM Law Set up Backup communication system Conducting Risk Assessments and Risk Management	*	

A. Myanmar National measures underpinning domestic disaster preparedness and response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
<p>3. Resources for domestic disaster response</p> <p>Funds, material, equipment, personnel</p>	<p>Personnel and technical support come through the national and local committee structures under DM law integrated into national and sub-national government administration.</p> <p>The National Committee is responsible for establishing the National Disaster Management Fund (DM Law Art.5), and Region and State DM bodies are also required to establish Disaster Management Funds (DM Law Art.9).</p> <p>The DM Law specifies sources of disaster funds (DM Law Ch. VII Art. 19) and the DM Rules provide more detail (DM Rules Ch.XI.)</p>	*	
<p>4. Domestic non-government stakeholders</p> <p>a. Affected communities</p>	<p>Under DM Law Art.5 NNDMC role includes engaging assisting actors</p> <p>Art. 5(o) "requiring assistance from the Myanmar Police Force, Fire Brigade, Red Cross, Social organization and other non-government organizations and, if necessary, of the Defence Service in order to provide assistance to the victims when the natural disaster strikes;"</p>	*	<p>National Disaster Management Committee has Twelve Work Committees with many stakeholders engaged. Similar for State and Village Tract level Disaster Management Bodies.</p> <p>There is also an Advisory Group for Disaster Management, a Myanmar Private Sector Disaster Management Network, a DRR Working Group, and Youth Volunteer Response Teams. (Workshop feedback)</p>
b. National Society of Red Cross or Red Crescent	DM Law Art. 5(o)	*	
c. Civil society	DM Law Art. 5(o) National civil society organisations Representation at Disaster Relief and Response Operation and Capacity Building Article 29 (a) and (o).	*	
d. Private sector	DM Rules (Art. 2) define Private Entrepreneurs as one of the key stakeholders.	*	
e. Women / gender	DM Rules stress the need to not discriminate based on gender Article 45(c), Article 65)	*	
f. Social inclusion / vulnerable groups	DM Rules highlight at many points addressing the particular needs of vulnerable populations in different disaster management activities.	*	

B. Myanmar National Measures to Implement the AADMER Provisions on Regional Disaster Preparedness and Response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
<p>1. ASEAN DRM mechanisms Specific mention of the AADMER, AHA Centre, SASOPS etc.</p>	<p>DM Law</p> <p>Art. 2 definitions: "Foreign Regional Organizations mean the Association of South East Asia Nations and the Associations formed among Asia and other Regions in which the State is a member;"</p> <p>Art 5. The duties and powers of the National Committee are as follows:</p> <p>Art. 5 (aa) "recommending to the Union Government of the necessary contribution to the Natural Disaster Management Fund by the foreign regional organizations;"</p> <p>Art. 5 (bb) "providing appropriate humanitarian assistance with the approval of the Union Government when it is known that the disaster strikes in foreign countries especially any member State of the foreign regional organizations and causes high level of damage and losses;"</p>	*	7 individuals from Myanmar were trained ASEAN-ERAT in induction courses. (AADMER Accomplishment Report 2010-2015, P. 29)
<p>2. Treaty implementation</p> <p>Provisions on regional / international treaty implementation.</p>	–	*	
<p>3. Regional / international cooperation in DRM</p> <p>General provisions / powers</p>	<p>DM Law Objectives Art.3 include regional coordination.</p> <p>DM Law Art.5 NDMC role includes national and regional cooperation and coordination and supervision of international actors</p>	*	
<p>4. Regional preparedness / EWS</p> <p>Provisions on regional preparedness, e.g. EWS, information on hazards, technical cooperation, mitigation measures, regional standby arrangements</p>	DM Law Art. 5 duties of National Committee	*	The Armed Forces participate in national and regional Humanitarian Assistance and Disaster Relief (HADR) exercises. (2017 CFE Disaster Management Reference Handbook Myanmar. P.26)

B. Myanmar National Measures to Implement the AADMER Provisions on Regional Disaster Preparedness and Response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
<p>5. Regional / international disaster response</p> <p>a. General provisions on disaster response coordination</p>	<p>DM Law Art 5. The duties and powers of the National Committee are as follows:</p> <p>Art. 5 (aa) recommending to the Union Government of the necessary contribution to the Natural Disaster Management Fund by the foreign regional organizations;</p> <p>Art. 5 (bb) providing appropriate humanitarian assistance with the approval of the Union Government when it is known that the disaster strikes in foreign countries especially any member State of the foreign regional organizations and causes high level of damage and losses;"</p>	*	
<p>b. Specific provisions on sharing information on existing threats and hazards, mobilizing resources for regional response.</p>	–	*	
<p>6. Receiving assistance</p> <p>a. Provisions on requesting and receiving interstate bilateral / regional / international assistance.</p>	<p>DM Rules Ch.X extensive provisions on Communication and Collaboration with the Assisting International Actors – NNDMC role.</p>	*	
<p>b. Any tax exemptions for incoming humanitarian assistance</p> <p>E.g. Equipment (including telecommunications), relief goods and materials; vehicles (registration and license plates without tax; licenses and / or any other permits for military aircraft and vehicles).</p>	<p>Exemptions upon application:</p> <p>DM Law Art.32. "Food, relief items and rehabilitation materials imported into the State for protection of natural disaster shall be exempted from paying tax under the relevant existing law."</p> <p>DM Rules Ch. X Art.69 set out details on application for tax exemption, "Ministry of Finance may exempt the tax and duty for importing of the standard food, commodities, household items, relief and emergency aid, and rehabilitation equipment..."</p>	*	

B. Myanmar National Measures to Implement the AADMER Provisions on Regional Disaster Preparedness and Response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
c. Any other facilitation of incoming humanitarian assistance. (E.g. Facilitated entry / exit of personnel; clearance / licensing of relief items aircraft and vehicles (civilian and military) and radio frequencies; local facilities and services; or conducting joint assessments.	DM Rules Art. 42 – Facilitated entry / exit of personnel.		
7. Sending assistance a. Provisions on responding to requests and sending interstate bilateral / regional / international assistance.	Under general mandates for cooperation DM Law and DM Rules. NDMC in DM Law Art 5 (aa) and Art. 5 (bb) on providing appropriate humanitarian assistance in foreign countries “especially any member State of the foreign regional organizations.”	*	
b. Any specific provisions on resource allocation for sending assistance.	NDMC in DM Law Art 5 (aa) on “recommending to the Union Government of the necessary contribution to the Natural Disaster Management Fund by the foreign regional organization.”	*	
8. Transit of assistance Provisions on transit of bilateral / regional / international assistance destined for another country.	DM Law Art.5 NDMC role includes Art. 5 (cc) “permitting with the approval of the Union Government in respect of transit through the state of food and relief items and rehabilitation material provided by a foreign country to another country;” DM Rules regulate transit in more detail Art. 50 in Ch. X on Communication and Collaboration with the Assisting International Actors.	*	

Myanmar – Text / description of DRM provisions on regional / international cooperation

- 2013 DM Law “Art. 2 definitions: Foreign Regional Organizations mean the Association of South East Asia Nations and the Associations formed among Asia and other Regions in which the State is a member;”

- Art 5. The duties and powers of the National Committee are as follows:
 - (aa) recommending to the Union Government of the necessary contribution to the National Disaster Management Fund by the foreign regional organizations;
 - (bb) providing appropriate humanitarian assistance with the approval of the Union Government when it is known that the disaster strikes in foreign countries especially any member State of the foreign regional organizations and causes high level of damage and losses;"
 - (cc) permitting with the approval of the Union Government in respect of transit through the state of food and relief items and rehabilitation material provided by a foreign country to another country;
- DM Rules Ch.X, on Communication and Collaboration with the Assisting International Actors – is also an NDMC role (not specific to regional).

Exemptions from tax for international assistance are available upon application:

- DM Law Art.32. "Food, relief items and rehabilitation materials imported into the State for protection of disaster shall be exempted from paying tax under the relevant existing law."
- DM Rules Ch. X Art.69 set out details on application for tax exemption, "Ministry of Finance may exempt the tax and duty for importing of the standard food, commodities, household items, relief and emergency aid, and rehabilitation equipment..."

Transit of international assistance:

- DM Law Art.5 NDMC role includes "(cc) permitting with the approval of the Union Government in respect of transit through the state of food and relief items and rehabilitation material provided by a foreign country to another country;"

DM Rules regulate transit in more detail Art. 50 in Ch. X Communication and Collaboration with the Assisting International Actors.

Philippines



1. DRM System Overview

Scope of the Analysis

This analysis is based on a regional survey of documents (desk review), examining disaster risk management national laws, regulations, policies and plans available in English for all 10 ASEAN MS. It focused on disaster preparedness and response, in accordance with the terms of reference. The analysed documents were drawn from online sources and also supplemented by country participants in a September regional consultation workshop. The consultation was invaluable for the national-level explanations of how different laws and institutions interact, especially the newer ones, and for providing updates on material not yet available in English (in the MS other than the Philippines). This feedback has made it possible to note the importance of other documents and to highlight the different ways ASEAN MS are implementing the AADMER.

Analysis of sub-national regulations, initiatives in sectoral ministries, and current practice (including SOPs), was not part of this regional overview study, which was a preliminary mapping process. As reiterated by workshop participants, sub-national mechanisms, cross-sectoral links and administrative implementation and practices can only be analysed accurately as part of country-specific studies in partnership with Government, due to the need for translation (except for the Philippines and Singapore), consultation and verification. Such studies are a potential second stage after this regional survey.

AADMER Implementation Mapping

The available DRM system national laws, regulations and decrees, and the national DRM system guidelines, policies and plans, were mapped against relevant provisions of the AADMER. Two tables summarizing the AADMER provisions thematically are also provided as part of this regional report, and can be read together with the country table to better understand the basis for analysis. In general terms:

- The analysis looks first at national / domestic DRM systems with regard to the national disaster preparedness and response characteristics highlighted in the AADMER. The AADMER emphasizes that ASEAN MS control disaster response in their own territories, and require robust national DRM systems. These national systems are then the building blocks for regional coordination.
- The second major theme of the analysis is therefore the elements of AADMER regional cooperation that require specific measures in the MS laws, policies or administration. These two areas together are described as implementation of the AADMER.

Philippines DRM System type

Type E – High DRR priority law with Broad DRM system: Broad DRM focus, with permanent DRM system, but gives DRR an especially high priority. Aims to establish a whole-of-society approach to disaster risk governance, using the DRM system as the main vehicle. Has a high degree of detail and a broad DRR mandate for the DRM institutions, across sectors, with sub-national governments, civil society and the private sector.

National institutional framework

The Philippine National Disaster Risk Reduction and Management Act 2010 establishes a complex and multi-level disaster risk management system. The law has been under a scheduled review since 2015. As it stands, the Act establishes the National Disaster Risk Reduction and Management Council (NDRRMC) as the peak “policy-making, coordination, integration, supervision, monitoring and evaluation” body. The Office of Civil Defense (OCD) is tasked with administering the national civil defense and disaster risk reduction and management program, including supporting sub-national councils. The law does not mention ASEAN or AADMER specifically, but does mention regional and international treaty obligations.

Sub-national structures

The DRRM Act (s.10) provides for regional and local councils, which are: Regional Disaster Risk Reduction and Management Councils (RDRRMCs) and Local Disaster Risk Reduction and Management Councils (LDRRCs). LDRRCs include provincial, city, municipal and Barangay local councils (although many Barangays do not yet have functioning councils). These are supported by the Local Disaster Risk Reduction and Management Offices (LDRRMOs) that the ODC’s parallel administrative structures at sub-national level.

Funding and budget

The budget for DRRM is regulated by the DRRM Law and General Appropriations Act (GAA). The national budget for DRRM is appropriated under the annual General Appropriations Act (GAA), and is known as the National DRRM (NDRRM) Fund. Of the amount appropriated for the NDRRM Fund, 30 percent is allocated as Quick Response Fund (QRF) as a stand-by fund for relief and recovery and the remaining 70% can be used for broader DRRM activities.

Additionally, the DRRM Law mandates local governments to establish Local DRRM Funds by setting aside 5 percent of their estimated revenue from regular sources as the LDRRM Fund to support DRRM activities such as preparedness programs including training and purchase of rescue equipment, but also for response activities. The LDRRM Fund can also be explicitly used for the payment of premiums on calamity insurance. Of the 5 percent lump sum allocation, 30 percent is automatically allocated as Quick Response Fund (QRF) which serves as a stand-by fund for relief and recovery programs. The rest of the 70 percent can be used for pre-disaster measures. The OCD also receives an annual budget allocation, provided for in the Act.

AADMER / AHA Focal point

The AHA Centre National Focal Point is the NDRRMC and Administrator, Office of Civil Defense.

2. Key documents

Short form citations only are used. All documents were gathered and are available on request unless otherwise noted.

DRM System Laws, Decrees and Regulations at the National Level

1978 Presidential Decree on Strengthening the Philippines Disaster Control, Capability and Establishing the National Program on Community Disaster Preparedness

2006 Disaster Risk Management Act

2010 Disaster Risk Reduction and Management Act
 2010 Implementing Guidelines on the Disaster Risk Reduction and Management Act of 2010
 2011 NDRRMC Memorandum One Stop Shop (OSS) (13 S 2011)
 2015 Bill for an International Disaster Relief and Initial Recovery Assistance Act (under review)
 2015 Philippine Atmospheric Geophysical and Astronomical Services Administration (Republic Act No. 10692)
 2015 Children's Emergency Relief and Protection Act RA 10821

DRM System Guidelines, Policies, Plans and Strategies at the National Level

2011 National DRRM Plan 2011-2028
 2012 Memo on Implementing Guidelines on the Use of Incident Command System (NDRM)
 2014 National Disaster Response Plan
 2014 Implementation of the Pre-disaster risk assessment, NDRRMC Memo
 2015 OCD Operational Manual for Response
 2015 National Disaster Preparedness Plan 2015-2018 Vol 1
 2016 National Disaster Response Plan (NDRP): Consequence Management for Terrorism-related Incidents
 2017 Policy Brief Examining the Disaster Risk Reduction and Management System

Other related national laws and policies

Related laws were collected as a resource but were not part of the analysis of DRM system laws and policies in the following table.

1987 Philippines Constitution
 2009 Climate Change Act
 2011 National Climate Change Action Plan 2011-2028
 2012 Peoples Survival Fund Act
 Select reports and other documents

A small number of other reports and documents were consulted for the purposes of factual information where laws or policies were not available in English, as follows:

National

2005 National Report for World Conference on Disaster Reduction
 2009 National Report on Implementation of the Hyogo Framework for Action
 2011 National Report on Implementation of the Hyogo Framework for Action
 2015 National Report on Implementation of the Hyogo Framework for Action

Others

2011 HI/ASB Mainstreaming Disability into Disaster Risk Management Initiatives in Indonesia and Philippines
 2012 IFRC Philippines DRR Law Desk Survey
 2014 CFE Advances in Civil-Military Coordination in Catastrophes – How the Philippines Turned Lessons Learned from Super Typhoon Haiyan (Yolanda) into Best Practices for Disaster Preparedness and Response

2014 OCD (presentation) Philippines State of Disaster Preparedness and Implementation of DRRM

2015 CFE Disaster Management Reference Handbook Philippines

2016 PRC HLP Roundtable on Housing, Land and Property Regulatory Barriers to Shelter and Settlements in Disaster-Affected Communities

3. Philippines Tables of National Provisions Relevant to the AADMER

Table annotations Key:

Hyphen (–) indicates documents were analysed and no relevant provisions were found.

Star (*) indicates no or insufficient relevant documents available in English to analyze.

A. Philippines National measures underpinning domestic disaster preparedness and response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
<p>1. Domestic Preparedness</p> <p>1.1 Provisions on national level capacity development</p> <p>a. General awareness and education</p>	<p>Role of NDRRMC and OCD DRRM Act Section 14. Integration of Disaster Risk Reduction Education into the School Curricula and Sangguniang Kabataan (SK) Program and Mandatory Training for the Public Sector Employees. - Department of Education and all other relevant education and training agencies, “shall integrate disaster risk reduction and management education in the school curricula of secondary and tertiary level of education, including the National Service Training Program (NSTP), whether private or public, including formal and non-formal, technical-vocational, indigenous learning, and out-of-school youth courses and programs.”</p>	<p>2015 National Disaster Preparedness Plan 2015-2018 Vol 1 (NDPP) – comprehensively details actions in all the elements in the DRRM Act.</p>	

A. Philippines National measures underpinning domestic disaster preparedness and response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
b. Specific training, simulation exercises, training institutes	<p>General mandate in DRRM Law</p> <p>DRRM Act Section 8 OCD is to establish DRRM training institutes</p> <p>DRRM Act Section 14.</p> <p>"... The public sector employees shall be trained in emergency response and preparedness. The training is mandatory for such employees to comply with the provisions of this Act."</p> <p>The DRRM Act also provides for training and mobilisation of accredited volunteers, in Articles 9 and 13.</p>	Included in NDPP	
c. Resources (funds, material, equipment, personnel)	<p>Personnel for coordination and first response NDRRMC and OCD.</p> <p>Funding</p> <p>DRRM Law Section 22 and General Appropriations Act (GAA).</p> <p>DRRM Fund: The budget for DRRM is appropriated under the annual General Appropriations Act (GAA) known as the NDRRM Fund. Of the amount appropriated for the NDRRM Fund, 30 percent is allocated as Quick Response Fund (QRF) as a stand-by fund for relief and recovery and the remaining 70% can be used for broader DRRM activities.</p>	*	
1.2 Provisions on sub-national capacity development	Role of LDRCCs (Councils) and LDRRMOs (OCD Offices)	NDPP	
a. General awareness and education	<p>DRRM Act Section 14.</p> <p>The NDRRMC, the RDRRMCs, the LDRRMCs, the LDRRMOs, the BDRRMCs and the SK councils shall encourage community, specifically the youth, participation in disaster risk reduction and management activities, such as organizing quick response groups, particularly in identified disaster-prone areas, as well as the inclusion of disaster risk reduction and management programs as part of the SK programs and projects.</p>		

A. Philippines National measures underpinning domestic disaster preparedness and response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
b. Specific training, simulation exercises, training institutes	<p>General mandate in DRRM Law DRRM Act Section 8 OCD is to establish DRRM training institutes DRRM Act Section 14. "... The public sector employees shall be trained in emergency response and preparedness. The training is mandatory for such employees to comply with the provisions of this Act." The DRRM Act also provides for training and mobilisation of accredited volunteers, in Articles 9 and 13.</p>	NDPP	<p>OCD undertakes local and community training (2015 CFE Report p.50-51 NDRRMC proactively schedules training for the disaster responders through the Office of Civil Defense; and school drills" (2015 CFE report p.50)</p>
c. Resources (funds, material, equipment, personnel)	<p>Personnel for coordination and first response, materials and equipment: Local Government Units (LGUs), LDRCCs (Councils) and LDRRMOs (OCD Offices). Funding DRRM Law: Local Disaster Funds. Section 21, requires local governments to set aside 5 percent of their estimated revenue from regular sources as the LDRRM Fund to support DRRM activities such as preparedness programs including training and purchase of rescue equipment, but also for response activities. The LDRRM Fund can also be explicitly used for the payment of premiums on calamity insurance. Of the 5 percent lump sum allocation, 30 percent is automatically allocated as Quick Response Fund (QRF) which serves as a stand-by fund for relief and recovery programs. The rest of the 70 percent can be used for pre-disaster measures.</p>	*	

A. Philippines National measures underpinning domestic disaster preparedness and response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
<p>2. Domestic early warning system (EWS) provisions</p> <p>a. Basis for EWS</p>	<p>DRRM Act S.6 NDRRMC to (e) Establish a national early warning and emergency alert system to provide accurate and timely advice to national or local emergency response organizations and to the general public through diverse mass media to include digital and analog broadcast, cable, satellite television and radio, wireless communications, and landline communications;"</p> <p>Republic Act No. 10692 - Philippine Atmospheric Geophysical and Astronomical Services Administration 2015</p> <p>"The law seeks to strengthen the Weather Bureau's role and technological and operational capabilities in providing timely, accurate and reliable monitoring, forecasting, and warning services.</p>	Further detailed in NDPP	Also free mobile alerts law of 2014 was passed by may not have been implemented.
<p>b. Content of EWS, e.g. risk assessment, community engagement / awareness, use of indigenous knowledge, detailed procedures, EWS training / simulations</p>	<p>NDRRMC National alert system: and Weather Bureau's monitoring, forecasting, and warning services.</p> <p>DRRM Act Section 2. Declaration of Policy. - It shall be the policy of the State to:</p> <p>(j) Ensure that disaster risk reduction and climate change measures are gender responsive, sensitive to indigenous know ledge systems, and respectful of human rights;</p>	National Disaster Preparedness Plan p. 49 The Department of Interior and Local Government (DILG) "provides guidance on the implementation of the EWS in coordination with the OCD and the scientific institutions that are part of the NDRRMC and other public private academic, scientific and research institutions and CSOs who will provide the technical assistance to LGUs and other national government agencies."	
<p>3. Resources for domestic disaster response</p> <p>Funds, material, equipment, personnel</p>	<p>National and Local DRRM Funds (above) provide for both response and preparedness.</p> <p>DRRM Law:</p> <p>Local Disaster Funds. Section 21</p> <p>National level Funds Section 22 and General Appropriations Act (GAA).</p> <p>OCD operating budget Section 23.</p>	Three Philippine National Disaster Response Plans (NDRP) are in place, for Earthquake, Hydro-meteorological hazards, and Terrorist Attack.	

A. Philippines National measures underpinning domestic disaster preparedness and response

Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
4. Domestic non-government stakeholders		*	
a. Affected communities	<p>DRRM Act S.2 (j) policy including to “Ensure that disaster risk reduction and climate change measures are gender responsive, sensitive to indigenous know ledge systems, and respectful of human rights;”</p> <p>DRRM Act S.6 NDRRMC to “(d) Ensure a multi-stakeholder participation in the development, updating, and sharing of a Disaster Risk Reduction and Management Information System and Geographic Information System-based national risk map as policy, planning and decision-making tools;”</p>		
b. National Society of Red Cross or Red Crescent	Member of NDRRM and LDRRMCs	*	
c. Civil society	4 accredited CSOs members of both NDRRMC and LDRRMCs	*	
d. Private sector	1 member of NDRRMC and each LDRRMC	*	
e. Women / gender	<p>NDRRMC includes Chairperson, National Commission on the Role of Filipino Women</p> <p>LDRRMC includes The Head of the Gender and Development Office.</p>	*	
f. Social inclusion / vulnerable groups	DRRM Act s. 2 and 6 above, among others	*	

B. Philippines National Measures to Implement the AADMER Provisions on Regional Disaster Preparedness and Response

Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
1. ASEAN DRM mechanisms Specific mention of the AADMER, AHA Centre, SASOPS etc.	NDRRMC to - DRRM Act S.6 (g) Coordinate or oversee the implementation of the country’s obligations with disaster management treaties to which it is a party and see to it that the country’s disaster management treaty obligations be incorporated in its disaster risk reduction and management frameworks, policies, plans, programs and projects.	AADMER described as key policy background in 2015 NDPP (pp. 13, 16-18)	AHA Active supporter: hosted the 1st AADMER Partnership Conference in the Philippines in May 2010; Co-chaired with Cambodia the Disaster Monitoring and Response System (DMRS) Enhanced Information Content and Sharing Capabilities for AHA Centre; and participated in regional projects, preparation of toolkits and manuals. (AADMER Accomplishment Report 2010-2015).

B. Philippines National Measures to Implement the AADMER Provisions on Regional Disaster Preparedness and Response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
2. Treaty implementation Provisions on regional/ international treaty implementation.	NDRRMC - DRRM Act S.6 (q) as above. DRRM Act S.9 OCD to (j) Ensure that all disaster risk reduction programs, projects and activities requiring regional and international support shall be in accordance with duly established national policies and aligned with international agreements;"	*	
3. Regional / international cooperation in DRM General provisions/ powers	NDRRMC and OCD DRRM Act S.6 (q) and S.9(j)		
4. Regional preparedness / EWS Provisions on regional preparedness, e.g. EWS, information on hazards, technical cooperation, mitigation measures, regional standby arrangements	–	NDPP integrates AADMER and regional mechanisms	11 individuals from the Philippines were trained in the ASEAN-ERAT in induction courses. (AADMER Accomplishment Report 2010-2015, P. 29)
5. Regional / international disaster response a. General provisions on disaster response coordination	DRRM Act S.6 NDRRMC to (q)	*	
b. Specific provisions on sharing information on existing threats and hazards, mobilizing resources for regional response.	–	*	
6. Receiving assistance a. Provisions on requesting and receiving interstate bilateral / regional / international assistance.	DRRM Act S.6 NDRRMC to (q) Coordinate or oversee the implementation of the country's obligations with disaster management treaties to which it is a party and see to it that the country's disaster management treaty obligations be incorporated in its disaster risk reduction and management frameworks, policies, plans, programs and projects.	*	

B. Philippines National Measures to Implement the AADMER Provisions on Regional Disaster Preparedness and Response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
<p>b. Any tax exemptions for incoming humanitarian assistance</p> <p>E.g. Equipment (including telecommunications), relief goods and materials; vehicles (registration and license plates without tax; licenses and/or any other permits for military aircraft and vehicles).</p>	<p>DRRM Act S. 18. Mechanism for International Humanitarian Assistance.</p> <p>s. 18 (a) The importation and donation of food, clothing, medicine and equipment for relief and recovery and other disaster management and recovery-related supplies is hereby authorized in accordance with Section 105 of the Tariff and Customs Code of the Philippines, as amended, and the prevailing provisions of the General Appropriations Act covering national internal revenue taxes and import duties of national and local government agencies; and</p> <p>s. 18 (b) Importations and donations under this section shall be considered as importation by and/or donation to the NDRRMC, subject to the approval of the Office of the President.</p> <p>Note: Tariff and Customs Code of the Philippines s.105 relates to “conditionally-free imports”</p>	*	
<p>c. Any other facilitation of incoming humanitarian assistance. (E.g. Facilitated entry/exit of personnel; clearance/licensing of relief items aircraft and vehicles (civilian and military) and radio frequencies; local facilities and services; or conducting joint assessments.</p>	<p>2011 NDRRMC Memorandum One Stop Shop (OSS) (13 S 2011) provides for multi-agency teams at specified entry points to facilitate incoming humanitarian teams and equipment.</p>	*	
<p>7. Sending assistance</p> <p>a. Provisions on responding to requests and sending interstate bilateral/ regional/ international assistance.</p>	<p>DRRM Act S.6 NDRRMC to s. 6 (c) as above</p>	*	
<p>b. Any specific provisions on resource allocation for sending assistance.</p>	—	*	
<p>8. Transit of assistance</p> <p>Provisions on transit of bilateral/ regional/ international assistance destined for another country.</p>	—	*	

Philippines – Text / description of DRM provisions on regional / international cooperation

Under the mandates in the DRRM Act 2010

- S.6 the NDRRMC mandate includes: “(q) Coordinate or oversee the implementation of the country’s obligations with disaster management treaties to which it is a party and see to it that the country’s disaster management treaty obligations be incorporated in its disaster risk reduction and management frameworks, policies, plans, programs and projects.”
- s.9 the OCD mandate includes: “(j) Ensure that all disaster risk reduction programs, projects and activities requiring regional and international support shall be in accordance with duly established national policies and aligned with international agreements;”

The DRRM includes “Mechanism for International Humanitarian Assistance” (s.18):

- (a) importation and donation of food, clothing, medicine and equipment for relief and recovery and other disaster management and recovery-related supplies is hereby authorized in accordance with Section 105 of the Tariff and Customs Code of the Philippines, as amended, and the prevailing provisions of the General Appropriations Act covering national internal revenue taxes and import duties of national and local government agencies; and
- (b) Importations and donations under this section shall be considered as importation by and/or donation to the NDRRMC, subject to the approval of the Office of the President.

(Note: Tariff and Customs Code of the Philippines s.105 relates to “conditionally-free imports”)

Singapore



1. DRM System Overview

Scope of the Analysis

This analysis is based on a regional survey of documents (desk review), examining disaster risk management national laws, regulations, policies and plans available in English for all 10 ASEAN MS. It focused on disaster preparedness and response, in accordance with the terms of reference. The analysed documents were drawn from online sources and also supplemented by country participants in a September regional consultation workshop (although in the absence of Singaporean participants). The consultation was invaluable for the national-level explanations of how different laws and institutions interact with other ASEAN MS, especially newer laws not yet available in English. It is hoped that country partners can continue to assist in providing these documents as they become available.

Analysis of sub-national regulations, initiatives in sectoral ministries, and current practice (including SOPs), was not part of this regional overview study, which was a preliminary mapping process. As reiterated by workshop participants, sub-national mechanisms, cross-sectoral links and administrative implementation and practices can only be analysed accurately as part of country-specific studies in partnership with Government, due to the need for translation (except for the Philippines and Singapore), consultation and verification. Such studies are a potential second stage after this regional survey.

AADMER Implementation Mapping

The available DRM system national laws, regulations and decrees, and the national DRM system guidelines, policies and plans, were mapped against relevant provisions of the AADMER. Two tables summarizing the AADMER provisions thematically are also provided as part of this regional report, and can be read together with the country table to better understand the basis for analysis. In general terms:

- The analysis looks first at national / domestic DRM systems with regard to the national disaster preparedness and response characteristics highlighted in the AADMER. The AADMER emphasizes that ASEAN MS control disaster response in their own territories, and require robust national DRM systems. These national systems are then the building blocks for regional coordination.
- The second major theme of the analysis is therefore the elements of AADMER regional cooperation that require specific measures in the MS laws, policies or administration. These two areas together are described as implementation of the AADMER.

Singapore DRM System type

Type C – Disaster emergency management law: A specific law on disasters, focused on emergency preparedness and response to natural hazards, some technological hazards; and may have elements of early warning and recovery.

National institutional framework

Disaster risk management in Singapore is underpinned by a series of laws. The Civil Defence Act provides the legal framework for the declaration of a state of civil defence emergency and deployment of the large permanent Singapore Civil Defence Force (SCDF). Three other key laws are the Fire Safety Act, the Civil Defence Shelter Act and the Infectious Disease Act. Disaster risk management is under a Whole-of-Government Integrated Risk Management (WOG-IRM) policy framework. Civil Defence Act was updated in 2011. There is no reference to AADMER in the legislation although the Minister may deploy the SCDF in support of other countries if assistance is requested by them.

“The Singapore Civil Defence Force is the main authority for the management of DP&R, with the Civil Commissioner having ultimate responsibility. Under section 4 of the Civil Defence Act, responsibilities include:

- (a) rescue endangered persons and remove them to areas of safety
- (b) provide first-aid to casualties and for their removal for medical treatment or to areas of safety;
- (c) train and, if necessary, equip the civilian population to cope with any civil defence emergency;
- (d) assist the public authorities to undertake measures for the retrieval and, if necessary, decontamination of the dead bodies from any place affected by any civil defence emergency;
- (e) disseminate information and advice to the public;
- (f) take lawful measures to extinguish and prevent the spread of fire;
- (g) provide, maintain, control and operate prescribed warning devices;
- (h) manage all public shelters including air-raid shelters and temporary shelters;
- (i) take lawful measures for protecting life and property in case of fire;
- (j) take lawful measures to mitigate the consequences of hazardous materials incidents and for protecting life and property in such an event;
- (k) provide and maintain an adequate emergency ambulance service;
- (l) ensure effective co-ordination between the Force and other emergency services in Singapore; and
- (m) execute such other duties as may be imposed on it by this Act or any other written law.”

During a major emergency (an OpsCE situation), it is guided by a Ministerial Committee for policy decisions.”

Sub-national structures

Under the Civil Defence Act, the SCDF has responsibility at all levels, and is a well-resourced response-ready force. However, Town Councils also have the responsibility under the Town Council Act (section 21A) to “work cooperatively and in collaboration with... (b) any statutory authority or public officer performing functions (but without specific power) under any written law for any of the following purposes: (i) securing public safety and ensuring public order in or around the Town; (ii) preventing disease or injury, or creating and maintaining a healthy environment in or around the Town;”

Funding and budget

There is no specific mention of budget allocation in the DRM legal framework.

AADMER / AHA Focal point

The AHA Centre National Focal Point is the SCDF.

2. Key documents

Short form citations only are used. All documents were gathered and are available on request unless otherwise noted.

DRM System Laws, Decrees and Regulations at the National Level

Civil Defence Act (as amended 2011)

Civil Defence Shelter Act

Emergency (Essential Powers) Act

Environmental and Public Health Act

Fire Safety Act

Infectious Diseases Act

DRM System Guidelines, Policies, Plans and Strategies at the National Level

Whole-of-Government Integrated Risk Management (WOG-IRM) policy framework under Civil Defence Act

Other related national laws and policies

Related laws were collected as a resource but were not part of the analysis of DRM system laws and policies in the following table.

1985 Medicines Act

1985 Personal Injury (Emergency Provisions) Act

1985 Requisition of Resources Act

1985 Singapore Red Cross Society Act

1992 Professional Engineers Act

1995 Goods and Services Tax (Imports Relief) Order

1996 Regulation of Imports and Exports Act

1997 Maritime and Port Authority Act

2000 Telecommunications Act

2000 Town Councils Act

2001 Road Traffic (International Circulation) Rules

2002 United Nations Act

2003 National Environmental Agency Act

2004 Customs Act

2004 Rapid Transit Systems Act

2004 Road Traffic Act
 2008 Immigration Act
 2008 National Registration of Diseases Act
 2008 Radiation Protection Act
 2008 Second Hand Goods Dealers Act
 2009 Customs (Duties) Order
 2009 Women's Charter
 2010 Internationally Protected Persons Act
 2011 Fire Safety Requirements for Persons with Disabilities
 2012 Nurses and Midwives Act
 2012 United Nations Personnel Act
 2013 International Organisations (Privileges and Immunities) Act
 2014 Air Navigation Act
 2014 Civil Aviation Authority of Singapore Act
 2014 Medical Registration Act
 2014 Transboundary Haze Pollution Act
 2014 Visiting Forces Act

Select reports and other documents

A small number of other reports and documents were consulted for the purposes of factual information where laws or policies were not available in English, as follows:

National

2009 National Report on Implementation of the Hyogo Framework for Action

Secondary resources

2012 SCDF Emergency Response in Singapore (powerpoint presentation)

2015 IFRC Singapore Disaster Law Snapshot

2015 CFE Disaster Management Reference Handbook Singapore

3. Singapore Tables of National Provisions Relevant to the AADMER

Table annotations Key:

Hyphen (–) indicates documents were analysed and no relevant provisions were found.

Star (*) indicates no or insufficient relevant documents available in English to analyze.

A. Singapore National measures underpinning domestic disaster preparedness and response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
<p>1. Domestic Preparedness</p> <p>1.1 Provisions on national level capacity development</p> <p>a. General awareness and education</p>	<p>The Singapore Civil Defence Force is the main authority for the management of DP&R, with the Civil Commissioner having ultimate responsibility. Under art 6 of the Civil Defence Act (see above text)</p>	*	
<p>b. Specific training, simulation exercises, training institutes</p>	<p>CD Act PART XIII Civil defence training for civilian population S.104. The Minister may from time to time make arrangements for the civilian population to be trained in matters of civil defence and for the conduct of exercises for the purposes of civil defence.</p>	*	<p>SCDF also operates two training institutions, namely the Basic Rescue Training Centre (BRTC) and the Civil Defense Academy (CDA). The latter is a purpose-built training academy, equipped with a wide range of training facilities. The CDA is dedicated to equipping not only SCDF officers, but also the international community with the knowledge and skills to protect and save lives and property.</p> <p>(2017 CFE Disaster Management Reference Handbook Singapore p. 37)</p>
<p>c. Resources (funds, material, equipment, personnel)</p>	<p>SCDF resources</p>	*	<p>No information on budget - it appears to be through general national budget.</p>
<p>1.2 Provisions on sub-national capacity development</p> <p>a. General awareness and education</p>	<p>SCDF general role under section 4 of the Civil Defence Act (see above text)</p>	*	<p>SCDF operates two training institutions, the Basic Rescue Training Centre (BRTC) and the Civil Defense Academy (CDA).</p>
<p>b. Specific training, simulation exercises, training institutes</p>	<p>CD Act PART XIII Civil defence training for civilian population S.104</p>	*	
<p>c. Resources (funds, material, equipment, personnel)</p>	<p>SCDF resources</p>	*	

A. Singapore National measures underpinning domestic disaster preparedness and response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
2. Domestic early warning system (EWS) provisions a. Basis for EWS	Civil Defence Act, section 4(2) (g) Provide, maintain, control and operate warning devices	* Singapore Public Warning System (PWS) The Public Warning System (PWS) is a network of sirens that the SCDF has placed at strategic points throughout the island. The purpose of this system is to warn the public of imminent threats that could endanger lives and property. The Public Warning System will be used to warn of attacks from the air, land or sea, as well as natural and other man-made disasters. ¹⁴ The National Environment Agency (NEA) has assessed that Singapore has very low tsunami risk. It will issue public warnings if required. ¹⁵	
b. Content of EWS, e.g. risk assessment, community engagement / awareness, use of indigenous knowledge, detailed procedures, EWS training / simulations	–	*	
3. Resources for domestic disaster response Funds, material, equipment, personnel	SCDF is the main authority for the management of DP&R under section 4 of the Civil Defence Act. It has committed resources on hand.		SCDF is a large and well-equipped professional force. "It has a workforce of about 5,100 staff and operates on a three-tier command structure which consists of four Civil Defense Divisions (CDDs). The CDDs command 14 fire stations, which provide the resources for incident management on the ground." (2017 CFE Disaster Management Reference Handbook Singapore p. 37)
4. Domestic non-government stakeholders a. Affected communities	–	*	
b. National Society of Red Cross or Red Crescent	–	*	
c. Civil society	–	*	
d. Private sector	–	*	
e. Women / gender	–	*	
f. Social inclusion / vulnerable groups	–	*	

14 SCDF Website: https://www.scdf.gov.sg/content/scdf_internet/en/shelter/public-warning-system.html

15 Website of National Environment Agency (NEA): <http://www.nea.gov.sg/training-knowledge/weather-climate/tsunami>

B. Singapore National Measures to Implement the AADMER Provisions on Regional Disaster Preparedness and Response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
1. ASEAN DRM mechanisms Specific mention of the AADMER, AHA Centre, SASOPS etc.	There is no reference to AADMER in the legislation.	There is no reference to AADMER in descriptions of the OpsCE or National Tsunami Response Plan. March 2016 Singapore made a contribution to the ADMER Fund of \$100,000 Singapore Dollars. (Statement by Mr Amrin Amin Parliamentary Secretary, Ministry of Home Affairs, Singapore. 5th Conference of Parties to the AADMER and 4th ASEAN Ministerial Meeting on Disaster Management) ¹⁶	There is no reference to AADMER in the legislation, or in descriptions of the OpsCE or National Tsunami Response Plan. There is a brief mention of the ADCM on the SCDF website, among other regional organizations / arrangements that Singapore is engaged with. Singapore hosted the Post-2015 AADMER Strategic Policy Dialogue in November 2015. (AADMER Accomplishment Report 2010-2015, P. 29). Private sector: Signing of Memorandum of Intent between AHA Centre and Corporate Citizen Foundation of Singapore on 1 November 2015 to garner more support from the private sector; (AADMER Accomplishment Report 2010-2015, P. 15)
2. Treaty implementation Provisions on regional/ international treaty implementation.	–	*	
3. Regional / international cooperation in DRM General provisions/ powers	–	*	
4. Regional preparedness / EWS Provisions on regional preparedness, e.g. EWS, information on hazards, technical cooperation, mitigation measures, regional standby arrangements	–	*	SCDF operates two training institutions, the Basic Rescue Training Centre (BRTC) and the Civil Defense Academy (CDA). The CDA is dedicated to equipping not only SCDF officers, but also the international community with the knowledge and skills to protect and save lives and property. (2017 CFE Disaster Management Reference Handbook Singapore p. 37)

16 <https://www.mha.gov.sg/Newsroom/speeches/Pages/5th-Conference-of-Parties-to-the-AADMER-and-4th-ASEAN-Ministerial-Meeting-on-Disaster-Management-Statement-by-Mr-Amrin-Amin.aspx>

B. Singapore National Measures to Implement the AADMER Provisions on Regional Disaster Preparedness and Response

Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
<p>5. Regional / international disaster response</p> <p>a. General provisions on disaster response coordination</p>	<p>SCDF foreign territory mobilization:</p> <p>CDA, PART XIII A, (SCDF) SERVICE OUTSIDE SINGAPORE</p> <p>Minister may send members of Force outside Singapore</p> <p>105A.—(1) Subject to subsections (3) and (7), the Minister may —</p> <p>(a) on a request in that behalf being made by, or with the consent of, a government of a territory outside Singapore;</p> <p>(b) on a request in that behalf being made by a United Nations agency; or</p> <p>(c) in connection with any agreement or arrangement with a government of a territory outside Singapore, order such number of members of the Force as to him seems expedient to proceed outside Singapore to carry out duties to respond to and deal with a civil defence emergency taking place in such territory...</p>	*	12 individuals from Singapore were trained in the ASEAN-ERAT in induction courses. (AADMER Accomplishment Report 2010-2015, P. 29).
<p>b. Specific provisions on sharing information on existing threats and hazards, mobilizing resources for regional response.</p>	—	*	
<p>6. Receiving assistance</p> <p>a. Provisions on requesting and receiving interstate bilateral / regional / international assistance.</p>	—	*	
<p>b. Any tax exemptions for incoming humanitarian assistance</p> <p>E.g. Equipment (including telecommunications), relief goods and materials; vehicles (registration and license plates without tax; licenses and/or any other permits for military aircraft and vehicles).</p>	—	*	

B. Singapore National Measures to Implement the AADMER Provisions on Regional Disaster Preparedness and Response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
c. Any other facilitation of incoming humanitarian assistance. (E.g. Facilitated entry/exit of personnel; clearance/licensing of relief items aircraft and vehicles (civilian and military) and radio frequencies; local facilities and services; or conducting joint assessments.	–	*	
7. Sending assistance a. Provisions on responding to requests and sending interstate bilateral/ regional/ international assistance.	SCDF foreign territory mobilization	*	
b. Any specific provisions on resource allocation for sending assistance.	–	*	
8. Transit of assistance Provisions on transit of bilateral/ regional/ international assistance destined for another country.	–	*	

Singapore – Text / description of DRM provisions on regional / international cooperation

The Minister may deploy the Singapore Civil Defence Force in support of other countries if assistance is requested by them.

Civil Defence Act, PART XIII A, (SCDF) SERVICE OUTSIDE SINGAPORE

Under s. 105A, the Minister may send members of SCDF outside Singapore—

- “(a) on a request in that behalf being made by, or with the consent of, a government of a territory outside Singapore;
- (b) on a request in that behalf being made by a United Nations agency; or
- (c) in connection with any agreement or arrangement with a government of a territory outside Singapore, order such number of members of the Force as to him seems expedient to proceed outside Singapore to carry out duties to respond to and deal with a civil defence emergency taking place in such territory...”

Thailand



1. DRM System Overview

Scope of the Analysis

This analysis is based on a regional survey of documents (desk review), examining disaster risk management national laws, regulations, policies and plans available in English for all 10 ASEAN MS. It focused on disaster preparedness and response, in accordance with the terms of reference. The analysed documents were drawn from online sources and also supplemented by country participants in a September regional consultation workshop. The consultation was invaluable for the national-level explanations of how different laws and institutions interact, especially the newer ones, and for providing updates on material not yet available in English. This has made it possible to note documents not yet translated into English and to highlight the different ways ASEAN MS are implementing the AADMER. It is hoped that country partners can continue to assist in providing these documents as they become available.

Analysis of sub-national regulations, initiatives in sectoral ministries, and current practice (including SOPs), was not part of this regional overview study, which was a preliminary mapping process. As reiterated by workshop participants, sub-national mechanisms, cross-sectoral links and administrative implementation and practices can only be analysed accurately as part of country-specific studies in partnership with Government, due to the need for translation (except for the Philippines and Singapore), consultation and verification. Such studies are a potential second stage after this regional survey.

AADMER Implementation Mapping

The available DRM system national laws, regulations and decrees, and the national DRM system guidelines, policies and plans, were mapped against relevant provisions of the AADMER. Two tables summarizing the AADMER provisions thematically are also provided as part of this regional report, and can be read together with the country table to better understand the basis for analysis. In general terms:

- The analysis looks first at national / domestic DRM systems with regard to the national disaster preparedness and response characteristics highlighted in the AADMER. The AADMER emphasizes that ASEAN MS control disaster response in their own territories, and require robust national DRM systems. These national systems are then the building blocks for regional coordination.
- The second major theme of the analysis is therefore the elements of AADMER regional cooperation that require specific measures in the MS laws, policies or administration. These two areas together are described as implementation of the AADMER.

Thailand DRM System type

Type D - Broad DRM system law(s): Covers the full spectrum of disaster risk management: some elements of DRR, prevention, preparedness, early warning, mitigation, emergency management /response, and early recovery. Establishes specialist national institutions for DRM coordination and at least some local

National institutional framework

The Disaster Prevention and Mitigation Act 2007 establishes the National Disaster Prevention and Mitigation Committee (NDPMC) and designates the Department of Disaster Prevention and Mitigation (DDPM) as the primary State agency for disaster risk management.¹⁷ There are also established by the law, Disaster Management Command Centers, and Command Centers, at the different government levels; during emergencies, these become the emergency operations centers. The National Disaster Warning Center also comes under DDPM.

The Ministry of Defence also has a key role, as it operationalizes military disaster response under the Defence Organizational Act 2008. Of relevance to regional cooperation, the Ministry of Foreign Affairs is responsible for international assistance in coordination with DDPM. The Act predates AADMER.

Sub-national structures

Under the DPM Act, local level mandates are conferred on the Provincial Governors, who are required to establish committees to advise on Provincial Disaster Prevention and Mitigation Plan (ss. 15 and 17), as well as provision for a Bangkok committee (s. 34), while Local Administrators are the DRM managers in their areas (s. 20). The Governors also appoint sub-national command centers, which are established at the different government levels to execute disaster management responsibilities. Notably, these also include private sector representatives, and community heads.¹⁸

Funding and budget

In the event of an emergency or disaster, a disaster declaration can be proclaimed for the stricken area by the authorities permitted under the Ministry of Finance, Regulations on Disaster Relief Contingency Fund for Affected People Assistance 2003 (and the addendum). The DPM Act requires that the relevant national or provincial level agency in charge of the planning process, identifies funding for the planned activities (e.g. s.12 for national level).

AADMER / AHA Focal point

DDPM is the AHA Centre National Focal Point.

2. Key documents

Short form citations only are used. All documents were gathered and are available on request unless otherwise noted.

DRM System Laws, Decrees and Regulations at the National Level

2007 Disaster Prevention and Mitigation Act

2012 Law on National Catastrophe Insurance Fund (Thai version)

2013 Ministry of Finance Regulation on Contingency Fund Advances for Disaster Relief and Emergency Assistance B.E. 2556 (Thai version)

17 2002 Royal Decree on Government New Structure, and Ministerial Order of the Ministry of Interior detail the roles and responsibilities of DDPM.

18 CFE. 2015. Disaster Management Reference Handbook Thailand. Pp 38-39.

DRM System Guidelines, Policies, Plans and Strategies at the National Level

2010 Disaster Prevention and Mitigation Master plan-2010-14

2013 Disaster Risk Reduction Handbook (Thai)

2014 Disaster Risk Reduction in Development Guidelines (Thai)

2015 National Disaster Risk Management Plan (Eng.)

SOP International Assistance Guideline Standard Operating Procedure for International Agencies and Organizations that Provide Assistance to Thailand in Disaster Prevention and Mitigation (undated)t

Other related national laws and policies

Related laws were collected as a resource but were not part of the analysis of DRM system laws and policies in the following table.

(Insufficient English language resources online)

Select reports and other documents

A small number of other reports and documents were consulted for the purposes of factual information where laws or policies were not available in English, as follows:

National

2004 National Report for World Conference on Disaster Reduction

2011 National Report on Implementation of the Hyogo Framework for Action

2015 National Report on Implementation of the Hyogo Framework for Action

2017 National Report for Sendai Framework Data for Disaster Readiness

Other

2006 IFRC Legal Issues from the International Response to the Tsunami

2012 HelpAge Summary of Assessment of Disaster Management Planning, Policies and Responses in Thailand

2015 CFE Disaster Management Reference Handbook Thailand

3. Thailand Tables of National Provisions Relevant to the AADMER

Table annotations Key:

Hyphen (–) indicates documents were analysed and no relevant provisions were found.

Star (*) indicates no or insufficient relevant documents available in English to analyze.

A. Thailand National measures underpinning domestic disaster preparedness and response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
<p>1. Domestic Preparedness</p> <p>1.1 Provisions on <u>national level capacity development</u></p> <p>a. General awareness and education</p>	<p>DPM Act Art. 11 designates DDPM as the lead agency at the central level designed to deal with whole spectrum of disaster risk management activities.</p>	<p>2015 National Disaster Risk Management Plan provides for:</p> <p>Outside the emergency context, establishes coordination and integration of the emergency response information, resources and plans of all relevant government agencies.</p> <p>CBDRM</p> <p>Formulating disaster prevention plans</p> <p>Training the officials and civil defense volunteers</p> <p>Educating the general public</p> <p>Processing equipment, vehicles and other safety temporary shelters</p> <p>Conducting annual drills and exercises at different levels.</p> <p>Civil defense volunteers/ One Tomban (sub-district)</p> <p>One Search and Rescue/ Mr. Disaster Warning</p> <p>Urban Search and Rescue team.</p>	
<p>b. Specific training, simulation exercises, training institutes</p>	<p>–</p>	<p>2015 NDRM, as above, DDPM is to provide advice and consultation as well as training on disaster risk management to state agencies, local administrative organizations, and private sector partners. (p. 40.)</p> <p>Thai Red Cross is also recognized as a provider of DRM training. (p. 47)</p>	
<p>c. Resources (funds, material, equipment, personnel)</p>	<p>The DPM Act requires that the relevant national or provincial level agency in charge of the planning process, identifies funding for the planned activities (e.g. s.12 for national level).</p>	<p>*</p>	
<p>1.2 Provisions on <u>sub-national capacity development</u></p> <p>a. General awareness and education</p>	<p>DPM Act local level structures:</p> <p>S.15 “Provincial Governor as Provincial Director shall be responsible for disaster prevention and mitigation of their own province”</p> <p>S. 17: For formulating Provincial Disaster Prevention and Mitigation Plan, Provincial Governor shall appoint a committee.”</p>	<p>*</p>	

A. Thailand National measures underpinning domestic disaster preparedness and response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
b. Specific training, simulation exercises, training institutes	–	2015 NDRM, DDPM (p.40) and Thai red Cross (p.47) to provide DRM training.	After the 2011 floods, DDPM implemented Community Based Disaster Risk Management (CBDRM) One Tambon-One Search and Rescue Team (OTOS) training for communities and community volunteers. For OTOS, DDPM planned to train 77,000 people and establish 7,000 teams nationwide. (2015 CFE Disaster Management Reference Handbook Thailand p.53)
c. Resources (funds, material, equipment, personnel)	The DPM Act requires that the relevant national or provincial level agency in charge of the planning process, identifies funding for the planned activities	*	
2. Domestic early warning system (EWS) provisions	–	NDRMP (p. 28) – DDPM establishes the Central Disaster Management Centre, which is then responsible for EWS.	
a. Basis for EWS			
b. Content of EWS, e.g. risk assessment, community engagement / awareness, use of indigenous knowledge, detailed procedures, EWS training / simulations	–	NDRMP (p. 63-64_ Community – Based Disaster Risk Management (CBDRM) includes community-level EWS.	The Thai Meteorological Department and National Disaster Warning Center (NDWC) provide surveillance and warnings at the national level and disseminate the information to DDPM. The NDWC operates a 24/7 warning center, monitoring tidal waves and earthquakes, notifying the public of an impending tsunami or earthquake, and training residents living in coastal areas on preparing for tsunamis and related disasters. In 2012, the NDWC installed a tsunami early alert warning system and equipment along the Andaman coast. NDWC has the capability to send short messages to mobile phones, and worked with the National Broadcasting and Telecommunications Commission (NBTC) to issue a regulation which allows the center to broadcast tsunami warning messages without requiring the station's permission. Earthquake monitoring for the world and in particular the Indian Ocean and Andaman Sea is another function performed by NDWC. (2015 CFE Disaster Management Reference Handbook Thailand p.54-56)

A. Thailand National measures underpinning domestic disaster preparedness and response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
<p>3. Resources for domestic disaster response</p> <p>Funds, material, equipment, personnel</p>	<p>Ministry of Finance Regulation on Contingency Fund Advances for Disaster Relief and Emergency Assistance B.E. 2556.</p> <p>The DPM Act requires that the relevant national or provincial level agency in charge of the planning process, identifies funding for the planned activities (e.g. s.12 for national level).</p> <p>Ministry of Finance, Regulations on Disaster Relief Contingency Fund for Affected People Assistance 2003 and the addendum.</p>	<p>2015 National Disaster Risk Management Plan.</p> <p>NDRMP (p. 28-29) – DDPM establishes the Central Disaster Management Centre, which is responsible for EWS and disaster alert levels 1 and 2, becomes the Emergency Response Coordination Centre under the National Disaster Command Headquarters in case of the upgrade to disaster levels 3 and level 4.</p> <p>NDRMP (p.40) Ministry of the Interior declares disaster areas and funds are released according to the 2013 Ministry of Finance Regulation on Contingency Fund Advances for Disaster Relief and Emergency Assistance B.E. 2556.</p> <p>The NDRMP provides that in an emergency situation, there are 4 levels for DM response:</p> <ul style="list-style-type: none"> • District: District Chief (Mayor), 4 head of District • Provincial: Provincial Governor • Regional: Minister National: Prime Minister 	
<p>4. Domestic non-government stakeholders</p> <p>a. Affected communities</p>	–	<p>The NDRM Plan 2015 defines stakeholders as:</p> <p>Ministry of National Resource and Environment</p> <p>Ministry of Agriculture and Cooperatives (Royal Irrigation Department)</p> <p>Ministry of Transportation</p> <p>Ministry of Defense</p> <p>Ministry of Finance (Budget Bureau)</p> <p>Ministry of Digital Economic and Society (Meteorological Department)</p> <p>Ministry of Foreign Affairs</p> <p>CSOs, NGOs.</p> <p>Local command centres include private sector representatives and community heads</p>	

A. Thailand National measures underpinning domestic disaster preparedness and response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
b. National Society of Red Cross or Red Crescent	–	NDRM Plan (p.47): Designated support agency. Roles set out include blood supplies, DRM training, humanitarian relief, liaison with international RCRC Movement.	
c. Civil society	–	In NDRM Plan (p.47) to provide support in response. Provincial and local DPMC's include higher education representatives and charities	
d. Private sector	–	In NDRM Plan (p.47) to provide support in response. Local command centres include private sector representatives and community heads	
e. Women / gender	–	NDRM (p.101) Damage and needs assessments to take account of "factors such as age, gender, race, pregnant women, and person with disabilities."	
f. Social inclusion / vulnerable groups	–	NDRM (p.101) Damage and needs assessments. NDRM (p. 130) defines vulnerable group as "Group of people that has limited capacity in coping with disasters and requires special attention and assistance. Such vulnerable groups (s) included (s), but not limit to, children, elderly, persons with disability, persons suffering from serious illness, persons in exile, refugees, aliens."	

B. Thailand National Measures to Implement the AADMER Provisions on Regional Disaster Preparedness and Response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
<p>1. ASEAN DRM mechanisms Specific mention of the AADMER, AHA Centre, SASOPS etc.</p>	<p>The DPM Law does not regulate international assistance – see 2015 NDRM Plan.</p>	<p>2015 National Disaster Risk Management Plan. P.3 states that disaster management cooperation is based on the "...guidelines provided by AADMER and through other relevant existing ASEAN regional mechanisms and tools which include AADMER Work Programme..." P. 111-112 includes Guidelines for Using the Single Window System for Coordination of Humanitarian Assistance in accordance with UN and the ASEAN Single Window Agreement. Implementation is the responsibility of the National Disaster Command Headquarters.</p>	<p>The Disaster Emergency Logistics System for ASEAN (DELSA) was set up in 2012 to serve disaster-affected MS during an emergency and works towards stockpiling relief goods in or around areas that are prone to natural disasters. Phase one established a regional stockpile for the 10 ASEAN member states in UNHRD Kuala Lumpur. Thailand is participating in Phase 2, with a satellite warehouse in Chainad Province. (Workshop feedback). Minister of Interior is the Ministry in charge of disaster management and participated in the ASEAN Ministerial Meeting on Disaster Management (AMMDM). Thailand has been actively implementing AADMER at the national level: National AADMER Implementation Committee (30 line ministries and organizations); and 3 AADMER Working Groups under National AADMER Implementation Committee.¹⁹ AHA also undertook a One ASEAN One Response Roadshow Thailand and Cambodia during 2015.</p>
<p>2. Treaty implementation Provisions on regional/ international treaty implementation.</p>	<p>–</p>	<p>NDRMP (p. 35) primary responsibility of the Ministry of Foreign Affairs (see full text at end of table).</p>	
<p>3. Regional / international cooperation in DRM General provisions/ powers</p>	<p>The DPM Law does not regulate international assistance – see 2015 NDRM Plan.</p>	<p>Responsibilities on international assistance are set out in the 2015 National Disaster Risk Management Plan (p. 35) and is the primary responsibility of the Ministry of Foreign Affairs (see full text at end of table).</p>	<p>In practice, the Ministry of Foreign Affairs (MOFA) is the key coordinating agency for international assistance, and it coordinates and contacts the foreign missions (embassy and consul general) and international organizations residing in Thailand that will most likely extend assistance" as well as coordinating with DDPM for assistance requests from ASEAN member countries (CFE. 2015. Disaster Management Reference Handbook Thailand p.37)</p>

19 Thailand: sharing experience on Disaster Responses during 2004 Tsunami" Mr.Suporn Rattananakin. Department of disaster prevention and mitigation, ministry of interior Thailand. (2015 revision PowerPoint).

B. Thailand National Measures to Implement the AADMER Provisions on Regional Disaster Preparedness and Response

Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
4. Regional preparedness / EWS Provisions on regional preparedness, e.g. EWS, information on hazards, technical cooperation, mitigation measures, regional standby arrangements	–	NDRMP Chapter 7 – International Cooperation for Disaster Risk Management. (p. 113) Strategy 3, Strengthening the Country's Knowledge Sharing Initiatives.	The policy and procedure of regional standby arrangements, and data collection and information-sharing is done in practice. (Workshop feedback)
5. Regional / international disaster response a. General provisions on disaster response coordination	–	NDRMP – Ministry of Foreign Affairs (see text at end of table)	
b. Specific provisions on sharing information on existing threats and hazards, mobilizing resources for regional response.			
6. Receiving assistance a. Provisions on requesting and receiving interstate bilateral / regional / international assistance.	–	NDRMP – Ministry of Foreign Affairs (see text at end of table)	
b. Any tax exemptions for incoming humanitarian assistance E.g. Equipment (including telecommunications), relief goods and materials; vehicles (registration and license plates without tax; licenses and/or any other permits for military aircraft and vehicles).	–	*	
c. Any other facilitation of incoming humanitarian assistance. (E.g. Facilitated entry/exit of personnel; clearance/licensing of relief items aircraft and vehicles (civilian and military) and radio frequencies; local facilities and services; or conducting joint assessments.	–	*	

B. Thailand National Measures to Implement the AADMER Provisions on Regional Disaster Preparedness and Response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
7. Sending assistance a. Provisions on responding to requests and sending interstate bilateral/ regional/ international assistance.	–	NDRMP – Ministry of Foreign Affairs (see text at end of table)	
b. Any specific provisions on resource allocation for sending assistance.	–	*	
8. Transit of assistance Provisions on transit of bilateral/ regional/ international assistance destined for another country.	–	NDRMP – Ministry of Foreign Affairs (see text at end of table)	

Thailand

The DPM Law does not regulate international assistance. This is set out in the 2015 National Disaster Risk Management Plan and is the primary responsibility of the Ministry of Foreign Affairs.

3.3 Role, Function, and Guidelines for Collaborative Disaster Risk Management (NDRMP p.35)

3.3.1 Roles and Functions of ministries and government agencies.

“(4.) Ministry of Foreign Affairs

(4.1) To take responsibility for coordinating with foreign government

agencies and international organizations based in Thailand in support of national disaster risk management efforts.

(4.2) To contact and coordinate the requests for cooperation, assistance and support related to the implementation of disaster risk management activities in pre -, during - and post – disaster phases.

(4.3) To clarify about and provide information on disaster risk management practices to foreign agents as well as foreign embassies in Thailand for the purpose of proceeding in accordance with their authority and duties.”

And

3.3.2 Guidelines for Multi – Agency Joint Operations (NDRMP pp 49-50)

(3) Guidelines for Collaboration with Other Countries and International Organizations

(3.1) In order to receive foreign humanitarian assistance and foreign disaster relief in case of an occurrence of catastrophic disaster (Level 4) and it deems necessary to appeal for such assistance, Ministry of Foreign Affairs is in charge of preparing and submitting proposals for consideration and approval by the National Incident Command Headquarters. Upon on approval by the National Disaster Incident Command Headquarters, Ministry of Foreign Affairs has a responsibility to coordinate

with Ministry of Interior (Department of Disaster Prevention and Mitigation) and other relevant agencies, and to further proceed as the principal agency responsible for coordinating requests for assistance from foreign countries.

- (3.2) Ministry of Foreign Affairs is in charge of developing the standard operating procedures to be followed by agencies and international organizations when intending to provide and support disaster management assistance to Thailand.
- (3.3) In cases where foreign governments or international organizations or international private sector organizations intends to help victims of disaster that occurred in Kingdom of Thailand by providing essential relief supplies, services of personnel or other items, they are required to proceed in conformity with commitment, agreement or international cooperation framework made or agreed on. In this connection, duties will be waived on essential relief supplies, and Ministry of Foreign Affairs will be primarily in charge of carrying out this responsibility.
- (3.4) Ministry of Foreign Affairs is in charge of establishing guidelines regarding foreign disaster assistance to be provided by concerned agencies to affected countries upon receiving their requests for support from Thailand.”

Viet Nam



1. DRM System Overview

Scope of the Analysis

This analysis is based on a regional survey of documents (desk review), examining disaster risk management national laws, regulations, policies and plans available in English for all 10 ASEAN MS. It focused on disaster preparedness and response, in accordance with the terms of reference. The analysed documents were drawn from online sources and also supplemented by country participants in a September regional consultation workshop. The consultation was invaluable for the national-level explanations of how different laws and institutions interact, especially the newer ones, and for providing updates on material not yet available in English. This has made it possible to note documents not yet translated into English and to highlight the different ways ASEAN MS are implementing the AADMER. It is hoped that country partners can continue to assist in providing these documents as they become available.

Analysis of sub-national regulations, initiatives in sectoral ministries, and current practice (including SOPs), was not part of this regional overview study, which was a preliminary mapping process. As reiterated by workshop participants, sub-national mechanisms, cross-sectoral links and administrative implementation and practices can only be analysed accurately as part of country-specific studies in partnership with Government, due to the need for translation (except for the Philippines and Singapore), consultation and verification. Such studies are a potential second stage after this regional survey.

AADMER Implementation Mapping

The available DRM system national laws, regulations and decrees, and the national DRM system guidelines, policies and plans, were mapped against relevant provisions of the AADMER. Two tables summarizing the AADMER provisions thematically are also provided as part of this regional report, and can be read together with the country table to better understand the basis for analysis. In general terms:

- The analysis looks first at national / domestic DRM systems with regard to the national disaster preparedness and response characteristics highlighted in the AADMER. The AADMER emphasizes that ASEAN MS control disaster response in their own territories, and require robust national DRM systems. These national systems are then the building blocks for regional coordination.
- The second major theme of the analysis is therefore the elements of AADMER regional cooperation that require specific measures in the MS laws, policies or administration. These two areas together are described as implementation of the AADMER. .

Vietnam DRM System type

Type D - Broad DRM system law(s): Covers the full spectrum of disaster risk management: some elements of DRR, prevention, preparedness, early warning, mitigation, emergency management /response, and early recovery. Establishes specialist national institutions for DRM coordination and at least some local structures or roles.

National institutional framework

Law on Natural Disaster Prevention and Control 2013 assigns responsibility across a range of ministries and at all levels of government. Some key institutional arrangements are: the Central Steering Committee for Natural Disaster Prevention and Control (still more commonly known as the National Flood and Storm Control committee); the Ministry of Agriculture and Rural Development, which was newly established on August 18 2017 as the Vietnam Disaster Management Authority (VNDMA); and the Department of Community Based Disaster Management (former Disaster Management Centre), is assigned to implement the CBDRM Program in the whole country, and undertakes policy development and provides strategic planning advice and support. Each Ministry-level agency and each People's Committee (at all levels of government) is required to set up a disaster committee. The law does not mention ASEAN, AADMER or the AHA Centre. The DNDPC shares responsibility for different types of international cooperation, but with regard to disaster response it is the key agency in coordination with the Ministry of Foreign Affairs.

Sub-national structures

The NDPC Law does not establish new sub-national structures for DRM, and the pre-existing local flood and storm control committees continue their role. The Law gives broad mandates to all ministries and all levels of government, including Peoples Committees at local level. It also has the national programme for community-based DRM (CBDRM) managed by the Department of Community Based Disaster Management.

Funding and budget

Financial sources for natural disaster prevention and control come from: State budget funds, Natural disaster prevention and control funds, Voluntary contributions of organizations and individuals (Law on NDPC, Arts 8-11).

AADMER / AHA Focal point

DNPC was the National Focal Point for the AHA Centre (is its assumed this has now changed to VNDMA).

2. Key documents

Short form citations only are used. All documents were gathered and are available on request unless otherwise noted.

DRM System Laws, Decrees and Regulations at the National Level

1995 First Update of the Strategy and Action Plan for Mitigating Water Disasters in Vietnam

1997 Regulation on Flood and Storm Warning

2007 National strategy on natural disaster prevention and control 2007-2020

2008 Law on Red Cross Activities

2009 Decree No. 93/2009 Regulation on management and use of foreign non-governmental aid

2011 Decree No. 03/2011/ND-CP Detailing and providing measures for the implementation of the law on Red Cross activities

2013 Law on Natural Disaster Prevention and Control

2014 Decree No. 66/2014/ND-CP dated July 04, 2014 of the Government detailing and guiding implementation of the Law on Natural Disaster Prevention and Control

2014 Decision No. 46/2014/QĐ-TfGM, August 15, 2014 Providing for natural disaster forecasting warning and communication

2016 Decree No. 16/2016

2017 Decree No. 30/2017/ND-CP dated March 21, 2017, Regulation on response to emergency, acts of God and search and rescue (not available online in English, Vietnamese version).

DRM System Guidelines, Policies, Plans and Strategies at the National Level

Other related national laws and policies

Related laws were collected as a resource but were not part of the analysis of DRM system laws and policies in the following table.

1995 Regulation on the Activities of Foreign NGOs in Vietnam

1998 Law on water Resources

1999 Law on Vietnam Fatherland Front

2004 Law on Forest Development and Protection

2006 Law on Gender Equality

2006 Law on Dyke Management

2009 Decision No. 1002/QĐ-TTg of July 13, 2009, approving the scheme on improvement of community awareness and community-based management of natural disaster risks – found online

2009 Decree 93/2009/ND-CP- provided

2011 National Strategy on Climate Change

2014 Law on Environmental Protection

Select reports and other documents

A small number of other reports and documents were consulted for the purposes of factual information where laws or policies were not available in English, as follows:

National

2004 National Report for World Conference on Disaster Risk Reduction

2009 National Report on Implementation of the Hyogo Framework for Action

2010 National Report on Implementation of the Hyogo Framework for Action

2015 National Report on Implementation of the Hyogo Framework for Action

Other

2001 Oxfam Emergency Coordination Framework in Vietnam Key Activities

2009 IFRC Legal Preparedness for Responding to Disasters and Community Disease Emergencies Vietnam

2014 IFRC How Law and Regulation Support Disaster Risk Reduction: Case Study Vietnam

2015 CFE Disaster Management Reference Handbook Vietnam

3. Vietnam Tables of National Provisions Relevant to the AADMER

Table annotations Key:

Hyphen (–) indicates documents were analysed and no relevant provisions were found.

Star (*) indicates no or insufficient relevant documents available in English to analyze.

A. Vietnam National measures underpinning domestic disaster preparedness and response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
1. Domestic Preparedness	VNDMA, DCBDM, specialist national committees in search & rescue, flood and storm.	*	
1.1 Provisions on national level capacity development			
a. General awareness and education			
b. Specific training, simulation exercises, training institutes	Law on NDPC Art. 21 (c, d, dd), and Art. 23 (item3).	*	
c. Resources (funds, material, equipment, personnel)	Personnel: Decree No. 93/2009 and Decree No. 16/2016 Art. 17(2).	*	
1.2 Provisions on sub-national capacity development	VNDMA, DCBDM for CBDRM in communities, local flood and storm control committees, local offices of sectoral ministries and Peoples Committees. Law NDPC Art. 15, commune-level natural disaster prevention and control plans must pay attention to vulnerable groups, and also include information and communication activities to improve community awareness	*	
a. General awareness and education			
b. Specific training, simulation exercises, training institutes	Law on NDPC Art 21 (c, d, dd), Art 23 (3)	*	
c. Resources (funds, material, equipment, personnel)	Personnel: VNDMA, DCBDM for CBDRM in communities, local flood and storm control committees, local offices of sectoral ministries and Peoples Committees. Decree No. 93/2009 and Decree No. 16/2016 Art. 17(2).	*	
2. Domestic early warning system (EWS) provisions	Law on NDPC Art. 24 ss. 1-2 Decision No. 46/2014/QĐ-TTg, August 15, 2014.		
a. Basis for EWS			

A. Vietnam National measures underpinning domestic disaster preparedness and response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
b. Content of EWS, e.g. risk assessment, community engagement / awareness, use of indigenous knowledge, detailed procedures, EWS training / simulations	Risk assessment Community engagement / awareness Use of indigenous knowledge Detailed procedures EWS training / simulations	*	
3. Resources for domestic disaster response Funds, material, equipment, personnel	<p>Law on NDPC 2013. Articles 8-11. Financial sources for natural disaster prevention and control come from: State budget funds, Natural disaster prevention and control funds, Voluntary contributions of organizations and individuals. Personnel: VNDMA, DCBDM for CBDRM in communities, local flood and storm control committees, local offices of sectoral ministries and Peoples Committees.</p> <p>2014 Decree No. 66/2014/ND-CP dated July 04, 2014 of the Government detailing and guiding implementation of the Law on NDPC. Section 2. Assignment and decentralization of responsibilities and coordination in natural disaster response. Arts. 6-9 dealing with the 4 different levels of disaster.</p> <p>Section 3. Mobilization, fundraising and distribution of resources for relief and support to remedy natural disaster consequences.</p> <p>Decree No. 30/2017/ND-CP dated 21 March 2017 of the Government on response to emergency, acts of god and search and rescue takes effect from 5 May 2017.</p>	*	<p>“Decree No. 30/2017/ND-CP dated 21 March 2017 of the Government on response to emergency, acts of god and search and rescue takes effect from 5 May 2017 and abolishes Decision No. 76/2009/QĐ-TTg dated 11 May 2009 of the Prime Minister.</p> <p>This Decree stipulates the regulation on response to emergency, acts of god and search and rescue, including: Emergency response organizations; emergency response education, training and rehearsal; budget and budget allocation for emergency response; accoutrements and clothing, responsibilities for emergency response, search and rescue of Ministries, ministerial-level agencies, governmental agencies, People’s Committees of all levels, social-political organizations and economic organizations.”²⁰</p>

20 Vietnam. Ministry of Justice. “Activities of public administrative and justice reform. New legal documents come into effect as from May 2017” 04/05/2017. From: <http://moj.gov.vn/en/Pages/Activities-of-public-administrative-and-justice-reform.aspx?ItemID=3202-24-Sep-2017>

A. Vietnam National measures underpinning domestic disaster preparedness and response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
4. Domestic non-government stakeholders			
a. Affected communities	<p>Law on NDPC Art. 20 (d); Art. 21(dd), Art 6 (1)</p> <p>Art. 15, commune-level natural disaster prevention and control plans must include information and communication activities to improve community awareness.</p> <p>Law on NDPC Art. 36. Rights and obligations of agencies, socio-political organizations, socio-political-professional organizations, social organizations and socio-professional organizations.”</p>	*	
b. National Society of Red Cross or Red Crescent	<p>Law on NDPC 33(2)(c) Vietnam Fatherland Front Committees and Red Cross Societies at all levels shall coordinate with People’s Committees of the same levels in receiving and allocating resources for emergency relief and medium-term support;</p> <p>Decree: 66/2014 (13, 18 & 21), Decree:30/2017 (art. 6, item d), Law on Red Cross Activities (Article 2, 7, 11 & 13), Decree 03/2011 (Arts. 5, 7, 8)</p>	*	
c. Civil society	<p>Law on NDPC 33(2) as above. Also People’s Committees. See also Decree No. 30/2017 (Art. 5(6))</p>	*	
d. Private sector	Law on NDPC Art. 5(5)	*	
e. Women / gender	<p>Law on NDPC Art. 3(4), Art. 4(5)</p> <p>Law on Gender Equality (No. 73/2006), Disaster Law, Decree No. 66/2014.</p>	*	
f. Social inclusion / vulnerable groups	<p>Law on NDPC Art. 3(4)</p> <p>Vulnerable group means a group of people who, due to their characteristics and circumstances, are likely to suffer more adverse impacts of natural disasters than other groups in the community. Vulnerable groups include children, elderly people, pregnant women, women nursing under-12-month children, people with disabilities, people suffering from dangerous diseases and poor people.</p>	*	

B. Vietnam National Measures to Implement the AADMER Provisions on Regional Disaster Preparedness and Response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
1. ASEAN DRM mechanisms Specific mention of the AADMER, AHA Centre, SASOPS etc.	–	*	AHA conducted an AADMER orientation workshop and other awareness-raising activities in Viet Nam, attended by national CSOs, local governments and national agencies. (AADMER Accomplishment Report 2010-2015, P.32)
2. Treaty implementation Provisions on regional/ international treaty implementation.		*	
3. Regional / international cooperation in DRM General provisions/ powers	Law on NDPC Very general not procedural: Law NDPC, Chapter IV, International cooperation in natural disaster prevention and control. 2014 Decree No. 66/2014/ND-CP dated July 04, 2014 of the Government detailing and guiding implementation of the Law on NDPC. Law on Red Cross Activities, Chapter V on international cooperation.	*	
4. Regional preparedness / EWS Provisions on regional preparedness, e.g. EWS, information on hazards, technical cooperation, mitigation measures, regional standby arrangements	–	*	
5. Regional / international disaster response a. General provisions on disaster response coordination	–	*	
b. Specific provisions on sharing information on existing threats and hazards, mobilizing resources for regional response.	–	*	

B. Vietnam National Measures to Implement the AADMER Provisions on Regional Disaster Preparedness and Response

Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
<p>6. Receiving assistance</p> <p>a. Provisions on requesting and receiving interstate bilateral / regional / international assistance.</p>	<p>Law on NDPC Very general not procedural: Law NDPC, Chapter IV, International cooperation in natural disaster prevention and control.</p> <p>More detail is in the regulation, 2014 Decree No. 66/2014/ND-CP dated July 04, 2014 of the Government detailing and guiding implementation of the Law on NDPC., Section 4. (See full text below).</p> <p>Law on Red Cross Activities, Chapter V on international cooperation.</p> <p>Decree No. 03/2011: Detailing and Providing Measures for the Implementation of the Law on Red Cross Activities</p> <p>Article 6. Prioritizing and facilitating the clearance of import or export procedures for curative medicines, epidemic prevention and control medicines and medical equipment in case of natural disasters, catastrophes and dangerous epidemics...</p> <p>Article 7. Customs procedures for imports and exports to serve red-cross activities in case of natural disasters, catastrophes and dangerous epidemics...</p> <p>Article 8. Prioritizing and facilitating the clearance of procedures for the entry, exit and travel of red-cross activists in case of natural disasters, catastrophes and dangerous epidemics...</p>	<p>*</p>	

B. Vietnam National Measures to Implement the AADMER Provisions on Regional Disaster Preparedness and Response			
Issue / Question	National Laws, Decrees, Regulations	National Guidelines, Policies, Plans	Other / Notes
<p>b. Any tax exemptions for incoming humanitarian assistance</p> <p>E.g. Equipment (including telecommunications), relief goods and materials; vehicles (registration and license plates without tax; licenses and/or any other permits for military aircraft and vehicles).</p>	<p>Law on NDPC Article 41. Rights and obligations of foreign organizations and individuals and international organizations participating in the response (see full text at end of table). They include:</p> <p>“41 (a) To be exempted from import and export duties and fees for means, equipment and goods serving emergency relief, search and rescue, relief and support for people affected by natural disaster; “</p> <p>More detail is in the regulation, 2014 Decree No. 66/2014/ND-CP dated July 04, 2014. (See full text below).</p>	*	
<p>c. Any other facilitation of incoming humanitarian assistance. (E.g. Facilitated entry/exit of personnel; clearance/ licensing of relief items aircraft and vehicles (civilian and military) and radio frequencies; local facilities and services; or conducting joint assessments.</p>	<p>Law on NDPC Article 41. Rights and obligations of foreign organizations and individuals and international organizations participating in the response (see full text at end of table). They include:</p> <p>“41 (b) To enjoy priority in entry and exit procedures, and procedures for import and export of means, equipment and goods serving search and rescue, relief and support for people affected by natural disasters;</p> <p>41 (c) To enjoy priority in carrying out formalities for their stay.”</p> <p>More detail is in the regulation, 2014 Decree No. 66/2014/ND-CP dated July 04, 2014. (See full text below).</p>	*	
<p>7. Sending assistance</p> <p>a. Provisions on responding to requests and sending interstate bilateral/ regional/ international assistance.</p>	<p>Law on NDPC Very general not procedural: Law NDPC, Chapter IV, International cooperation in natural disaster prevention and control.</p>	*	
<p>b. Any specific provisions on resource allocation for sending assistance.</p>	–	*	
<p>8. Transit of assistance</p> <p>Provisions on transit of bilateral/ regional/ international assistance destined for another country.</p>	–	*	

Vietnam – Text / description of DRM provisions on regional / international cooperation

There are very general provisions in the NDPC Law of 2013 relating to foreign assistance, which still require detailing in subsidiary legislation.

“Article 41. Rights and obligations of foreign organizations and individuals and international organizations participating in the response to and remediation of the consequences of natural disasters in Vietnam

1. Foreign organizations and individuals and international organizations participating in the response to and remediation of the consequences of natural disasters in Vietnam have the following rights:
 - a. To be exempted from import and export duties and fees for means, equipment and goods serving emergency relief, search and rescue, relief and support for people affected by natural disaster;
 - b. To enjoy priority in entry and exit procedures, and procedures for import and export of means, equipment and goods serving search and rescue, relief and support for people affected by natural disasters;
 - c. To enjoy priority in carrying out formalities for their stay.
2. Foreign organizations and individuals and international organizations participating in the response to and remediation of the consequences of natural disasters in Vietnam have the following obligations:
 - a. To register their operations with competent Vietnamese agencies;
 - b. To operate for the registered purposes and comply with Vietnamese law.
3. The Government shall detail this Article.”

The main regulation is:

2014 Decree No. 66/2014/ND-CP dated July 04, 2014 of the Government detailing and guiding implementation of the Law on NDPC.

Section 4. Rights and obligations of foreign organizations and individuals and international organizations participating in response to and remediation of consequences of natural disasters in Vietnam.

Article 14. Duties and fees for import and export of means, equipment and goods serving emergency relief, search and rescue, relief and support for natural disaster victims

Foreign organizations and individuals and international organizations that participate in the response to and remediation of consequences of natural disasters in Vietnam and import or re-export means, equipment and goods to serve emergency relief, search and rescue, relief and support for natural disaster victims are exempted from import and export duties and fees prescribed at Point a, Clause 1, Article 41 of the Law on Natural Disaster Prevention and Control. Such means, equipment and goods shall be taxed in accordance with Vietnamese law if they are used for other purposes in Vietnam.

Article 15. Registration of operations of response to and remediation of consequences of natural disasters in Vietnam

1. The standing body of the Central Steering Committee for Natural Disaster Prevention and Control shall act as the focal point for receiving registrations; transfer registration dossiers to competent agencies for consideration and grant of permits; and notify the results of registration of operations of response to and remediation of consequences of natural disasters in Vietnam to registering foreign organizations and individuals and international organizations.
2. Licensing agencies shall guide registration procedures and order and grant permits for persons, means, equipment and goods of organizations and individuals registering to participate in the response to and remediation of consequences of natural disasters in Vietnam upon receiving registration dossiers, and send the results to the focal point.

Article 16. Entry and exit; import and export procedures for means, equipment and goods serving search and rescue and relief and support for natural disaster victims

1. Persons permitted to enter Vietnam for natural disaster response and consequence remediation may carry out entry and exit procedures at priority gates at airports, seaports and land border gates; persons engaged in urgent response may be granted visas at border gates.
2. After completion of operations of search and rescue, relief and support for natural disaster victims, means, equipment and goods permitted for import for re-export may have customs procedures cleared at priority gates at airports, seaports and land border gates.

Article 17. Stay of foreigners engaged in response to and remediation of consequences of natural disasters in Vietnam

1. Persons permitted to enter Vietnam for natural disaster response and consequence remediation shall be provided with guidance on accommodation, work and temporary residence procedures suitable to specific conditions.
2. Agencies and localities receiving support shall guide procedures for registration of temporary residence, accommodation and work for individuals and organizations entering Vietnam for response to and remediation of consequences of natural disasters.

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.



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