



# Lessons Learned : Disaster Management Legal Reform

The Indonesian Experience

*Many countries are increasingly vulnerable to violent conflicts or natural disasters that can erase decades of development and further entrench poverty and inequality. Through its global network, UNDP seeks out and shares innovative approaches to crisis prevention, early warning and conflict resolution.*

*And UNDP is on the ground in almost every developing country -- so wherever the next crisis occurs, we will be there to help bridge the gap between emergency relief and long-term development*

*"A country's legislative and governmental systems provide the basis for plans and organisation in all areas of disaster risk reduction. An adequate institutional basis as well as good governance, therefore, is an important prerequisite for disaster risk management." (UN/ISDR, 2007. Words Into Action: A Guide for Implementing the Hyogo Framework. Geneva, Switzerland, p.21)*

# Introduction

The reform of the Disaster Management (DM) Law in Indonesia provides Disaster Risk Reduction practitioners and development professionals with insight into the intrinsic linkages between the legal frameworks for DM, the place of Disaster Risk Reduction (DRR), and broader development objectives such as the Millennium Development Goals (MDGs). Practitioners working on DRR, either at national or at the sub-national level, can glean successful approaches from the process in Indonesia from 2005-2009. Both at the national and the sub-national level, lessons from Indonesia regarding coordination and multi-stakeholder participation in legal reform are valuable. Other countries that currently lack comprehensive DRR regulation or, those that are in the process of developing regulatory frameworks for DRR can learn from the approaches employed in Indonesia. Actors involved in the international risk reduction initiatives can learn from the diversity of experiences evident in the Indonesian DM Legal reform process. Whether intending to inspire programmes or inspire partners, DRR practitioners can map a path towards HFA compliance from the insights of the experiences outlined in this brochure.

# The right time, the right place

Domestically, Indonesia's impetus for legal reform for DM and DRR was drawn from the coalescence of actors' perceptions in the post-tsunami emergency response and subsequent rehabilitation and reconstruction phase. Those actors included the local and national governments, international organisations, NGOs, UNDP and the wider UN system. Indonesia also benefitted from initiatives at the international level, such as the Hyogo Framework for Action (HFA) that finally placed Disaster Risk Reduction at the centre of Sustainable Development Planning and provided benchmarks for all countries to assess and report their respective achievements towards the 5 priorities. Donors subsequently realigned their programmatic priorities and earmarked substantial funds specifically for Disaster Risk Reduction within their portfolios. Reform of DM in Indonesia was considered urgent and few barriers were encountered during the legal reform process.

The HFA 2005-2015 provided the basis for intense advocacy for disaster risk reduction funding and the mainstreaming of disaster risk reduction in development planning. UNDP, supported by its donors, and as a trusted development partner, has worked

collaboratively with the government agencies BAPPENAS and BAKORNAS PB, as well as with the Indonesian Society for Disaster Management (MPBI) to corral the momentum for DM and DRR reform. The shift in paradigm, at both international and national levels, from focussing on disaster response to enhancing disaster risk reduction (DRR) underpinned the reform process in Indonesia and as a result mainstreaming DRR into the development planning process gained traction in Indonesia. Donor funding had earmarks for DRR, the Indonesian government's National Development Planning Agency (BAPPENAS) committed budget funds for DRR and this drove the UNDP CPAP DRR programme at country level: Safer Communities through Disaster Risk Reduction (SCDRR) and Disaster Risk Reduction- Aceh (DRR-A) being two examples of this commitment.

# What was the situation like beforehand?

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Under the previous legislative regime, BAKORNASPB (National Disaster Management Coordination Agency) was ill equipped to respond to disaster as per its coordinating role. It did not have an operational response mandate but a coordinating mandate. The structure included a permanent secretariat for BAKORNAS PB, staffed by seconded personnel who were in non-structural roles within the government hierarchy: motivation and commitment were variable. Although BAKORNAS PB was essentially a Ministerial Committee, with direct access to the line ministries, often those tasked with representing the Ministers were political appointees or retired military personnel. The reporting lines for BAKORNAS PB were also somewhat blurred. Administratively, BAKORNAS PB was under the auspices of the Coordinating Ministry for Peoples' Welfare which itself had limited operational mandate and lacked command and control powers over the line ministries. Functionally, BAKORNAS PB reported to the Vice President whose mandate included crisis management and disaster response. The unfortunate situation often developed

whereby the lead response ministries -the Social Department, the military apparatus, etc.- were directly 'tasked' by, and were expected to 'report' to three different 'masters', their respective Ministers, the Vice President and -to a limited extent- BAKORNAS PB. The situation at the sub-national provincial level and district level was similarly awkward: at provincial level the response was coordinated through the SATKORLAK (Implementation Coordination Unit) and at district level by SATLAK (Implementation Unit). The SATKORLAK and SATLAK often lacked the capacity to coordinate or implement and often were in discord with the local line ministry responders.

Fortunately, the BAKORNAS PB, SATKORLAK and SATLAK personnel themselves were aware of the constraints of the regulatory structure and were not only receptive to legal reform of DM, they were enthusiastic about the prospect of being absorbed within a more proactive and functional structure.

# Kick-starting the Process

The push to reform the Disaster Management Law was conceived well before the earthquake and tsunami of 26 December 2004: in 2003 discussions were well underway between UNDP, OCHA, BAKORNAS PB and MPBI. At this time, UNDP CPRU was dealing with conflict affected areas of Indonesia and political will was not yet conducive for such a DM reform initiative.

Initially, in 2005-2007, UNDP provided support to the legal reform process through its Emergency Response and Transitional Recovery (ERTR). This allowed for funding activities such as the drafting of the DM Law, familiarisation workshops for parliamentary committee members, and its deliberation process. The unusually smooth passage of the Law 24 on Disaster Management, and its enactment on 27 April 2007 was a significant achievement for two reasons. Firstly, the law was introduced to the Indonesian House of Representatives (DPR) by the legislature, and secondly, because the principal advocacy for the law came from the civil society group – The Indonesian Disaster Management Society (MPBI). At the behest of MPBI, UN OCHA provided coordination support for the broader grouping of international actors known as the Convergence partners who would be vital for funding DM and

DRR initiatives. UNDP CPRU, through its ERTR programme, provided funding for consultants to draft the legislation and to train the DPR Commission VII members who were to review and deliberate the bill. Immediately after the passage of the DM Law additional technical support was provided to support the development and enactment of the subordinate ancillary regulations.

In parallel to the ongoing reform process, UNDP and its partners developed a substantial five year national programme, Safer Communities through Disaster Risk Reduction (SCDRR), designed to support the government of Indonesia to further strengthen its DM capacity to achieve the HFA priorities. Four of the HFA priorities are reflected in the project DNA as its Programmatic Outputs. UNDP and the Government of Indonesia gratefully recognise the funding provided by DFID and AusAid for the Safer Communities through Disaster Risk Reduction (SCDRR) programme.

Similarly, at the sub-national level, the three year MultiDonorFund-sponsored programme in Aceh for Disaster Risk Reduction (DRR-A), is a product of the momentum for DRR that evolved in synch with the legal reform of Disaster Management in Indonesia.

# Who was involved?

## What roles did they play?

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The range of actors involved in the legal reform process had a common understanding of the situation and the challenges faced with DM reform. These actors included: UN OCHA, UNDP, National Planning Agency (BAKORNAS PB), National Disaster Coordination Agency (BAPPENAS), Ministry of Home Affairs (MOHA), UNTWG ISDR, Indonesia Society of Disaster Management (MPBI), University Forum, donors, Indonesian Red Cross, IFRC, CARDI, House of Representatives (DPR).

Pivotal to the fast pace of the legal reform process in Indonesia was the strong collegial bonds that existed between the various actors: bonds built during the period 2005-2009, and galvanised by the tragedy of the disasters during that period. Sound mechanisms were in place for monthly coordination meetings, information exchange, and cost-sharing. All were committed to not repeating the mistakes that resulted from previous poor coordination. Impressed by the professionalism of the group, and the level of trust between these actors, a great number of additional actors were attracted to the cause of DM legal reform and became the unofficial National Platform for DRR.

Among all of these actors, however, there was no official national authority to

coordinate or lead a legal reform process. Often, the duty of office of these actors inherently prevented them from taking a lead role in legislative development. The Indonesian Disaster Management Society (MPBI) consisted of groups and individuals concerned with the frequency, variety and scale of disaster to which Indonesia is prone. MPBI is committed to improving the overall management of the DM cycle in Indonesia. As an NGO, with a broad base of support, MPBI was best placed to lead the advocacy and reform process. UNOCHA and UNDP were best placed to coordinate, provide secretarial support services and technical assistance as required during the drafting of the bill and the subsequent DPR's deliberation of the bill. BAPPENAS was best placed to support HFA priorities through embedding DRR and DM in development planning. In the absence of a national authority for disaster management, BAPPENAS took the lead in developing the first National Action Plan (NAP DRR) 2006-2009 in collaboration with BAKORNAS PB and others. The absence of significant DRR regulation prior to the DM law meant that the NAP DRR was developed in a 'vacuum' of disaster risk regulation. Hence the NAP DRR was developed by BAPPENAS as an adjunct to the Medium Term Development Plan (RKJM). (See SCDRR Lesson Learned: NAP DRR)



# What were the key achievements? What was unique about the approach adopted?

Five aspects of the approach to legal reform in Indonesia were unique.

- Firstly, the advocacy for reform was led by a civil society organisation, the MPBI.
- Secondly, although discussions and initial drafting of the law took place from 2003 during a period of less conducive political momentum, the haste with which the new law progressed from draft to enactment was exemplary, taking less than two years (2005-2007).
- Thirdly, little opposition to the bill was encountered: broad based support was founded upon strong and well-coordinated collegial networks within the disaster management community, international partners, and the related bureaucracies within the Indonesian government. These collaborations coupled with the effective outreach to both the executive and legislative branches of the government meant a synchronised strategic approach

to ensuring that: the Bill was given political priority; was supported by the intellectual capital of a range of 'experts'; was given budgetary support; and, was based on international policy direction.

- The DPR invoked its right to introduce legislation: a rarely utilised right.
- The DM Law is founded on a human rights-based approach whereby the government is responsible and accountable for protecting its citizens at all stages of the DM cycle: it has authority to act, and, is liable to prosecution should it fail to act. Citizens have the right to compensation in the event of a disaster affecting them, thereby prompting the government to ensure that risk of disaster is reduced. Similarly, the citizens themselves are liable to prosecution should they act in such a way that endangers or causes damage to others or the environment.



# What was the result of the legal reform process?

## How is DM regulated now?

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Disaster Risk Reduction was decreed as one of nine national development priorities in 2007, and this resulted in the DM Law's priority for deliberation in parliament being brought forward in the Parliamentary calendar. The Disaster Management Law 24/2007 recognizes the shift from a focus on Disaster Response to Disaster Risk Reduction while clearly identifying a systematic approach to disaster management across the three phases of the DM cycle. The systematic approach consists of three phases:

1. pre-disaster planning and preparedness (including disaster risk reduction, mitigation, preparedness and contingency planning),
  2. during emergency response (SAR, relief) and,
  3. post-disaster longer term recovery (including rehabilitation and reconstruction).
- (Prior to the systematic DM approach, Indonesia's regulatory framework consisted of the somewhat limited mandate for emergency response coordination vested in the BAKORNAS PB.)

The Disaster Management Law 24/2007 provides a comprehensive, though imperfect, basis for Disaster Management during the three phases of the DM cycle. The Law mandates the creation of a National Disaster Management Agency (BNPB) that reports directly to the President. The law provides a mandate to the BNPB to

coordinate all contingency, preparedness, mitigation, prevention, DM training, DRR activities (risk assessment and mapping) in the pre-disaster phase. In the response phase, the BNPB has the command and control of the coordinated responses of all actors (government, international organisations and NGOs). And in the post-disaster phase, the DM Law empowers the BNPB to coordinate the damage and loss assessments, and coordinate the implementation of rehabilitation and reconstruction.

The BNPB is now headed by a selected official through a fit-and-proper test, whose post is at the same level as a Minister (although not called a Minister and not a member of Cabinet). The Head of BNPB reports directly to the President, and has strong links to the administrative office of the Ministry of Home Affairs in relation to its sub-national role in developing local Disaster Management Agencies (BPBDs). Under the new structure, the Unsur Pengarah (Steering Committee) is sub-ordinate to the BNPB in commanding emergency response and the mandate to coordinate in pre- and post-disaster phases. This is converse to the previous situation where BAKORNAS PB and the Secretariat were subordinate to the 'Council of Minister's delegates'.

The Law also addresses and regulates the development and application of DM Plans as well as DRR plans at national and sub-national level. The Law has been further clarified with government regulations: PP 21/2008 – regarding DM Arrangements at National and Sub-national level; PP22/2008 - regarding DM Funding and Management of Relief Aid; and, PP23/2008 - regarding the Participation of International and Non-Government actors in all phases of the DM cycle.

The President issued a Presidential Regulation 8/2008 establishing the National Disaster Management Agency (BNPB). Subsequent to which the Minister of Home Affairs issued Decree

No 46/2008 requiring the establishment of Local Disaster Management Agencies (BPBDs) in all provinces by the end of 2009. The national government made it mandatory for BPBDs to be established in every province and hence the provincial governments have a budget line for DM.

The new DM Law includes hefty criminal sanctions placed on government and civil servants for failure to protect citizens 'pre-, during, and post-disaster'. The Law also mandates the government to provide compensation for victims of disasters: this potentially enormous recurring cost builds the economic case for the government to ensure more effective DRR, mitigation and preparedness.



# The Legal Reform Process:

What were the challenges?

What was less successful?

What subsequent changes in approach have been adopted?

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Prior to the December 26 2004 Tsunami, efforts had been made to instigate legal reform for DM and DRR. However, political will and funding support for DM was overshadowed by emergency responses to national security threats in the form of regional conflicts and acts of terrorism. It was in this context that the initial strategy for legal reform was formulated by MPBI, UNTWG, and BAKORNAS PB, leading to the production of a road map of legal and regulatory reforms that were required.

At the beginning of 2005, in meetings with Baleg (the Legislative Agency within the House of Representatives), the DM Law was noted as being priority 55 of 234 pieces of legislation for the parliament. In 2005, the DM Law was included in the list of priority legislative reforms and the road map became part of a UNDP Project Document, namely, Emergency Response and Transitional Recovery (ERTR). UNDP convened meetings with Baleg and provided funding for consultants to draft sections of the DM Law on CB DM participatory approaches, public administration, mitigation measures, DRR, etc. These consultants then worked within Baleg and the Commission VIII and the Special Committee for DM (Pansus DM). Meanwhile the MPBI rallied the CSOs and ran workshops to build broad public

support. UNDP supported workshops for the DPR's public consultations and the consultants were tasked to educate the DPR Commission VIII. During this period the political commitment increased for the prioritisation of DM and DRR.

The very first drafts of the DM Law in 2005 were heavily civil-society focussed owing to the MPBI's central role in the drafting process. In the final Law 24/2007, as enacted, it retained its 'human-rights-based' approach, but was less focussed on the civil society, instead delineating roles of the new agency and existing national ministries in the phases of the DM cycle. The civil society focus was reduced to ensure that the government was firmly entrenched as the authority to prepare for, mitigate, respond, compensate and rebuild in the disaster management cycle: clear authority, responsibility and accountability of the government was viewed as more important than the role of civil society.

After considerable redrafting and review with Commission VIII, the DM Law was submitted for executive review, whereupon the President of the Republic of Indonesia delegated the authority for the legal review to the Ministry for Social Affairs, Ministry of Law and Human rights and the Ministry of Public Works. The draft DM Law stalled

again owing to lack of technical expertise especially regarding the human rights-based approach. UNDP again provided consultants to chaperone the reviewers through the technical aspects and human rights-based approach.

In 2006, while civil society was supported by UNDP and OCHA to lead the advocacy for the national level DM legal reform, OCHA and UNDP conducted extensive consultations with international partners through the Convergence Group and the UNTWG to ensure that the new DM Law would cover international cooperation arrangements as per the International Disaster Response Law (IDRL). Upon enactment of 24/2007, UNDP supported the Convergence Group to form a working group (WG) in July 2007 by contracting a consultant to facilitate the production of an academic script for the intended Government Regulation on International Cooperation in Disaster Management. The WG was comprised of UNICEF, CARDI, ECHO, OCHA and IFRC. The resulting intense deliberations were encapsulated in Government Regulation (PP) 21/2008 – International Cooperation in Disaster Management.

Subsequent government regulations have emerged that address the role of

civil society in volunteer response squads: these squads include true civil society community based initiatives as well as the now mandated government line ministries and bureaus' responsibility to enhance their response capacity through forming squads. Decrees from the Head of the new Disaster Management Agency (BNPB) are planned to regulate the formation of the squads and to clarify the reporting structure during the different phases of the DM cycle. Challenges under both the old and new DM structures have tended to be ego-sectoralism. In 2009, with all sectors of government having volunteer programmes, common guidelines are being developed to help cross-fertilise the volunteer squads. The guidelines will include a set of common training modules for – SAR, Damage and Loss Assessment, Logistics Systems, Information Management, UNDAC, UNHCR contingency planning etc.

Civil society has also taken a prominent role in the National Platform for DRR (formally launched on 28 April 2009). UNOCHA coordinated the Super Convergence of the diverse actors through the general consultation workshop of March 17, 2005 to galvanise support for the DM Law: this super convergence was the predecessor to the National Platform for DRR. The National Platform DRR derives its mandate from

the UNISDR's Global Platform for DRR and has unofficially been active since 2005. Its formation was largely attributable to the following roles taken by the actors: the coordination of OCHA, the leadership of MPBI, the political will of the Ministry of Home Affairs, BAPPENAS, BAKORNAS PB (later BNPB) and its drawing upon the intellectual capital of the University Forum and the financial capacity of the international constituents in the Convergence group. (See SCDRR Lesson Learned: Indonesia's Partnerships for DRR: The National Platform for DRR and the University Forum.)

The University Forum (now officially known as Forum PT), a consortium of tertiary and research institutions, has taken a central role in the National Platform – and this has been by design – to ensure the intellectual capital is available, visible and leading the consultative DRR process. Thought leadership and expertise was required for the disaster risk reduction debate and these research institutions will be the lead providers of technical and information services to the government line ministries in implementing DRR in their respective medium-term and annual work plans.

The government (in this case BNPB) was aware that BNPB itself lacked the capacity to provide all the technical support, to raise awareness, train technical personnel and create a DRR culture in Indonesia. The University Forum's leadership in the National Platform for DRR is fundamental to the credibility of the platform: providing technical expertise in the full spectrum of disaster related fields.

BNPB faces enormous challenges owing to its legal status and potential sanctions for non-performance, versus, its limited capacity to fulfil its mandate. Capacity building is a crucial element in BNPB's immediate institutional strengthening plans. BNPB is fully aware of its shortcomings and is grateful for the support from SCDRR and UNDP. SCDRR's support of: Output 1 (policy and legal framework); and, 2 (institutional capacity). Some personnel from the previous DM coordination agency (BAKORNAS PB) have been transferred to BNPB. However, the selection process has been thorough, in order to identify expertise, capacity, networks and experience. These criteria were assessed through merit based selection and fit-and-proper test.

*Readers will note the complementary approaches used in reforming the legal framework in the wake of major disasters as evident in Japan (1959-1961) and Indonesia (2005-2009). It is apparent that despite distilling lessons learned through reflection on past experience, disaster management policy reform, including embedding DRR in development, remains at the mercy of the country context and the receptive attitudes of policy makers. See Box 1.*

<sup>1</sup> <http://www.taipeitimes.com/News/editorials/archives/2001/10/02/105404>  
Taiwan must prepare for disasters  
By Sun Chih-hong, Tuesday, Oct 02, 2001,  
Page 8, (Japanese content adapted for  
comparison to Indonesia)

**Box 1.****A Comparison of Disaster Management Legal Reform**

Japan's disaster management and crisis response legal framework is highly developed. The Japanese government and people are highly attuned to their inherent vulnerability and have enacted laws and implemented stringent policy and practice guidelines in preparation for disaster. Sparked by the torrential rains and mudslides accompanying Typhoon Vera in 1959 that caused 5,000 fatalities, the Japanese government began the assessment of disaster management legislation. Subsequently, Japan legislated to comprehensively manage all manner of crisis – natural, man-made and technological – resulting in the passage of the Disaster Counter-Measures Basic Act of 1961 that required all levels of government to establish disaster prevention plans for their respective areas. The Act made the central government responsible for laying down an overall national disaster prevention plan. Prefectural governments then targeted the local hazardous areas and established regional disaster prevention plans. Each municipal government created a more detailed disaster prevention plan that correlated with the regional development plan. The law regulates disaster prevention planning down to the municipal level, and beyond this, the Japanese government encouraged each community to develop an area plan in accordance with the municipal plan, thus extending disaster prevention activities to each household and individual.

Indonesia was so shocked by the devastation of the Boxing Day Tsunami of 2004, that the legislative and executive branches were receptive to radical realignment of the DM framework in Indonesia. The impetus, as in the case of Japan's legal reform, was a major disaster. Coupled with the unprecedented world-wide media focus on Indonesia, as the worst tsunami-affected country on 26 December 2004, the government, international actors and donor countries revised programmatic priorities to address Disaster Risk Reduction as a development priority. Finally there was a convergence of consciousness – disasters decimated development - and in order to reduce the impact of disaster there needed to be strong legislative basis for disaster management. Disaster Management in Indonesia, one of the most disaster-prone countries in the world, was in particularly desperate need of reform. In immediate post-tsunami Indonesia it was universally agreed that the DM cycle must be regulated and managed through a comprehensive system that ensured that pre-, during, and post- disaster management were linked to higher level development goals and grounded-in risk reduction in development planning.

Indonesia's civil society was crucial to driving the legal reform process. The Indonesian Society for Disaster Management (MPBI), a NGO, formed in 2003 comprising disaster management practitioners, UN representatives, the Indonesia Red Cross (PMI), International Federation of Red Cross (IFRC), scientists and observers from the government sector, private sector, national NGOs. The *political time was ripe*, the MPBI forged links with National Peoples' Representative Council (DPR), developed a draft DM Bill and suggested its introduction by the DPR itself: the DPR rarely uses its right to introduce legislation into Indonesia's parliament; traditionally the DPR has been purely the arbiter of legislation introduced by the executive branch.



# What lessons have been learned, or can be distilled, from the legal reform of the Disaster Management Law in Indonesia?

1. **Professional networks born of the tragic circumstances of previous disasters meant that high levels of trust and a willingness to coordinate were fundamental pillars of DM reform. Recognition of, and the mapping of, the skill sets of each actor in the reform process is crucial to the architecture of the approach: political capital is as important as intellectual capital.**

Well established collaborative networks amongst all actors in the legal reform process contributed to the successful sensitisation of law makers to the Disaster Management reform imperative. Coupled with a comprehensive strategy to have the advocacy led by civil society and having the legislation introduced by the legislature (rather than the executive) hastened the passage of the Bill. The heavy involvement of a multi-stakeholder consultative process in the development of the draft DM Bill meant that there is a legal basis for increased role for CSOs and international actors in DM and DRR activities. Hence the subsequent mainstreaming of DRR into development planning as evident in programmes, such as SCDRR (UNDP supported by DFID and AusAid), GFDRR (Global Facility for DRR-World Bank supported by numerous donor and institutional partners), DRR-A (supported by the MDF), were regarded as priorities.

2. **DM Reform in Indonesia occurred at 'the right time and the right place'.** The international focus had been ensconced

in the HFA and the UNISDR, laying the foundation for the national movement to shift attention from emergency response to DRR, with significant resources available for DM reform that included DRR as a central component. The momentum, at the national level, was created by the experiences of Aceh, Nias, Yogyakarta, Nabire. DM reform efforts are more successful when glaring deficiencies are evidenced in recent disaster experiences: the community, the government and the international actors witnessed the events and hence were galvanised into action.

3. **Expedience at the cost of comprehensive and exhaustive inclusiveness.**

During the period 2005-2007, the consultations for the DM Law were centred on those practitioners and responders in the areas of recent disasters. Consultations were strategically designed to maintain the momentum for DM reform: the strategy, owing to the constraints of time and the tyranny of distance did not include broad geographic input from all over Indonesia, nor input from lay people in Indonesia. This was not a design flaw, but rather a calculated step to ensure that legislative reform was expedient while there remained a receptive political environment for the reforms. Comprehensive and exhaustive inclusiveness is being emphasised in the current roll-out of multiple programmes for disaster risk reduction (mentioned in Lesson 1 above). Those programmes will support

the development of National Disaster Management Plan, National Action Plan for DRR and the establishment of provincial disaster management agencies, amongst many other initiatives. The review process for ancillary regulations / decrees related to a broad ranging national Law such as the DM Law requires considerable time to ensure cross – sector synchronisation or harmonisation.

4. **CSOs can lead the reform process: leadership is essential, supported by coordination.** The CSO leadership of the advocacy was crucial to its success. Prominent persons and institutions from the Indonesian Society for Disaster Management were essential to embed national ownership in the reform process and to provide the intellectual credibility to the debate at the political level. It is unfathomable how else this agenda would have been achieved, if not for the MPBI. Similarly, the coordination between the other reform drivers – UNDP, OCHA, IFRC, CARDI, UN agencies, BAKORNAS PB, BAPPENAS, MOHA, donors – was essential to enabling the MPBI lead the process.

**Additional Information:**

<http://www.sc-drr.org>  
<http://www.mpbi.org>  
<http://kawasan.bappenass.go.id>  
<http://www.bnnpb.go.id>

5. **Imperfect Law can be refined by subsequent regulation and strong institutional structures.** Imperfect Law passed at the right time has provided the basis for subsequent ancillary regulations that can repair and refine the Law in its future implementation. There have been numerous critical assessments of the 'gaps' in the DM Law 24/2007, however, few 'gaps' have been found that can not be 'filled' by further regulation. For example, the Law 24/2007 provides significant sanctions for the government and individuals who fail to protect citizens: this requires a regulatory framework and institutional capacity to enforce the law. Ancillary regulations and decrees are being formulated to implement the law, including capacity-building for police and judiciary, and awareness and education programmes for the community. The BNPB, supported by a range of international and national partners is conscious of the challenges it now faces in terms of institutional development: the same principles that were applied to the legal reform process are being used again – though tempered by the lessons learnt.

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