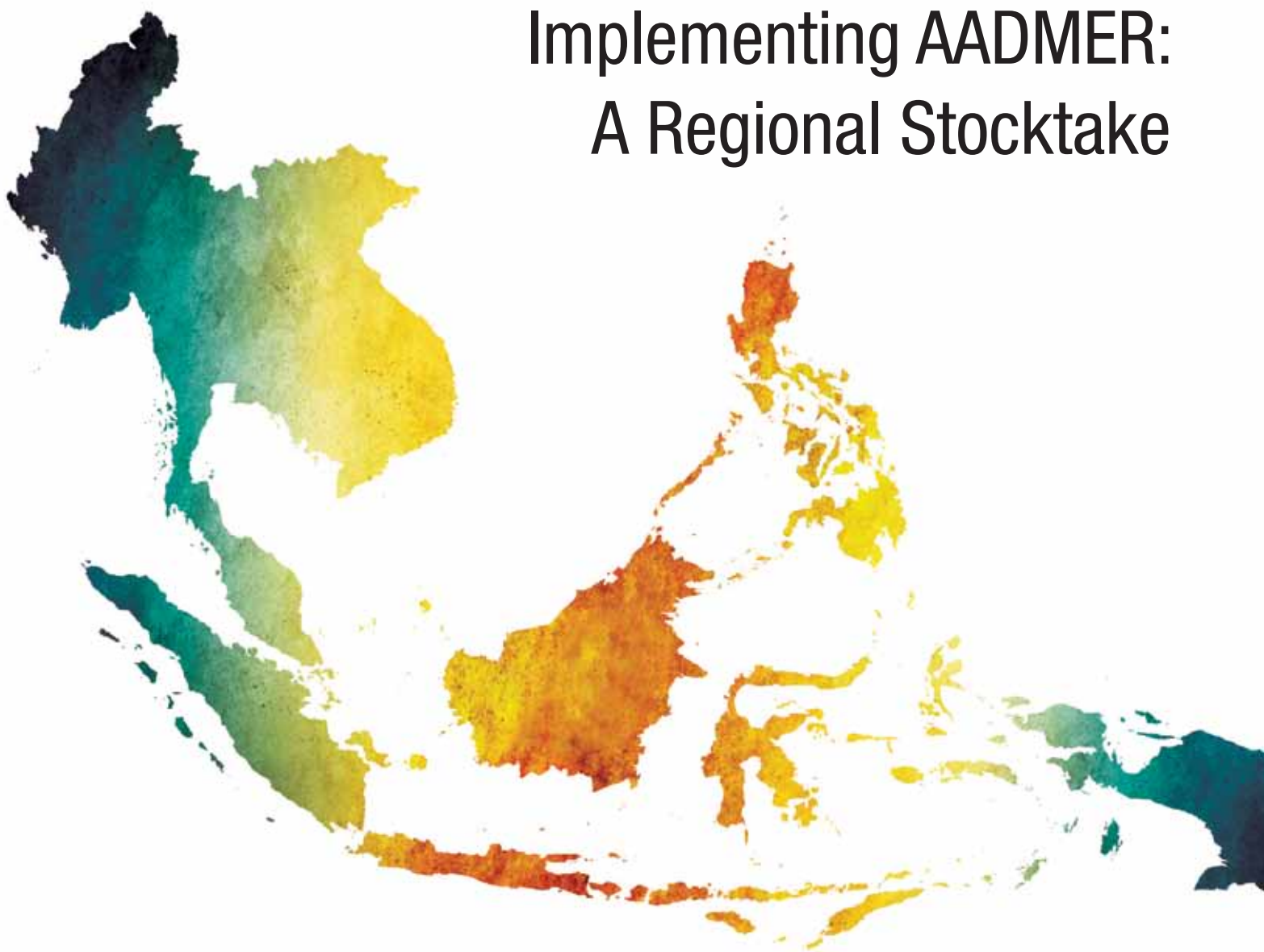




# ASEAN Disaster Law Mapping

Implementing AADMER:  
A Regional Stocktake



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# ASEAN Disaster Law Mapping

Implementing AADMER:  
A Regional Stocktake

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## Publication

This report was commissioned by the International Federation of Red Cross and Red Crescent Societies (IFRC) as 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). This report is part of a project to provide technical and research support to the ASEAN Committee on Disaster Management (ACDM). The report provides an overview of the regional trends that have emerged so far in the work of gathering and analyzing relevant national laws and policies of the ten ASEAN Member States (AMS).

## Acronyms and abbreviations

AADMER	ASEAN Agreement on Disaster Management and Emergency Response
ACDM	ASEAN Committee on Disaster Management
AHA Centre	ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management
AMS	ASEAN Member States
ASEAN	Association of Southeast Asian Nations
ARDEX	ASEAN Regional Disaster Emergency Response Simulation Exercises
ASEC	ASEAN Secretariat
NFP	National Focal Point
SASOP	Standard Operating Procedure for Regional Standby Arrangements and Coordination of Joint Disaster Relief and Emergency Response Operations
IDRL	International Disaster Response Laws, Rules and Principles



## Executive Summary

This synthesis report 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 an overview of the regional trends that have emerged so far in the work of gathering and analyzing relevant national laws and policies of the ten ASEAN Member States (AMS).

The analysis focuses on the extent to which the national laws and policies:

- Establish national disaster risk management systems that meet the domestic preparedness and response objectives of AADMER; and
- Designate roles and provide sufficient institutional responsibilities and powers for national institutions to undertake the regional coordination obligations for preparedness and response undertaken through AADMER.

The AADMER Accomplishment Report for the period 2010-2015, and the annual reports of the ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management (AHA Centre), indicate that AMS are highly engaged in implementation of the agreement,<sup>1</sup> and are working with the AHA Centre in training and capacity-building. This practical engagement was also reiterated by participants in a Regional Consultation on 8 September 2017, which considered an earlier draft of this report. All AMS have also designated National Focal Points for AADMER / AHA Centre, and these are the same national agencies responsible for overseeing domestic disaster risk management. Implementation of AADMER has nevertheless been identified as one of the cross-cutting strategies of the AADMER Work Programme for 2016-2020.

This report was based on a desk review of national level laws and policies of the AMS available in English. Its main finding is that the AADMER commitments are not specifically reflected in national laws and regulations relating to disaster risk management (DRM). This situation likely reflects the style of legislative drafting for national laws in the AMS, whereby specific international agreements are not mentioned unless the law is made as a national law to accede to or specifically implement an interstate agreement. There are also a range of different ways that AMS implement treaty obligations, including by administrative arrangements. But it raises the question of what mechanisms are being used by AMS to implement the AADMER.

In addition to its regional cooperation components, the AADMER also sets out objectives for national (domestic) DRM systems, both as an end in themselves, and as the building block for regional cooperation. The research for this report indicates that all of the AMS have detailed national legal frameworks for domestic disaster preparedness and response that clearly allocate institutional responsibilities within the national territory. Most of these are also supported by national policies (including SOPS, plans and strategies).

1 ASEAN. 2016. Paving the Way Towards ASEAN Resilience and Joint Response: Accomplishment Report, AADMER Work Programme (2010-2015) (the AADMER Accomplishment Report).

Based on the documentary analysis, the AMS national disaster risk management frameworks, by and large, meet the AADMER requirements relating to disaster preparedness and response. However, there are some gaps in the institutional powers and resources for the general management of international assistance in their own territories, in arrangements for regional preparedness or regional response, and in mechanisms for sending assistance, transit of assistance, and coordination through the AHA Centre. There are also good legislative examples in these areas that may be of interest to other AMS, and are discussed in the report.

These gaps may require specific work within the ASEAN framework to develop checklists and / or suitable legal provisions to support AADMER implementation within the AMS national DRM systems. However, AADMER also requires AMS to have in place effective domestic DRM systems both to meet its humanitarian goals and as the foundation for regional cooperation through the AHA Centre. There are also some general domestic law provisions that can provide the basis for regional cooperation.

The report makes three key recommendations on next steps:

## **1. Peer learning**

Peer learning activities, whether through face to face learning exchanges or active use of the online platform, will complement the findings of the Regional Synthesis Report and subsequent country-specific studies. These will provide an avenue for re-evaluation, innovation and strengthened partnership among ASEAN to strengthen DRM legal and policy frameworks, including their implementation.

## **2. Development of an AADMER checklist**

This Report provides a pro-forma checklist (Annex 3) used in mapping National DRM laws against identified preparedness and response provisions of AADMER. This checklist is designed for a general regional survey, but will require further revision for country-specific studies.

## **3. Conduct of country-specific studies**

More detailed country research and consultation, in partnership with relevant government agencies and other stakeholders, is necessary to better assess sub-national and sectoral laws, policies and regulations, as well as undertaking necessary consultation and verification of country-level analysis. The more detailed country specific can also assist with translation of these documents in English if not yet available.

# 1. Introduction

## 1.1 The Regional Project

This synthesis report was prepared on behalf of the IFRC as part of a project to provide technical and research support to the ASEAN Committee on Disaster Management (ACDM). The IFRC, through the Asia Pacific Disaster Law Programme, is supporting ACDM in establishing a peer learning platform to facilitate sharing of best practice on disaster risk governance among ASEAN Member States (AMS), and developing and implementing domestic disaster law and policy under the AADMER framework. The peer platform is intended to provide opportunities for shared learning between AMS and for the facilitation of research and case studies.

This report provides a regional survey of national laws and policies to identify how AMS are implementing the AADMER provisions relating to disaster preparedness and response. It is supplemented by a first version of the online peer learning platform which contains the analysis in this report and extensive document collections for each country. This disaster law mapping project forms part of the cross-cutting strategy of implementing the AADMER.

## 1.2 Methodology

### Themes from AADMER Mapping Framework

The AADMER mapping framework used for analyzing national laws and policies was developed by the consultants, based on a detailed analysis of the AADMER objectives, principles, general obligations and specific obligations. **Although AADMER includes obligations relating to risk identification and monitoring, as well as prevention and mitigation, the terms of reference for this project required a focus on the provisions related to disaster preparedness and response.** Hence, the mapping focused on these aspects, divided into a series of detailed national level and regional level questions. Table 1 provides a summary of this framework, as to how the topics selected for analysis relate to obligations under the different articles of the agreement. A more extensive explanation, including the details of the relevant AADMER provisions, is included as Annex 1 to this report.

Each national legal framework was analysed according to these themes. National policies and strategies were also analysed where these were available in English. Annex 3 provides the detail of the specific checklist questions used for the country analysis.

**Table 1. Summary of AADMER Mapping Framework on Preparedness and Response**

NATIONAL (DOMESTIC) PREPAREDNESS AND RESPONSE MEASURES	
National institutional arrangements	Legal / policy measures
	Roles & responsibilities
National preparedness measures	Legal / policy measures
	Domestic disaster preparedness
	Early warning systems (EWS)
	Stakeholder engagement
National response measures	Domestic disaster response
	Role of AHA Centre in supporting national response

REGIONAL RESPONSIBILITIES THAT REQUIRE NATIONAL MEASURES	
Regional institutional arrangements	Role of AHA Centre as a regional institution
	AMS reports / information on implementation
	AMS regional roles & responsibilities
Regional preparedness	Regional cooperation (building capacity)
	Regional resources and AADMER Fund
	Regional early warning systems (EWS)
	Regional standby and SOPs (SASOPS)
	Role of AHA Centre in regional preparedness
Regional disaster response	Role of AHA Centre in regional response
	Receiving assistance
	Sending assistance
	Transit of assistance

### Scope and Limitations of the Study

The research undertaken for this report was desk-based, and was undertaken by experienced English-speaking legal researchers with expertise in disaster law. The main intent of the research was to identify and analyze the primary documents, the relevant national laws and formal policies of the 10 AMS. Authoritative secondary resources such as national reports and country cases studies were used to supplement the primary documents, along with international databases, government websites and press announcements, to help identify the relevant laws and policies and some practice.

The research focused on existing national law and policy frameworks for disaster preparedness and response. A particular challenge that emerged in using this research methodology was that a number of frequently cited national documents are not publicly available online, or are only available in the national language.

Most of the documents used were accessed through online research, but as the objective was to identify the national legal and policy provisions for AADMER implementation, there was a need for some national-level support to identify all key documents, and to provide updated or translated versions not available online. Significant inputs and support in this work were provided by the IFRC from its database and regional network, and from AMS Government and Red Cross and Red Crescent participants in a Regional Consultation on 8 September 2017. The Regional Consultation participants provided comments on a first draft of this report. A second version was then circulated by the IFRC and the ACDM to their respective national focal points, and additional comments were provided by the ASEAN Secretariat, and the Singapore and Cambodian members of ACDM.

The study was a document-based analysis, and does not therefore reflect country practice on AADMER implementation beyond what is codified in formal law and policy documents. A fuller analysis of national level implementation of AADMER requires consultations and more detailed analysis at national level, due to the need for national language research and verification. This was beyond the scope of the current project, but would be useful for ASEAN and other partners to develop and maintain as part of ongoing peer-learning between MS.

### **Response to Feedback at the Regional Consultation on 8 September 2017**

One of the themes that emerged in the Regional Consultation was that the AMS Government and National Society participants favored more detailed country-level analysis on the grounds that much of the relevant detail of the AADMER implementation is not found in the higher-level national laws and policies. They also highlighted that the range of different legal systems and government structures within the AMS means that there is great variability between countries in these respects. Participants suggested that in some cases the relevant forms of implementation of the AADMER are, rather, to be found in internal administrative procedures, standard operating procedures (SOPs), and sub-national regulations.

As noted above, this field of investigation would be a logical next step in the regional project, for countries seeking such studies at national level. However, the research undertaken so far has clearly identified a number of ways that national laws and policies already enable implementation of the regional cooperation aspects of AADMER, through the general powers and resources available to national DRM institutions. These present real opportunities for peer learning, and are explored further in this report.

Regional Consultation participants also requested more detail on the basis for analysis of national laws and policies against the AADMER provisions, and to this end a new Annex 1 was added. This shows how the AADMER provisions on disaster preparedness and response were broken down into the themes addressed in this research. Also country 'maps' (extended tables) were prepared. These give the detail of which national legal and policy provisions were used in the country analysis, as well as gaps in available information, and include annotations on Regional Consultation feedback and other sources of information. These detailed 'maps' of national provisions are now lengthy documents that cannot be included within this synthesis report. However, they are available as a key resource and outcome of this project, created in response to feedback from the Regional Consultation. The pro-forma document used to develop these country maps is provided as Annex 3 to this report.

## 2. Overview of AMS Legal Frameworks and Institutions

An overview of the AMS national systems of law and policy on disaster risk management is an important starting point for the regional analysis, as the project seeks to understand and share implementation of AADMER through the enabling laws and policies of these national systems. The following is a general overview, and then the analysis is focused more on the disaster preparedness and response aspects of the national systems, in line with the terms of reference for this project. Table 1: Summary of AADMER Mapping Framework on Preparedness and Response.

### Types of DRM Systems in ASEAN Member States

All ten countries have detailed law and policy frameworks for national disaster preparedness and response. These take different forms, and not all are part of a specific law on disaster risk management. Even where there are such specific laws, their scope and level of detail varies, depending on the objectives of these particular laws within the country's overall framework for risk management and development.

For the purposes of characterizing the focus of each national system in broad terms, the consultants used a global method of categorizing national disaster risk management (DRM) laws based on one that was developed by the IFRC and UNDP in the 2014 DRR Multi-Country Law Report.<sup>2</sup> The matrix in Table 2 below uses these "types" of DRM laws (categories that rang true for global peer reviewers of the 2014 DRR Law Report), and indicates where each type of system is generally most useful. This suggests that in the high-risk environment of Southeast Asia most countries would benefit from Broad DRM or DRR priority laws. Table 3 then provides more description of the content of these types of laws, and notes which type of system is in place in each AMS.

**Table 2. Matrix of DRM Law Typology and Country Context**

<b>Country exposure to natural hazards</b>	High	DRR priority law (high detail)	DRR priority law (high detail)	DRR priority law (low detail)
	Medium	DRR priority law (high detail)	Broad DRM law	DRR priority law (low detail)
	Low	Broad DRM law	Broad DRM law	Preparedness and response law
		Low	Medium	High
<b>Country disaster risk governance capacity through sectoral laws</b>				

Source: IFRC, UNDP DRR Multi-Country Report, 2014.

Table 2 uses the categorization of DRM laws into three main types: preparedness and response law; broad DRM law; and DRR priority law (high detail and low detail). Its main purpose is to indicate that DRM laws do not need to be the same in every country, as the role of these laws depends both on the exposure of the territory to natural hazards, and on the extent to which these risks are already regulated by other legal frameworks in a given country (e.g. longstanding and well-enforced building and planning laws can reduce the risks of earthquake damage and urban flooding, therefore reducing the risks to the population from natural hazards).

This way of describing national DRM systems was then extended to include countries without specific DRM systems, or with non-legislative DRM systems, to enable all situations to be classified, in a 2016 Commonwealth Secretariat global report on the DRM systems of their member states.<sup>3</sup> These extended categories were used in the present analysis. They are set out in the following table, along with the categorization of the AMS DRM systems. In Table 3, Type C equates to the “preparedness and response law” in the Table 2 matrix, Type D equates to the “Broad DRM law”, and Type E equates to “DRR priority law (high detail)”.

**Table 3. Types of DRM Systems in ASEAN Member States**

	DRM System Type	Law / System Description	Where / when type used	AMS
A	Generic emergency powers – no DRM system	No special legal or institutional framework for managing disasters. Generic emergency powers under the Constitution or state of emergency law.	This has now become uncommon globally except in very low hazard countries.	None amongst AMS
B	Administrative DRM system + generic emergency powers	No special legal framework, but a DRM system established by policy and / or administrative procedures, which may also rely on generic emergency powers for crises.	This approach remains a common model in Africa, although that is now changing there, and globally, as countries undertake national reviews and opt for legislation.	None amongst AMS
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.	These laws tend to be found in countries (i) with low hazard exposure, or (ii) with higher exposure but effective risk governance through sectoral laws, or (iii) with higher exposure but limited law-making and institutional capacity due to poverty and / or conflict.	Brunei Malaysia Singapore
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.	This is the most common type of DRM law found amongst countries with medium to high exposure to hazards that have adopted DRM laws since the mid-1990s. It is not necessarily based on a single law, but may be a mix of laws, regulations and assigned ministerial roles under executive government powers.	Cambodia Indonesia Laos Myanmar Thailand Viet Nam

3 The Commonwealth. 2016. *Disaster management, risk reduction and international disaster response laws in the Commonwealth*. Senior Officials of Law Ministries (SOLM). London: Commonwealth Secretariat.

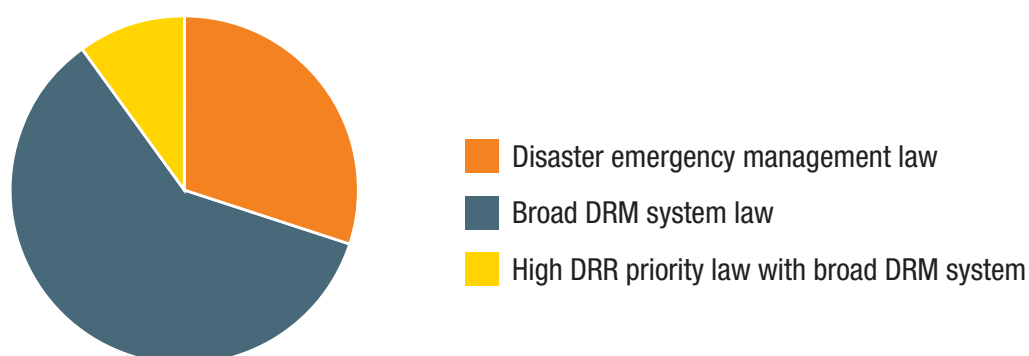


	DRM System Type	Law / System Description	Where / when type used	AMS
E	High DRR priority law with Broad DRM system	Broad DRM focus, with permanent DRM system, but gives DRR an especially high priority. Aims to establish a whole-of-society approach to disaster risk governance, using the DRM system as the 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.	Most of these laws post-date the 2005 HFA and Indian Ocean Tsunami, and tend to be found in medium and high exposure countries that have not had a long tradition of risk governance through sectoral laws and local government. Hence, when seeking a major shift towards risk reduction, the DRM system is used as the main vehicle for awareness-raising and implementing change.	Philippines
F	High DRR priority law with framework DRM system	The law gives clear priority to DRR, establishes DRM institutions, but does not make them responsible for implementation of risk governance that is covered by other laws and sectors (e.g. local government, building codes).	Found in some higher income countries with a well-developed system and culture of disaster risk governance across relevant sectors and in all levels of government. The role of the DRM law is more one of coordination and leadership.	None amongst AMS

Source: Adapted from Commonwealth Secretariat 2016 Report

The above table indicates that all the AMS have established permanent systems, and that all of them are based on laws and regulations, placing the AMS as a whole in the category of countries with tailored national DRM systems underpinned by legal provisions. Some are focused more on emergency preparedness and response, such as the legal frameworks in Brunei, Malaysia and Singapore. The other seven include broad DRM laws (including orders, decrees and regulations), a wide range of risk reduction and mitigation, preparedness and response, and early recovery activities by permanent national disaster risk management institutions: Cambodia, Indonesia, Laos, Myanmar, Philippines, Thailand and Viet Nam. Within this second group, the Philippines' system has a greater focus on disaster risk reduction, but all seven have established systems that confer institutional provisions for the broad range of disaster risk management activities.

**Figure 1. Type of Disaster Risk Management System**



For present purposes, the emphasis is on disaster preparedness and response at national and regional level, and the analysis makes clear that all of the AMS national systems regulate national disaster preparedness and response to a significant degree. The question of regional provisions is considered below.



The country pages of the web-based platform are an ongoing resource for country-level law and policy documents and analysis. However, a brief country-by country summary of the legal and institutional frameworks gives a reference point for the subsequent analysis relating to the AADMER, which refers to country examples as illustrations, and then country-level analysis is included under each thematic heading. A brief AMS summary table is also provided at the end of this section.

## 2.1 Brunei Darussalam

### National Institutional Framework

The Government of Brunei Darussalam issued the Disaster Management Order (DMO) in August 2006.<sup>4</sup> 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."<sup>5</sup>

### 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)<sup>6</sup> – "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.<sup>7</sup>

## 2.2 Cambodia

### 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. A new 2015 Royal

4 Note: Although the Brunei 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.

5 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.

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

7 The information on National Focal Points was obtained from the AHA Centre website as at July 2017. It is noted that these national Focal Points are appointed by their national Governments, and can be changed by the Governments without changes to their laws. They are part of each AMS' fulfilment of their AHA Centre Agreement, which is a separate agreement made in fulfilment of the AADMER Article 20.1.

Decree on the role and functioning of the NCDM has already been made, in accordance with the DM Law.<sup>8</sup> 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.<sup>9</sup>

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 these institutions are set out in broad terms within the law, but the law also relies on details to be set out in decrees.

As the AADMER and the AHA Centre were each established under their own separate agreements, they are not included in the DM Law or decrees.

### Sub-national Structures

The DM Law 2015 requires subsidiary legislation for the sub-national committees it mandates, although such committees were already provided for under previous regulations, but only partially operational. The DM Law requires the NCDM to develop new subsidiary legislation on 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). The Article 9 decree to achieve this is currently in draft form (not yet in English, September 2017).

DM Law Article 19: “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 a 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).

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

9 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 national Government, in accordance with the AHA Centre Agreement, and is currently the NCDM.

## 2.3 Indonesia

### 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.<sup>10</sup> 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.<sup>11</sup> 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 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,"<sup>12</sup> 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.

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

11 Including Indonesia 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).\12

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

## 2.4 Lao PDR

### 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 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.

### 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.<sup>13</sup>

### 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). (Consultation feedback).

Decree on Social Welfare (No. 169) (not yet 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. (Consultation feedback).

### AADMER / AHA Focal Point

NDMO is the AHA Centre National Focal Point.

## 2.5 Malaysia

### 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. (Consultation 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.<sup>14</sup>

The 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. (Consultation feedback).

### AADMER / AHA Focal Point

The AHA Centre National Focal Point is the NADMA.

## 2.6 Myanmar

### 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 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 National 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 National Disaster Management Fund, which it has done, being an annual allocation of 20 billion MMK (around 20 million USD) (Consultation 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 NDM Fund is provided in DM Rules Ch. XI.

### AADMER / AHA Focal Point

The Relief and Resettlement Department (RRD) of the Ministry of Social Welfare, Relief and Resettlement is the National Focal Point for the ASEAN Disaster Management Committee and the AHA Centre.



## 2.7 Philippines

### 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 top “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 OCD’s parallel administrative structures at sub-national level.

### Funding and Budget

The budget for DRRM is regulated by the DRRM Act 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% 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 DRR, preparedness and recovery activities.

Additionally, the DRRM Act mandates local governments to establish Local DRRM Funds by setting aside at least 5% 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% lump sum allocation, 30% 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% 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 the Administrator, Office of Civil Defense.

## 2.8 Singapore

### 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 emergency and deployment of the large permanent Singapore Civil Defence Force (SDCF). 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.

## 2.9 Thailand

### 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.<sup>15</sup> 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.<sup>16</sup>

### 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.

<sup>15</sup> Thailand, 2002 Royal Decree on Government New Structure, and Ministerial Order of the Ministry of Interior detail the roles and responsibilities of DDPM.

<sup>16</sup> CFE. 2015. Disaster Management Reference Handbook Thailand. Pp 38-39.

## 2.10 Viet Nam

### 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 Viet Nam 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

The VNDMA is the National Focal Point for the AHA Centre.

## 2.11 Summary Table

These brief country overviews demonstrate that each AMS has a national legal and institutional framework in place in relation to disaster risk management. Some AMS have recently revised these legal frameworks, or are considering new legislation. The following Table 4 summarizes some key aspects of the AMS legal and institutional frameworks that relate to the AADMER.

**Table 4. Overview of AMS Frameworks**

	DRM System Type	Main DRM Legal Framework	Main DRM Legal Framework
Brunei	C – Disaster emergency management law	Disaster Management Order 2006 (DMO)	National Disaster Management Centre (NDMC)
Cambodia	D – Broad DRM system law(s)	Law on Disaster Management 2015 (DM Law) and related Royal Decree on National Committee for Disaster Management 2015.	National Committee for Disaster Management (NCDM)
Indonesia	D – Broad DRM system law(s)	Disaster Management Law (DM Law) 2007 and its regulations. (New draft DM Law under consideration)	The national disaster management agency, BNPB ( <i>for Badan Nasional Penanggulangan Bencana</i> )
Lao PDR	D – Broad DRM system law(s)	Executive Decrees. (Draft DRM Law under consideration)	National Disaster Management Office (NDMO), Department of Social Welfare
Malaysia	C – Disaster emergency management law	National Security Council (NSC) Directive No. 20 of 1972; Civil Defence Act; and Emergency (Essential Powers) Act. (DRM law under development)	National Disaster Management Agency (NADMA)
Myanmar	D – Broad DRM system law(s)	Disaster Management Law 2013 (DM Law) and the Disaster Management Rules 2015 (DM Rules)	Relief and Resettlement Department (RRD) of the Ministry of Social Welfare, Relief and Resettlement
Philippines	E – High DRR priority law with Broad DRM system	Philippine National Disaster Risk Reduction and Management Act 2010 and regulations. (DRRM Act undergoing review)	National Disaster Risk Reduction and Management Committee (NDRRMC) and the Administrator, Office of Civil Defense (OCD)
Singapore	C – Disaster emergency management law	Civil Defence Act (as amended 2011)	Singapore Civil Defence Force (SCDF)
Thailand	D – Broad DRM system law(s)	Disaster Prevention and Mitigation Act 2007	Department of Disaster Prevention and Mitigation (DDPM)
Viet Nam	D – Broad DRM system law(s)	Law on Natural Disaster Prevention and Control 2013	Viet Nam Disaster Management Authority (VNDMA)

## 3. Analysis of Domestic Preparedness and Response, Based on the AADMER Themes

Effective frameworks for national disaster risk management are part of the commitments that AMS have made under the AADMER, as described in Annex 1 – AADMER Mapping Framework for Analysis of Domestic DRM Laws and Policies. Strong national preparedness and response is an AADMER objective in its own right, as well as being an important foundation for regional cooperation. Accordingly, this chapter is based around Annex 1 Part A, on the AADMER provisions related to national /domestic disaster preparedness and response.

### 3.1 Domestic Disaster Preparedness Provisions

In terms of domestic disaster preparedness, all of the AMS have national systems that provide detailed regulation and institutional structures at national level, and to some extent at sub-national and local levels. As can be seen from the above country summaries, these vary greatly between the different systems of government, the extent to which the style of laws covers specific details, and the degree of formality of national policies and plans. For example, all the laws have provisions for general awareness, and also training on disasters and preparedness; and they all provide personnel and other resources for capacity-building through responsible government agencies at the national level. There is much less detail in the laws and policies concerning preparedness at local and community level. This is often regulated in sub-national instruments or provided through sub-national institutions, ministries and local government which are outside the scope of this research.

The mapping for each country looked especially for provisions on domestic disaster preparedness and response that provided for the categories identified in the AADMER: (1) general awareness and training, (2) specific training or simulation exercises, (3) technical assistance (personnel), (4) financial resources, (5) materials or equipment, or (6) other. These details are provided in the country “maps” provided in addition to this synthesis report.

In general, all the national DRM frameworks require a range of capacity building at national level, with a more mixed pattern for local government and community level. In considering these provisions it was also recognized that the lack of a specific legal provision for sub-national capacity-building does not mean it cannot be done, as broad national responsibilities and budgets may cover it. Also, not all the AMS have decentralized local government powers or structures, while local government and community are sometimes at the same level / structure (e.g. Viet Nam’s Local People’s Committees).

The financial and budgetary aspects of preparedness are most often dealt with by different institutional funding mechanisms outside the DRM framework. Most of the funding, personnel and equipment resources for preparedness identified in this research are simply part of the DRM system institutions’ and / or government ministries’ annual budgets (examples of those with separate DRM funds are noted below).

The analysis also indicated that the national DRM system laws place greater emphasis on the national level institutions and resources. The most dominant form for these provisions are general clauses in the national laws as part of the DRM institutions' roles and responsibilities, and the main form of resource-allocation (personnel, funds, materials and equipment), is through governmental agencies' annual budgets.

### Domestic preparedness capacity, example for peer learning

An example of a more detailed domestic capacity-building provision on training is:

The Philippine DRRM Act includes general provisions on public awareness, but it also specifically requires:

- The Office of Civil Defense is to establish DRRM training institutes (s.8): and
- That "... 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." (s.9(i))

## 3.2 Domestic Early Warning System Provisions

Five of the national DM laws include general provisions for the establishment of early warning systems (EWS), and three of these require that the EWS include risk assessments and engage with communities. These are not detailed provisions, and all are supplemented by more detailed policies and plans. At least another three AMS establish warning systems under policy and plans alone, and the remaining two may also have mechanisms that were not identified by the desk-based research methodology in English. In fact, both the documentary research and the feedback from the Regional Consultation highlighted that EWS systems are less often based in the DRM system laws and policies, and are developed through a range of policy or regulatory mechanisms. They are frequently established under ministerial mandates or laws governing ministries of natural resource or the environment, especially national meteorological or hydrological services, which undertake EWS as part of their general responsibilities.

Some EWS have also been established with the support of the AHA Centre mechanisms, and through international donor projects. Even where EWS provisions are included in DRM system laws and policies, these are in the form of very general responsibilities; they are not the primary mechanism for establishing or mandating EWS systems as such (again, this does not reflect practice, only provisions).

### Domestic EWS legal provisions – example for peer learning

Myanmar's NDM Law is more specific than most regarding EWS. The NDM law requires:

- Art.5 "(h) establishing a National Disaster Management Centre for monitoring and screening information relating to disasters and prompt dissemination of early warnings;"
- Art. 14 (b) - all assigned agencies roles include carrying out and improving disaster EWS;" and

- Art. 15 “(b) giving public awareness of knowledge of the natural disaster, keeping the early warning systems, training for search and rescue and making rehearsal;” and
- 15 (e) – “issuing early warning information to the public to enable them to evacuate in time and move their property and cattle to a safe area;”

### 3.3 Domestic Disaster Response Provisions

All of the national law and policy frameworks provide for national response measures, including general provisions for the provision of equipment, relief materials, human resources and financial resources, as listed in the AADMER articles. For the most part, these are not separate provisions, but are part of the general responsibilities of the DRM institutions, including the budgets, as noted above regarding domestic preparedness. However, some AMS have mandated separate contingency funds for response and recovery.

#### Ready resources for response examples for peer learning

Some DRM legal frameworks do not include budget mechanisms or special funds, while others have very general requirements. National practice in these respects varies with the different types of government administration. However, based on the above country analysis, two mechanisms of interest include:

- The Philippine DRRM Act provisions for both national and local DRRM funds, including funds for DRR, preparedness and recovery, and quick response funds.
- The Malaysia approach is to have the Royal Malaysian Police Fire and Rescue Department as the lead agency in response, with the national civil defense force as a second responder, meaning there is expert and well-resourced response-ready capacity (personnel, equipment, budget).

### 3.4 Requirements for Domestic Stakeholder Engagement

For the study purposes, “stakeholders” were defined as non-government domestic stakeholders (national, local and community), in line with the AADMER provisions – understood as affected communities, National Red Cross or Red Crescent Societies, civil society and the private sector. This was also presumed to include gender and social inclusion as part of the commonly understood meaning of the term “stakeholders”, so the analysis also looked at inclusion of women and women’s organizations as well as vulnerable or marginalized people.

National stakeholder engagement proved a complex area to research as a desk study. This is because “stakeholders” are defined and described in many different ways in the national laws and policies, and there is essentially a continuum in the ways stakeholders can be engaged. This complexity was reiterated by participants in the Regional Consultation, who also emphasized that social protection measures related to gender / women and inclusiveness are regulated under law and policy frameworks outside the DRM system, but applicable to it.

Based on the desk review, therefore, some general observations only are offered, and these are based on analysis of the national DRM laws, without going to policy documents or other sectoral responsibilities.

More than half the DRM laws made mention of or provided for consultation with Red Cross or Red Crescent, civil society, the private sector or affected communities. These were mostly general statements of an aspirational nature. Three DRM laws were identified that also provided for representation of stakeholders in DRM decision-making bodies, and these may be of interest for other AMS – Lao PDR, Philippines and Thailand.

Social inclusion and diversity principles were almost absent from most national DRM laws, although half recognized in general terms that vulnerable or marginalized groups may require special measures.

Half the laws did not address women or gender at all, although some recognized that women at times have special needs and vulnerabilities in disasters. None required monitoring or evaluation of gender equality in disaster risk management. As an exception, Lao PDR and the Philippines laws were the only ones to require representation of women in decision-making roles in DRM system institutions. The Philippine DRRM Act also has a provision on ensuring immediate delivery of basic necessities to women (and children) during emergencies.<sup>17</sup>

### Stakeholder engagement example for peer learning

Of interest for peer learning is the Philippine DRRM Act, which takes the most inclusive approach, as it provides for representation of stakeholders in the DRRM institutions at both national and local level.

- The Role of the National DRRMC requires it to “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;” s.6 (d). The Act then provides for representation in both the National DRRMC and the Local DRRMCs as follows: Philippine Red Cross; 4 accredited CSOs members; and 1 private sector representative.
- Furthermore, on the question of gender, the Philippine DRRM Act includes the policy objective to “Ensure that disaster risk reduction and climate change measures are gender responsive, sensitive to indigenous knowledge systems, and respectful of human rights;” (S.2). It also requires the OCD to “(m) Conduct early recovery and post-disaster needs assessment implementing gender analysis as part of it” (s.9(1)). In terms of representation, the Act provides that the Chairperson of the Philippine Commission on Women (previously called the National Commission on the Role of Filipino Women), is on the National DRRMC, and that the Head of the local Gender and Development Office is a member of each Local DRRMC.



## 4. Analysis of Regional Preparedness, Response and Assistance Based on the AADMER Themes

### 4.1 Overview

The relevant provisions identified in the national legal frameworks relating to international and regional assistance are either summarized or reproduced in Annex 2. These show that none of the AMS legal frameworks on DRM include specific provisions about working with the AHA Centre or implementing AADMER. They also do not mention the ASEAN Standard Operating Procedure for Regional Standby Arrangements and Coordination of Joint Disaster Relief and Emergency Response Operations (SASOPs). However, the participants of the Regional Consultation shared that some national policy documents already cover these (but these are not yet available in English and are therefore not covered by this research). For example, Lao PDR shared that the SASOP has already been implemented in their country, despite it not being mentioned in their national DRM law.

One DRM law was identified that mentions ASEAN, somewhat indirectly. This is the Myanmar Disaster Management Act 2013, which defines “foreign regional organizations” as including ASEAN, and then allocates duties to the national committee that it carries out with the permission of the Government (Article 5 (aa), (bb), and (cc) respectively). These include:

- Making recommendations to the Government on the contribution of foreign regional organizations to Myanmar’s Natural Disaster Management Fund;
- Providing humanitarian assistance to foreign countries struck by major disasters, “especially any member State of the foreign regional organizations;”
- Permitting “transit through the state of food and relief items and rehabilitation material provided by a foreign country to another country.”

These are the most detailed provisions identified in national DRM laws that relate to the ASEAN mechanisms. They provide a general but solid mandate for regional coordination under AADMER and with the AHA Centre.

Given the lack of specific mention of AADMER or the AHA Centre so far in the AMS national laws, the research focused on the general provisions in the laws concerning regional or international cooperation relating to disasters.

### 4.2 Specific Regional Preparedness Provisions

Specific provisions on regional preparedness were almost totally absent from the laws, except for Myanmar, as noted above. Regional cooperation in early warning was mentioned in only the Brunei and Thailand laws. As noted, however, the national meteorological and hydrological agencies already have provisions on EWS, and these and other specialist institutions such as those engaged in earthquake and tsunami warning, have their own separate international and regional projects, and networks. A different scope of research



is required to identify these systems and the extent to which they are linked to AADMER obligations.

Only a few very specific sectoral provisions were found, and no measures for coordination on regional preparedness in terms of: responding to requests for information, on existing threats and hazards; technical cooperation; regional information sharing; regional mitigation measures; or regional standby arrangements.<sup>18</sup>

### 4.3 Specific Regional Response Provisions

Specific provisions for mobilization of resources for regional response were generally not present in any of the national DRM legal frameworks. Each law was screened for the inclusion of either (a) regional or bilateral information sharing on existing threats and hazards, or (b) mobilization of regional resources for response, and neither of these categories of provisions was found. However, the laws were also examined for inclusion of general measures on complying with international / regional treaties, calling for international / regional assistance, responding to such calls from others, and allowing transit of humanitarian goods, equipment and personnel.

Most laws have provisions for calling for and accepting international assistance (understood to cover regional assistance), but only a few laws have provisions on providing external assistance to other states. For example, both Malaysia and Singapore include scope for the mobilization of their national civil defence forces to other countries if requested during disasters.

Some of the laws include powers that are relevant to AADMER implementation without being specific to it. Four main types of provisions on disaster response have been identified that can support aspects of AADMER implementation. These are legal provisions on:

- Fulfilling relevant treaty obligations in general
- Requesting and receiving international or regional assistance - international disaster response laws, rules and principles (IDRL)
- Responding to requests and sending international or regional assistance
- Allowing for transit of humanitarian assistance across the national territory to other countries where they need disaster assistance

### 4.4 Fulfilling Relevant Treaty Obligations in General

Three AMS laws were identified as examples that give powers to the national DRM institutions relating to treaty obligations (including 'agreements' and 'arrangements') – Brunei, Cambodia, and the Philippines.

Brunei has provisions in its 2006 Disaster Management Order, whereby the National Disaster Council functions include, to:

- “ensure that regional and international arrangements concerning matters relating to effective disaster management are established and maintained;”

<sup>18</sup> This study does not cover bilateral arrangements on EWS or mitigation measures between adjacent countries.

- “to decide on the assistance to be provided to any country or territory relating to disaster operations;” and
- “to decide on the assistance offered by any country or territory, organization or individual;”<sup>19</sup>

The Brunei NDMC Directors functions also include:

- “To establish and maintain regional and international arrangements concerning matters relating to effective disaster management;” and
- To “coordinate assistance for disaster management and disaster operations, whether within or outside Brunei Darussalam.”<sup>20</sup>

In Cambodia, the DM law specifically empowers the National Committee on Disaster Management (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.”<sup>21</sup>

Cambodia’s DM Law has an entire chapter on international assistance, one of the most extensive identified, which is reproduced in Annex 2 in its entirety for peer learning purposes.

The Philippine DRRM Act also mentions treaty obligations:

- The National NDRRMC is required to “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.” (Act S.6 (q))
- The OCD is required to “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;” (DRRM Act S.9(j))

These Philippine provisions do not mention any specific obligations under the ASEAN or AADMER or AHA agreements, but they do give clear powers and responsibilities to the national DRM institutions. The NDRRM Council and OCD need to make sure that the country’s obligations under the regional provisions are met. They also need to take these obligations into account as an integral part of their domestic disaster risk reduction and management activities.

These types of provisions in the Brunei, Cambodia and Philippine laws confer broad powers and responsibilities that mean it is not necessary to mention the AADMER for the DRM system institutions to play an active role in its implementation and implementation. This was also emphasized by the Regional Consultation participants, noting that national DRM laws are usually worded broadly so that these cover both the AADMER and also other similar regional or international agreements or frameworks.

19 Brunei DMO Article 9

20 Brunei, DMO Art. 17.

21 Cambodia, DM Law Art. 28.

## 4.5 Requesting and Receiving International or Regional Assistance

There is much more legal regulation about receiving international assistance. This has been an area of focus for the IFRC and National Society partners for more than a decade through the IDRL Guidelines and supporting tools.<sup>22</sup>

Seven of the country laws have some form of mandate on receiving international assistance – Brunei, Cambodia, Indonesia, Myanmar, Philippines, Thailand and Viet Nam.

The most detailed sets of such provisions were found in the Cambodia, Indonesia, Myanmar and Philippine frameworks, although the Indonesian regulations do not regulate interstate assistance.

The two AMS that regulate the coordination of international assistance most comprehensively, which apply to assistance from other states, are:

- Cambodia – a chapter of the 2015 DM Law is devoted to the question of receiving and coordinating international assistance. The law also requires more detailed rules to be made in the form of a decree.
- Myanmar – has the legal provisions noted under the ‘Overview’. It also has much more detailed regulation in the Disaster Management Rules (Chapter X). A whole chapter in the Rules covers “Communication and Collaboration with Assisting International Actors.”

AMS laws can also make it easier for international assistance to arrive in their territory when they need it by using tax exemptions on imported relief items. Tax exemptions on international humanitarian relief were provided for in the laws of Cambodia, Indonesia, Myanmar, Philippines and Viet Nam, although not automatically without further government action. For example, a declaration of state of calamity or disaster is often required before tax exempt relief consignments are formally given this status.

The types of tax relief on incoming humanitarian assistance during disasters are quite general in nature. These are:

- Cambodia – DM Law Chapter 10, especially Article 31, which provides for tax exemption on humanitarian goods;
- Indonesia – Government Regulation PP23/2008, where facilitation and tax relief is discretionary;
- Myanmar – NDM Law Article 32 exempts from tax “food, relief items and rehabilitation materials”;
- Philippines – DRRM Act Article 18 provides for tax exemptions for humanitarian assistance under certain conditions;
- Viet Nam – NDPC Law 2013 Article 41 provides for tax exemption on humanitarian goods as well as facilitated entry and exit of relief personnel.

22 IFRC. 2008. Introduction to the Guidelines for domestic facilitation and regulation of international disaster and initial recovery assistance (2007, rev 2011) (“IDRL Guidelines”) <http://bit.ly/16TxYJv>.

## 4.6 Sending Regional Assistance

Sending regional assistance is mentioned in 6 of the national DRM laws, at least in a general sense as part of broader mandates on international cooperation - Brunei, Malaysia, Myanmar, Singapore and Thailand. Of these, only Myanmar mentions regional assistance specifically.

All of these are brief general mandates. They do not set out the procedures for how a decision should be made. They also do not make a distinction between responding to regional calls for assistance, and sending assistance bilaterally.

As mentioned, both Malaysia and Singapore include scope for the mobilization of their national civil defence forces to other countries if requested during disasters. This is a very significant way to send regional assistance. Their civil defence laws empower to the Minister to decide whether to send members of the national civil defence force to provide assistance in other countries.

## 4.7 Transit of Regional Assistance

The only law to specifically mention transit of regional or international assistance was Myanmar. In its 2013 Disaster Management Law the National Committee's (NNDMC) role includes: "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."<sup>23</sup> Some of the other general powers discussed in the Myanmar 2013 DM law could be used to authorize transit, but they are not specific to this question. Myanmar's Disaster Management Rules made under the law then regulate transit in more detail.<sup>24</sup>

## 4.8 AHA Centre, SASOPs and Bilateral Cooperation

None of the laws or policies examined specifically mentioned the AHA Centre, including those made more recently. However, based on the designation of focal points and the activities recorded in the AADMER Accomplishment Report, the AHA Centre Annual Reports, and feedback from Regional Consultation participants, it is clear that all the AMS have engaged with the AHA Centre in practice.

None of the laws, but some policies and plans, made mention of the Standard Operating Procedure for Regional Standby Arrangements and Coordination of Joint Disaster Relief and Emergency Response Operations (SASOPs).

No information was found on any other bilateral / multilateral arrangements relating to disaster preparedness and response in the region. However, it is probable that the online research methodology based around disaster risk management systems was not the most effective way to discover such arrangements, and that consultations with National Focal Points and / or Departments of Foreign Affairs is more likely to reveal such interstate arrangements.

23 Myanmar, DM Law, Art. 5(cc)

24 Myanmar, DM Rules Art. 50, Ch. X Communication and Collaboration with the Assisting International Actors.

## 5. Findings and Recommendations for Peer Learning

### 5.1 Summary of findings

The main finding of this report is that the **AMS regional commitments are not currently reflected in national laws and policies relating to disaster risk management**. The six AMS which have updated their laws since AADMER entered into force in 2009,<sup>25</sup> have not chosen to include specific reference to ASEAN, AADMER, or the AHA Centre in their disaster risk management legal frameworks (including the range of legislation, decrees, orders, subsidiary laws and regulations that establishes these domestic systems). It is not possible to say definitively from the current research whether the same generalization applies to all the national policies and plans made in the same period, as there are many tiers and types of such document, and many are not available in this project's working language of English. However, it is notable that, on the whole, these policy documents also focus on national / domestic disaster risk management and very few seek to regulate regional or international arrangements.

This situation likely reflects the broad style of legislative drafting for national laws in the ASEAN countries, whereby specific international agreements are not mentioned unless the law is made as a national law to accede to or specifically implement an interstate agreement. However, it also means that ASEAN countries have apparently not regarded the passage or amendment of domestic disaster risk management laws as an opportunity to clarify and / or expand institutional responsibilities as a way to expressly support the implementation of AADMER in domestic law.

As this report is based on a desk review of national DRM system laws and policies, and the project did not include an investigation of practice through consultations and verification, the report does not make findings in relation to practice. It also does not comprehensively encompass other sectors or sub-national laws, policies or administrative mechanisms.

A finding that national DRM Laws are not seen as a key mechanism for AADMER implementation is of interest. **Firstly, it opens the question of what are the preferred mechanisms for AMS to institutionalize the AADMER?** To answer that question, more detailed country-level research and consultation would be required. Secondly, the finding also makes it necessary to ask **whether the existing roles and responsibilities of DRM system institutions and government ministries are already sufficiently broad for AADMER implementation?** In this respect, the report has looked at two main aspects of the AADMER, and asked to what extent the national DRM system laws and policies:

- A. Establish national disaster risk management systems that meet the domestic preparedness and response objectives of AADMER; and
- B. Designate roles and provide sufficient institutional responsibilities and powers for national institutions to undertake the regional coordination obligations on disaster preparedness and response undertaken through AADMER.

All of the AMS have detailed national legal frameworks for domestic disaster preparedness and response that clearly allocate institutional responsibilities within the

national territory. Most of these are also supported by national policies (including plans and strategies). **Based on the documentary analysis, the AMS national disaster risk management frameworks, by and large, meet the AADMER requirements relating to domestic disaster preparedness and response.**

All AMS have also designated National Focal Points for the AADMER / AHA Centre, and these are the same national agencies responsible for overseeing domestic disaster risk management, so the key administrative mechanisms are in place as the building blocks for regional cooperation on disaster preparedness and response under the AADMER.

**The research has identified a number of ways that national laws and policies already enable implementation of the regional cooperation aspects of AADMER,** through the general powers and resources available to national DRM institutions. These present real opportunities for peer learning.

There are some gaps in the institutional powers and resources for the AMS general management of international assistance in their own territories, in arrangements for regional preparedness or regional response, and in mechanisms for sending assistance, transit of assistance, and coordination through the AHA Centre. There are also good legislative examples in these areas that may be of interest to other AMS.

## 5.2 Peer Learning Recommendations

In general, the AADMER requires AMS to have in place effective domestic DRM systems both to meet its humanitarian goals and as the foundation for regional cooperation through the AHA Centre. Based on this research, there are already some general domestic law provisions in most national DRM laws that can provide the basis for regional cooperation.

Good examples for peer learning have been noted in the body of the report under the relevant thematic areas. In summary, those highlighted as the basis for useful peer learning include:

### Examples of domestic preparedness and response in relation to the AADMER

#### **Domestic preparedness:**

- the Philippine training institutes for DRRM

#### **Domestic EWS:**

- Myanmar's specific legal provisions on EWS

#### **Domestic response:**

- The Philippine DRRM Act provisions for both national and local DRRM funds, including funds for DRR, preparedness, recovery and quick response:
- The Malaysia approach of having a response-ready standing forces (fire and rescue, civil defense) which already has personnel, equipment and budget.

#### **Domestic stakeholder engagement:**

- The Philippine DRRM Act provisions on representation of women, civil society organizations, private sector and Red Cross in national and local DRRM committees

## Examples of regulation of regional cooperation in relation to the AADMER

- Myanmar's inclusion of ASEAN and regional obligations
- Provisions on compliance with treaties in general: Brunei, Cambodia, and the Philippines
- Provisions on coordination of international assistance: the most detailed models for interstate cooperation as well as others are in the laws of Cambodia and Myanmar.
- Tax exemptions for humanitarian assistance are most clearly conferred in the laws of: Cambodia, Myanmar, and Viet Nam.

### 5.3 Recommended Next Steps

The participants in the Regional Consultation in September 2017, representing 6 out of 10 Member States and 7 Red Cross Red Crescent National Societies within the ASEAN region, validated the importance of this research. It was found to provide an overarching analysis of how domestic DRM laws and policies satisfy AADMER disaster preparedness and response provisions.

One of the recommendations arising from the Regional Consultation was to conduct more in-depth research into national and sub-national regulations, policies and plans, to provide a more accurate picture of how much each Member State has institutionalized AADMER across law, policy and practice. This level of detail could not be attained in the current report given the limitations of the desk based research. However, further country-level information is necessary to reach a more comprehensive and fair assessment for each country.

Based on the above, the following are **three recommendations on next steps**.

#### 1. Peer learning

Peer learning activities, whether through face to face learning exchanges or active use of the online platform, will complement the findings of the Regional Synthesis Report and subsequent country-specific studies. These will provide an avenue for re-evaluation, innovation and strengthened partnership among ASEAN to strengthen DRM legal and policy frameworks, including their implementation.

#### 2. Development of an AADMER checklist

This Report provides a pro-forma checklist (Annex 3) used in mapping National DRM laws against identified preparedness and response provisions of AADMER. This checklist is designed for a general regional survey, but will require further revision for country-specific studies.

#### 3. Conduct of country-specific studies

More detailed country research and consultation, in partnership with relevant government agencies and other stakeholders, is necessary to better assess sub-national and sectoral laws, policies and regulations, as well as undertaking necessary consultation and verification of country-level analysis. The more detailed country specific can also assist with translation of these documents in English if not yet available.



## Annex 1 – AADMER Mapping Framework for Analysis of Domestic DRM Laws and Policies

### A. Thematic Summary of AADMER Provisions on National / Domestic Disaster Preparedness & Response

#### National institutional arrangements

National legal / policy definitions	
Art 01(3)	“Disaster” means a serious disruption of the functioning of a community or a society causing widespread human, material, economic or environmental losses.
Art 01(7)	“Disaster emergency” means a situation where a Party declares that it is unable to cope with a disaster.
National roles & responsibilities	
Art 03(1)	“(…) each affected Party shall have the primary responsibility to respond to disasters occurring within its territory and external assistance or offers of assistance shall only be provided upon the request or with the consent of the affected Party.”
Art 04(d)	“Parties shall: (…) take legislative, administrative and other measures as necessary to implement their obligations under this Agreement.”

#### National (domestic) preparedness measures

Domestic disaster preparedness	
Art 03(5)	“The Parties shall, to the extent possible, mainstream disaster risk reduction efforts into sustainable development policies, planning and programming at all levels.”
Art 06(2)	(Summary) Parties shall undertake measures to reduce losses from disasters including: promoting public awareness and education, community participation, promoting use of indigenous knowledge.
Domestic early warning systems (EWS)	
Art 07(1)	(Summary) Parties shall, as appropriate, establish, maintain and periodically review national disaster early warning arrangements including risk assessment, EWS, communication networks, public awareness and preparedness
Domestic stakeholders	
Art 03(6)	“The Parties, in addressing disaster risks, shall involve, as appropriate, all stakeholders including local communities, non-governmental organizations and private enterprises, utilizing, among others, community-based disaster preparedness and early response approaches.” (Presumed to include gender and diversity in “all stakeholders”).



## National (domestic) response measures

AHA Centre	
Art 10(2)	“Each Party may forthwith inform other Parties and the AHA Centre of such measures” (for emergency response).
Domestic disaster response	
Art 04(b)	(Summary) Parties shall immediately respond to a disaster occurring within their territory.
Art 10(1)	“Each Party shall ensure according to their national legislation that the necessary measures are taken to mobilize equipment, facilities, materials, human and financial resources required to respond to disasters.”

## B. Thematic Summary of AADMER Provisions on Regional Disaster Preparedness & Response that Require National Measures

### Joint regional & national preparedness

Disaster preparedness	
Art 06(1) (2)	(Summary) Parties shall jointly or individually develop strategies to reduce losses from disasters including strengthening local and national disaster management capability and coordination
Art 08(1)	“Parties shall jointly or individually develop strategies and contingency / response plans to reduce losses from disasters.”

### Regional institutional arrangements

AHA Centre	
Art 11(1)	“If a Party needs assistance in the event of a disaster emergency within its territory, it may request such assistance from any other Party, directly or through the AHA Centre, or, where appropriate, from other entities.”
Art 20(1)	(Summary) AHA Centre shall be established to facilitate co-operation and co-ordination among Parties and with relevant UN and international organizations in promoting regional collaboration.
Art 20(3)	“AHA Centre shall carry out the functions as set out in the Annex and any other functions as directed by the Conference of the Parties.”
Art 22(1)(2)	(Summary) Each Party shall inform other Parties and the AHA Centre, of its National Focal Point and Competent Authorities and any changes.
Art 22(3)	(Summary) AHA Centre shall expeditiously provide information regarding NFPs and Competent Authorities to Parties and relevant international organizations.
Reports / information on national domestic implementation	
Art 10(2)	“Each Party may forthwith inform other Parties and the AHA Centre...” of domestic emergency response measures taken.
Art 29	(Summary) Parties shall transmit reports on measures taken for the implementation of this agreement to the Secretariat.

<b>Parties' regional roles &amp; responsibilities</b>	
Art 01(2)	(Summary) To designate and authorize a “competent authority” to act on its behalf in the implementation of the Agreement.
Art 01(8)	(Summary) To designate and authorize a National Focal Point to receive and transmit information pursuant to the provisions of this Agreement
Art 03(2)	“The Requesting or Receiving Party shall exercise the overall direction, control, coordination and supervision of the assistance within its territory.”
Art 11(2)	(Summary) Assistance can only be deployed at the request of or with consent of the Requesting /Receiving Party
Art 12(1)	“Requesting or Receiving Party shall exercise the overall direction, control, coordination and supervision of the assistance within its territory (...)”
Art 22(1)	“Each Party shall designate a National Focal Point and one or more Competent Authorities for the purpose of implementation of this agreement.”

## Regional preparedness

<b>Regional cooperation (building capacity)</b>	
Art 03(3)	“The Parties shall, in the spirit of solidarity and partnership and in accordance with their respective needs, capabilities and situations, strengthen cooperation and co-ordination to achieve the objectives of this Agreement.”
Art 08(3)(a)	(Summary) Parties shall jointly or individually enhance their national capacities to conduct training exercises and maintain relevance and applicability of SOPs
Art 18(1)(b)	Parties shall undertake technical co-operation including: “promote the standardization of the reporting format or data and information;”
Art 18(1)(c)	Parties shall undertake technical co-operation including: “promote the exchange of relevant information, expertise, technology, techniques and know-how;”
Art 18(1)(d)	Parties shall undertake technical co-operation including: “provide or make arrangements for relevant training, public awareness and education, in particular, relating to disaster prevention and mitigation;”
Art 18(1)(e)	Parties shall undertake technical co-operation including: “develop and undertake training programmes for policy-makers, disaster managers and disaster responders at local, national and regional levels.”
Art 18(1)(f)	Parties shall undertake technical co-operation including: “strengthen and enhance the technical capacity of the Parties to implement this Agreement.”
<b>Resources for regional disaster response and ADMER Fund</b>	
Art 18(1)(a)	Parties shall undertake technical co-operation including: “facilitate mobilization of appropriate resources both within and outside the Parties.”
Art 24(1), (2)	(Summary) The ASEAN Disaster Management and Emergency Relief (ADMER) Fund is established for the implementation of this Agreement.
Art 24(4)	“Parties shall, in accordance with the decisions of the Conference of Parties, make voluntary contributions to the Fund.” (ADMER Fund)

<b>Regional early warning systems (EWS)</b>	
Art 04(a)	Parties shall cooperate in "...development of monitoring, assessment and early warning systems..."
Art 07(2)	Parties shall cooperate to "monitor hazards which have trans-boundary effects, to exchange information and to provide early warning information through appropriate arrangements."
<b>Regional standby and SOPs (SASOPS)</b>	
Art 04(a)	Parties shall cooperate in developing and implementing "...standby arrangements for disaster relief and emergency response, and the provision of mutual assistance;"
Art 08(2)	(Summary) Parties shall prepare SOPs for regional co-operation and national action required under this agreement including: regional stand-by arrangements; use of civil /military personnel, transport, communication equipment, facilities, goods & services and to facilitate their transboundary movement; and coordination of joint disaster relief & emergency response operations.
<b>AHA Centre and preparedness</b>	
Art 05(4)	(Summary) AHA Centre shall receive and consolidate risk data and disseminate to all Parties.
Art 08(4)	"Each Party shall regularly inform the AHA Centre of its available resources for the regional standby arrangements for disaster relief and emergency response."
Art 08(5)	"The AHA Centre shall facilitate the establishment, maintenance and periodical review of regional standby arrangements for disaster relief and emergency response."
Art 09(2)	(Summary) Parties shall communicate earmarked assets and capacities to other Parties and the AHA Centre
Art 09(3)	(Summary) AHA Centre shall consolidate, update and disseminate data on Parties' earmarked assets
Art 18(2)	(Summary) AHA Centre shall facilitate activities for technical co-operation as identified in in art 18(1).
Art 19(2)	(Summary) AHA Centre shall facilitate activities for scientific and technical research as identified in art 19(1)

## Regional disaster response

<b>AHA Centre role in regional response</b>	
Art 11(6)	(Summary) Parties shall notify the AHA Centre of civilian /military personnel & other assets which could be made available to other Parties in the event of a disaster as well as the terms, especially financial, under which it could be provided.
Art 14(c)	In accordance with national laws and regulations the Requesting / Receiving Party shall: "co-operate with the AHA Centre, where appropriate, to facilitate the processing of exemptions and facilities in respect of the provision of assistance."
Art 16(2)	"AHA Centre, where possible and appropriate, shall facilitate the processing of transit of personnel, equipment facilities and materials in respect of the provisions of assistance."

Art 20(2)	(Summary) In the event that a Party requires assistance to cope with a disaster, in addition to direct request to any Assisting Entity, it may seek assistance from the AHA Centre to facilitate such requests.
<b>Receiving regional / international assistance</b>	
Art 09(4)	(Summary) Each Party shall designate a network of pre-designated areas as entry points for supplies and expertise from Assisting Entities
Art 11(3)	(Summary) The Requesting Party shall specify the scope and type of assistance required or shall in consultation jointly assess and decide upon the scope and type of assistance required.
Art 11(5)	(Summary) Parties that receive an offer of assistance shall promptly decide whether to accept it, and notify the offering party of the scope and terms of assistance needed. This can be done directly or through the AHA Centre.
Art 12(2)	The Requesting /Receiving Party shall provide “to the extent possible, local facilities and services for the proper and effective administration of the assistance...” and “ensure the protection of personnel, equipment and materials brought into its territory by or on behalf of the Assisting Entity...”.
Art 12(3)	“The Assisting Entity and Receiving Party shall consult and co-ordinate with each other with regard to any claims, other than an act of gross negligence or contractual claims against each other, for damage, loss or destruction of the others’ property or injury or death to personnel of both Parties arising out of the performance of their official duties.”
Art 14(a)	In accordance with national laws and regulations the Requesting / Receiving Party shall: “accord the Assisting Entity exemptions from taxation, duties and other charges of a similar nature on the importation and use of equipment including vehicles and telecommunications, facilities and materials brought into its territory” for the purpose of assistance.
Art 14(b)	In accordance with national laws and regulations the Requesting / Receiving Party shall: “facilitate the entry into, stay in and departure from its territory of personnel and of equipment, facilities and materials involved or used in the assistance;”
Art 15(1)	“Military personnel and related civilian officials involved in the assistance operation shall be permitted to wear uniforms and distinctive identification while performing official duties.”
Art 15(3)	“Aircrafts and vessels used by the military personnel and related civilian officials of the Assisting Entity may use its registration and easily identifiable license plate without tax, licenses and /or any other permits. All authorized foreign military aircrafts will be treated as friendly aircrafts and will receive open radio frequencies and Identification Friend or Foe (IFF) by Receiving Part Authorities.”
<b>Sending regional / international assistance</b>	
Art 04(b)	Parties shall respond promptly to a request for information when a disaster is likely to impact a nearby State, with a view to minimizing consequence.

Art 04(c)	Parties shall promptly respond to a request for assistance from an affected Party
Art 08(3)(a)	Parties shall jointly or individually enhance their national capacities to: facilitate mobilization of national resources to support regional standby /response
Art 09(1)	(Summary) Parties shall earmark assets and capacities available for regional stand-by arrangements such as: emergency response /standby arrangements; civilian and military assets; stockpiles of relief items; DM expertise and technologies.
Art 11(4)	(Summary) Parties shall decide promptly about requests for assistance.
Art 12(1)	(Summary) The Assisting Entity shall designate in consultation with the Requesting /Receiving Party a person who shall be in charge of and retain immediate operational supervision over the personnel and equipment provided by it (the Head of assistance operation)
Art 12(2)	(Summary) Military and civilian officials of Assisting Entities are not to carry arms.
Art 12(4)	“The relief goods and materials provided by the Assisting Entity should meet the quality and validity requirements of the Parties concerned for consumption and utilization.”
Art 13(1)	“Members of the assistance operation shall refrain from any action or activity incompatible with the nature and purpose of this Agreement.”
Art 13(2)	“Members of the assistance operation shall respect and abide by all national laws and regulations. The Head of the assistance operation shall take all appropriate measures to ensure observance of national laws and regulations. Receiving Party shall co-operate to ensure that members of the assistance operation observe national laws and regulations.”
Art 15(2)(a)	For the purposes of entry into and departure from the territory of the Receiving Party, members of the assistance operation shall be required to have: “an individual or collective movement order issued by or under the authority of the Head of the assistance operation or any appropriate authority of the Assisting Entity;”
Art 15(2)(b)	For the purposes of entry into and departure from the territory of the Receiving Party, members of the assistance operation shall be required to have: “a personal identity card issued by the appropriate authorities of the Assisting Entity.”
<b>Transit of regional / international assistance</b>	
Art 16(1)	“Each Party shall, at the request of the Party concerned, seek to facilitate the transit through its territory of duly notified personnel, equipment, facilities and materials involved or used in the assistance to the Requesting or Receiving Party. The Party concerned shall exempt from taxation, duties and other charges of a similar nature for such equipment, facilities and materials.”

## Annex 2 – Table of ASEAN Member States' National DRM Law Provisions on International / Regional Assistance

### AMS key legal provisions on international and regional assistance

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#### Brunei

NDC has regional liaison functions under DMO Article 9:

- Art. 9 Into 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, organization or individual;”

Functions of NDMC Director, D MO 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;”

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#### Cambodia

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 fulfil 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.”



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## Indonesia

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.

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## Lao PDR

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).

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## Malaysia

The Central Disaster Management and Relief Committee (CDMRC) / NDMA, 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).

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## Myanmar

- 2013 Disaster Management 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 Natural 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, on Communication and Collaboration with the Assisting International Actors – is also an NNDMC 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 natural 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 NNDMC 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.

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## Philippines

Under the provisions in the DRRM Act 2010

- S.6 the NDRRMC provision 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 provision 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):

- (an) 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”)

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## Singapore

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—

“(an) 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; (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...”

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## Thailand

The DPM Law does not regulate international assistance. However, 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 case 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.”

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## Viet Nam

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 Viet Nam

1. Foreign organizations and individuals and international organizations participating in the response to and remediation of the consequences of natural disasters in Viet Nam 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 Viet Nam 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.”
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# Annex 3: Pro-Forma Checklist used for the 10 Country ‘Maps’

(Country name)

## 1. DRM System Overview

Scope of the analysis

AADMER Implementation Mapping

(Country name) DRM System type

National institutional framework

Sub-national structures

Funding and budget

AADMER / AHA Focal point

## 2. Key documents

DRM System Laws, Decrees and Regulations at the National Level

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

Other related national laws and policies

Select reports and other documents

## 3. (Country Name) 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 (an information gap).

<b>A. (Country Name) National measures underpinning domestic disaster preparedness and response</b>			
<b>Issue / Question</b>	<b>National Laws, Decrees, Regulations</b>	<b>National Guidelines, Policies, Plans</b>	<b>Other / Notes</b>
<b>1. DOMESTIC PREPAREDNESS</b>			
<b>1.1 Provisions on national level capacity development</b>			
a. General awareness and education			
b. Specific training, simulation exercises, training institutes			
c. Resources (funds, material, equipment, personnel)			
<b>1.2 Provisions on sub-national capacity development</b>			
a. General awareness and education			
b. Specific training, simulation exercises, training institutes			
c. Resources (funds, material, equipment, personnel)			
<b>2. DOMESTIC EARLY WARNING SYSTEM (EWS) PROVISIONS</b>			
a. Basis for EWS			
b. Content of EWS, e.g. risk assessment, community engagement / awareness, use of indigenous knowledge, detailed procedures, EWS training / simulations			
<b>3. RESOURCES FOR DOMESTIC DISASTER RESPONSE</b>			
Funds, material, equipment, personnel			
<b>4. DOMESTIC NON-GOVERNMENT STAKEHOLDERS</b>			
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			

**B. (Country Name) 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>1. ASEAN DRM mechanisms</b>			
Specific mention of the AADMER, AHA Centre, SASOPS etc.			
<b>2. Treaty implementation</b>			
Provisions on regional / international treaty implementation.			
<b>3. Regional / international cooperation in DRM</b>			
General provisions / powers			
<b>4. Regional preparedness / EWS</b>			
Provisions on regional preparedness, e.g. EWS, information on hazards, technical cooperation, mitigation measures, regional standby arrangements			
<b>5. Regional / international disaster response</b>			
a. General provisions on disaster response coordination			
b. Specific provisions on sharing information on existing threats and hazards, mobilizing resources for regional response.			
<b>6. Receiving assistance</b>			
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).			
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>7. Sending assistance</b>			
a. Provisions on responding to requests and sending interstate bilateral / regional / international assistance.			
b. Any specific provisions on resource allocation for sending assistance.			

(Country Name) – Text / description of DRM provisions on regional / international cooperation



# 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.



International Federation  
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