

# Supporting National Societies to contribute to Disaster Law development



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## The importance of Disaster Law in Southeast Asia

Southeast Asia is one of the most disaster-prone regions in the world. Each year, the region experiences disasters that include earthquakes, volcanic eruptions and extreme weather events such as typhoons, floods and drought. Having strong, inclusive and well-implemented disaster laws underpins a well-functioning disaster risk management system. They provide the legal and institutional basis on which to undertake all aspects related to the disaster risk management, from risk reduction to preparedness for response and recovery as well as contribute to strengthening the resilience of vulnerable and disaster-affected populations.

The need for stronger governance frameworks for preventing and managing disaster risk is also a key priority in global and regional multilateral commitments. Given the high risk of disasters in the Association of Southeast Asian Nations (ASEAN) countries, strengthening disaster laws and their implementation, particularly at the local level is crucial.

**Supporting Disaster Law development is an essential part of the IFRC's commitment to better protect vulnerable communities.**



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## Disaster Law in the International Federation of Red Cross and Red Crescent

The International Federation of Red Cross and Red Crescent (IFRC)'s role and the expertise of the Red Cross Red Crescent (RCRC) in disaster law development has been recognised and mandated by all 194 State parties to the Geneva Conventions and by the UN General Assembly. There is a global network of disaster law advisors who are available to provide technical advice and support to National Societies and governments.

South East Asian National Societies' reach and auxiliary role to governments in their respective countries makes them well placed to support in the development, implementation and awareness raising of disaster laws. This auxiliary role is recognised in either their own Red Cross Red Crescent laws or the country's Disaster Management Acts, providing them to serve as the members of high level national and local disaster management coordination and decision-making mechanisms.

Each National Society's unique position and knowledge provides opportunities to ensure that disaster laws are contextualised and relevant to each country, thus ensuring the needs of different communities are met. In Sendai, it was recognised that more has to be done to connect national policy making and local level action. National Societies play a unique role by bridging the gap between decision makers and communities, thus ensuring community needs and voices are included in decision making processes.



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## The Regional Resilience Initiative

The Regional Resilience Initiative (RRI) aims to contribute to reducing the impact of natural disasters on vulnerable communities in Southeast Asia and is supported by the Canadian Government and the Canadian Red Cross. The initiative focuses on eleven Red Cross Red Crescent National Societies in the region: Brunei, Cambodia, Indonesia, Lao PDR, Myanmar, Malaysia, Philippines, Singapore, Thailand, Viet Nam, and Timor Lesté.

The RRI's disaster law work focuses on strengthening legal frameworks for disaster management and responses. It also provides technical assistance and capacity building to both National Societies and their governments to ensure modern and integrated legal frameworks for disaster risk reduction and response.

## Improving Disaster Law in Indonesia and Lao PDR

Through the RRI, there has been intensive support to law and policy reform for disaster management in **Indonesia** and **Lao PDR**. Both countries are disaster prone and need strong governance systems along with clear rules and processes on how to manage and reduce disaster risk. While Lao PDR has not generally been affected by large-scale disaster events, the country is facing new and emerging challenges related to climate change.

The disaster management space is becoming increasingly crowded, with a growing number and diversity of actors - from government, corporate, military and non-governmental actors as well as communities themselves. Both countries have recognised that strong laws and policies are needed to ensure that there is coordination and complementarity to support the systems to work efficiently and effectively. They are also looking at how protection, gender and inclusion issues can be better mainstreamed in their disaster risk management systems, recognising that effective law plays an important role to both enable and mandate these approaches.



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## Disaster Law work in Lao PDR

Red Cross has been involved in disaster law activities in Lao PDR since 2009 when research was undertaken on legal preparedness for responding to disasters and communicable disease emergencies. Due to an inherent link between climate change and disaster events, the Lao government has decided to develop an integrated legal framework for disaster risk management and climate change, which would be one of the first of its kind in the region. Since 2013, IFRC and Lao Red Cross have been working with the United Nations Development Programme (UNDP) and the Ministry of Natural Resources and the Environment (MoNRE) on the development of this law.

**IFRC through RRI continues to provide technical assistance and advice into the draft law with a view to its finalisation and submission to the National Assembly.** This included support and facilitation of peer exchanges with the Government of Viet Nam as well as sharing of experience of the role that Viet Nam Red Cross played in the development of its Disaster Management Law. The Lao Government has committed to working with Red Cross in the ongoing consultations on its draft law which puts the Red Cross at the centre of policy and law development in the country.

## Disaster Law work in Indonesia

Indonesia has a comprehensive and sophisticated disaster risk management framework, developed after many years of experience in managing large scale disasters. The 2004 Tsunami response in Indonesia became a trigger for International Disaster Response Law work regionally and globally. The scale of the disaster revealed significant legal issues, gaps and weaknesses that needed to be addressed. The Red Cross Red Crescent was at the forefront in raising awareness and providing technical support to better regulate international assistance. These efforts contributed to the development of the legal framework for Indonesia, and in 2007, Law 24 on Disaster Management was adopted, with associated regulations and guidelines on international assistance passed soon after.

In 2014, IFRC finalised an impact assessment on the implementation of the legal framework on international assistance, which identified good practices and potential solutions to on-going challenges. In 2015, research was commissioned to assess Indonesia's law and policy framework against the IFRC/UNDP Disaster Risk Reduction (DRR) Law Checklist. **The research, entitled Strengthening Law and Disaster Risk Reduction in Indonesia was launched at the end of 2016.** While the research found that huge advances have been made in strengthening the governance framework for disasters in Indonesia, it also revealed that further improvements in law and especially in implementation, are still needed to fully address the integration of disaster risk reduction into the legal framework in Indonesia.

*“The RRI-developed DRR checklist is a great advocacy tool that reminds us of the need to advocate for community needs at the national policy level”.*

Mr. Teguh Wibowo, Head of Disaster Risk Reduction Sub Division, PMI.<sup>1</sup>

The RRI also supports PMI to work in partnership with the Indonesian National Disaster Management Office (Badan Nasional Penanggulangan Bencana - BNPB) on a range of disaster management issues aimed at influencing national decrees, laws and guidelines for better protection of vulnerable populations. RRI also supports the National Society in its advocacy with parliamentarians on disaster risk reduction and law work and engagement in the national stakeholder's platform.

## Working to ensure Gender and Diversity in Disaster Law

The IFRC's Disaster Law work also supports important gender and diversity initiatives. The IFRC's Disaster Law and Gender & Diversity technical advisors work closely together to ensure gender and diversity requirements are accounted for in disaster law. In Lao PDR, these efforts have contributed significantly to ensuring the inclusion of gender issues in the country's draft disaster law.

*"I can see a distinct change in Disaster Laws with an emerging gender dimension. I suspect that the IFRC has a lot to do with this".*

Cecilia Aipira, Regional Adviser for Asia Pacific, UN Women.

Preparations and collaboration in advance of the Asian Ministerial Conference on Disaster Risk Reduction in 2016 ensured that the Disaster Law checklist was highlighted during the Gender and Diversity thematic session as good practice towards Priority 2 of the Sendai Framework on Disaster Risk Reduction, which has now become a key regional resource for internal and external stakeholders.



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## Moving forward

Ensuring that ASEAN countries have effective disaster laws is crucial for supporting vulnerable populations in times of disaster and non-disaster. Southeast Asia has made significant strides in the past decade on disaster law, and risk management practices at both national and regional levels, and many ASEAN countries exemplify Asia Pacific and global leadership. However, the region remains highly disaster prone, climate change and other challenges such as urbanisation and pandemics will exacerbate risk to vulnerable populations. Implementation and awareness raising at local levels remains an issue; inclusion and protection aspects in many of the frameworks need to be strengthened; disaster risk reduction needs to be better mainstreamed through sectorial laws and planning processes; and more integrated disaster risk management law and climate change adaptation systems are required.

In response to these challenges, RRI in the coming year (2017) has a range of planned initiatives with ASEAN governments. These include in **Cambodia**, support to national and provincial disaster risk management law dissemination; in **Indonesia** support to local level implementation and disaster risk reduction and law report roll out; in **Lao PDR**, supporting disaster risk management law and climate change adaptation law consultations and drafting processes; in **Malaysia**, participation in global/regional trainings; in **Myanmar**, launching of International Disaster Response Law research and Phase II implementation contribution to the Disaster Risk Management Law Handbook; in the **Philippines**, technical drafting support to the sunset review and local level dissemination; and in **Viet Nam**, national and provincial disaster risk management law dissemination and development of appropriate material on rights, roles and responsibilities in disasters for communities.



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