

# Advocating Disaster Law for better Legislation



## Background

PMI started advocating about the importance of IDRL in various capacities in 2003. At that time, disaster management issues were considered low-ranking priorities by the government and there was no follow-up until December 2004, when the Indian Ocean tsunami killed almost 170,000 people in our country.

Tsunami 2004 has brought the issue of legislation of disaster response to the fore of the international agenda. From Indonesia's experience, after the earthquake and tsunami hit in 2004, we began to redouble our efforts to improve our legislation on disaster management by shifting the paradigm from emergency response and recovery, to a more comprehensive DRR approach. It has not only enable Indonesia to implement the concept of build back better in disaster affected areas.

## PMI experience on Disaster Law issues

Indonesia has made significant progress in integrating and mainstreaming disaster risk reduction into our legislation and national development plan. That includes the short, medium and long term development plan, both at the national level, and locally at the provincial and district levels.

We have been investing legislation in disaster prevention, mitigation, and preparedness and is now becoming our top list priority. We are also integrating Disaster Risk Reduction approaches into our development agenda.

Palang Merah Indonesia (PMI) and the International Federation of Red Cross and Red Crescent Societies (IFRC) have played a

key role in supporting the development of this framework.

PMI also providing technical advice to make sure the legal framework comprehensively addresses the role of international disaster assistance, based on the 'Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance'.

Since 2003, PMI with the support of IFRC has been actively involved in socializing and advocating International Disaster Assistants for governmental bodies/institutions, Indonesian parliament, UN bodies and local/ International NGOs.

In 2005, PMI with Bakornas PB, NGOs, civil society and media initiated the the draft of DM Law.

In 2006, PMI conducted Intl's symposium on the International Legal Aspects for DM. This event resulted to some recommendations for the revision of DM law's draft. Among other recommendations are to clarify roles and responsibilities of each International Organizations in term of disaster management in Indonesia and the needs to implement International Disaster Assistant consistently. The reviewing process had been going for almost 2 years when PMI was being very active in giving inputs and recommendations to President Republic of Indonesia as well as parliament on the importance of accommodating IDRL and International Aid facilitation into the draft of DM law.

On April 26th, 2007, the government and parliament endorsed Indonesian DM law and since then the law is valid as a legal basis for every disaster management activities.

In 2008 three new Government Regulations ("PeraturanPemerintah" or "PP") and one Presidential

Regulation (“Peraturan Presiden” or “Perpres”) were developed in order to implement the new law, with aspects of the new regulations drawing from the IDRL Guidelines. These regulations addressed the administration of disaster financing and the regulation and participation of international organizations in disaster management. They also established a new National Agency for Disaster Management (“Badan Nasional Penanggulangan Bencana” or “BNPB”) to manage these new areas. Several years later, in 2010, BNPB released a Regulation (“Peraturan Kepala BNPB” or “Perka”) or ‘guideline’ to guide the role of international organizations and foreign non-government organizations in disaster response.



## What Disaster Law activities PMI has been working on ?

As member of National DM Legislation working group, PMI with the support of IFRC has been actively involved in the initiation, advocacy, socialization and conducted training, Workshop, Seminar, cases study and also taken main role as facilitator on the Disaster Law covering IDRL as well as DM law and DRR regulation.

PMI also involved in series of International Simulation -Table Top Exercises, ARDEX, DIREX, that organized by BNPB to testing the implementation of IDRL in indonesia. Internally, PMI also conducted roadshow of National Simulation and TTX to testing how Disaster Law can be implemented from National down to the local.

Since 2008, PMI has been facilitating the development of resilient village used indicators through ICBRR programme.

## Are there any opportunities to use the tools developed on disaster Law ?

The review of Indonesia's Disaster Management Law 24/2007 is an opportunity to utilize the Checklist as part of the review process. Palang Merah Indonesia (PMI), IFRC and Indonesia's National Disaster Management Authority, Badan Nasional Penanggulangan Bencana (BNPB) will be conducting a research project to examine the laws and regulations that address disaster risk in Indonesia, and identify priority areas that need further attention, either through new sections or amendments to the law, or through a greater focus on implementation. The project is due to commence in June 2015 and will include legal research and a stakeholder consultation.

Maintaining the utilization of resilient check list for the development of resilient village and DRR in Schools. PMI actively support BNPB/ Government in term of develop standard of professional competency in Disaster Management

## Partnership with other stakeholder

Implementation of DM Law No. 24 Year 2007 gives opportunity for various stakeholders to participate in disaster management, including the international community, as part of the spirit of partnership and cooperation regionally and globally.

As a part of National Alliance for Review of DM Law 24 - 2007, PMI has been working closely with other organization, such as BNPB, IFRC, UNOCHA, UNDP, AIFDR, MPBI (Community Association for Disaster Management), Humanitarian Forum of Indonesia, Muhammadiyah, Nadrotul Ulama, as well as private sector and other organizations.

## Challenges for the further action

The spirit of One ASEAN, one Response is very relevant with application of Disaster Law. I would like to strongly emphasizes that Disaster Law, especially IDRL should be as basic rule of AADMER implementation. Commitment to implement both IDRL and AADMER among ASEAN countries will sustaining the cooperation, coordination, technical assistance, and resources mobilization in all aspects.