

The role of the affected state in humanitarian action: A case study on Indonesia

Barnaby Willitts-King

HPG Working Paper

February 2009



About the author:

Barnaby Willitts-King is an independent consultant.

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Acknowledgements:

Victoria Wheeler initiated this case study and passed on many contacts and much research material and early analysis to the author. A detailed literature review was completed by Karina Wong which informed the field visit and provided rich inputs to this report. Paul Harvey (ODI Humanitarian Policy Group) oversaw this case study and provided supportive direction and constructive comments.

In Indonesia, UNDP, USAID and AusAID were invaluable in helping arrange meetings and organize logistics. Particular thanks are due to Simon Field, Oliver Lacey-Hall, Chris Edwards and Jon Burrough.

The author is very grateful to all of those interviewed for the case study. The report is however the author's responsibility and does not necessarily reflect the views of any of those interviewed.

Humanitarian Policy Group
Overseas Development Institute
111 Westminster Bridge Road
London
SE1 7JD
United Kingdom
Tel: +44(0) 20 7922 0300
Fax: +44(0) 20 7922 0399

Website: www.odi.org.uk/hpg
Email: hpgadmin@odi.org.uk

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This report was commissioned by HPG. The opinions expressed herein are the authors' and do not necessarily reflect those of the Humanitarian Policy Group or of the Overseas Development Institute.

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List of acronyms

APEC	Asia-Pacific Economic Cooperation
ASEAN	Association of South-East Asian Nations
BAKORNAS	National Disaster Management Coordination Board (Badan Koordinasi Nasional Penanggulangan Bencana dan Penanganan Pengungsi)
BNPB	National Disaster Management Agency
DAC	Development Assistance Committee of the OECD
FAO	Food and Agriculture Organisation
GOI	Government of Indonesia
IFRC	International Federation of Red Cross and Red Crescent Societies
IOM	International Organisation for Migration
MENKOKESRA	Coordinating Ministry for People's Welfare (Kementerian Koordinator Bidang Kesejahteraan Rakyat)
OCHA	Office for the Coordination of Humanitarian Affairs
RC	Resident Coordinator
SATKORLAK	Provincial Disaster Management Coordinating Board
SATLAK	District Disaster Management Coordinating Board
TNI	Armed Forces of Indonesia (Tentara Nasional Indonesia)
UNAIDS	Joint UN Programme on HIV/AIDS
UNCT	UN Country Team
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNOPS	UN Office for Project Services
WB	World Bank
WFP	World Food Programme
WHO	World Health Organisation

1. Introduction

1.1 Purpose

This case study is part of the ODI HPG research programme on the role of the affected state in humanitarian action. It aims to describe the essential elements of the Indonesian approach to disaster management, looking both historically and towards future directions, as well as analysing key themes and issues that Indonesia highlights which are of wider relevance to the research programme as a whole. The case study focuses on but is not limited to Indonesia's experience in responding to the 2004 Indian Ocean tsunami which devastated coastal parts of Aceh, and the 2006 central Java/Yogyakarta earthquake.

1.2 Methodology

The research consisted of an extensive literature review and two weeks' fieldwork in Indonesia from 25 August to 5 September 2008. The author travelled to Jakarta, Yogyakarta and Banda Aceh to ensure a good balance of interviews between headquarters and the field, and between the two field locations.

1.3 About the report

The report begins with a section providing background context on Indonesia as a country, and then describes the key aspects of humanitarian action in terms of risks, vulnerability, disaster history and attitudes towards disasters. Section 3 maps out the legislative and organisational frameworks in Indonesia for disaster management, both governmental and non-governmental. Section 4 then analyses the interface of the international community with Indonesian state and non-state actors in disaster management and response. Section 5 discusses the key themes emerging from the research. Concluding remarks and recommendations are in Section 6.

1.4 Background on Indonesia and its humanitarian issues

This section provides background on Indonesia's economic, political and social context, as well as discussing the wide range of humanitarian issues in the country.

1.5 About Indonesia

The Republic of Indonesia is a very large and diverse country, which is crucial in understanding its experience of and approach to humanitarian issues and disaster management. It consists of over 17,000 islands covering more than 5,000 km (the distance from London to Baghdad). It is the world's fourth most populous country after the United States, China and India, with a population of 222 million in 2006. While also the most populous Muslim majority country, it has significant minority religions (around 15% of the population) and cultural diversity with around 300 ethnic groups.

Since President Suharto stepped down in 1998, Indonesia has been going through a period of constitutional reform (*reformasi*) leading to a strengthening of democratic processes, and increasing regional autonomy. Over the same period the Indonesian economy has recovered from the 1998 Asian financial crisis and even strengthened, with very little dependence on external aid (aid flows account for less than 1% of GNI, OECD 2008). However, high levels of poverty and endemic corruption remain major issues in Indonesia.

A recent research report documents the progress Indonesia has made on a number of fronts in recent years and recommends a change in international perceptions towards seeing Indonesia as a 'normal country' – not as a special case of post-military transition, growing religious extremism and paralysing corruption, but a low middle-income country struggling with the same range of issues as India, Brazil and Mexico (MacIntyre and Ramage 2008).

1.6 Humanitarian issues in Indonesia

1.6.1 Risks and disaster history

Indonesia is most recently associated with the major natural disasters of the 2004 Indian Ocean tsunami, which devastated coastal areas of Aceh province on the island of Sumatra and killed 167,000 people, and the 2006 Central Java (Yogyakarta) earthquake which killed 5,700. Further details on these disasters are given below. These are tips of a very large iceberg in a country which is affected by almost all possible natural

disasters except typhoons, as well as conflict and displacement in a variety of forms (See Box 1).

Located on the Pacific 'Ring of Fire' where three tectonic plates collide, earthquakes are a daily occurrence in the archipelago, sometimes triggering tsunamis, and there are over 100 active volcanoes. Floods, droughts and landslides are seasonal occurrences in many parts of the country, and the El Nino climate event has contributed to forest fires. Major natural disasters have also caused major displacement and loss of livelihoods. Table 1 gives a snapshot of natural disasters reported over a nine-month period in 2008.

Conflict and internal displacement continue to affect parts of Indonesia (sometimes in the same area, e.g. Aceh), although currently on a much-reduced scale. Separatist movements have had periods of violent conflict with Indonesian military forces in Aceh (until 2005), East Timor (which gained independence from Indonesia in 2002) and West Papua (formerly known as Irian Jaya – this conflict is continuing).

Displacement also continues as a result of logging and land clearance for plantations, often driving or fuelling conflict. This has its roots in the transmigration policies of the 1970s, which attempted to reduce overcrowding in Java, Bali and Madura by moving poor and landless farmers to develop less populated islands such as Kalimantan (Indonesian Borneo), Sulawesi and Maluku. Religious or socially-based violence regularly flares up between different communities in these regions.

Aceh tsunami 2004

Aceh bore the brunt of the massive Indian Ocean tsunami of 26 December 2004, with coastal and inland areas of the province inundated. As well as the 167,700 deaths, over half a million people were displaced, and three quarters of a million partially or totally lost their livelihoods. When the tsunami struck, Aceh had been a province in conflict for almost 30 years, with separatists of the Free Aceh Movement (GAM) fighting Indonesia military forces. Efforts to resolve the conflict had begun before the tsunami, but as of May 2003 the province had been under military and then civil emergency rule, meaning that foreign access and information was restricted.

Box 1: Indonesia natural disasters Mar-Nov 2008

Nov 17	7.7 magnitude earthquake, Sulawesi
Nov 14	Landslide in West Java, 10 killed
Nov 10	Flooding in Kalimantan, 4547 houses flooded
Aug 11	6.6 magnitude earthquake, Sumbawa 200 houses severely damaged
Jul 2	Drought, E Java affecting 19177 ha of rice fields
Jun 5	Sea water inundates parts of Jakarta
May 31	Landslides, floods hit Ambon
May 25	6.7 magnitude earthquake, Maluku
May 22	Forest fire/haze West Sumatra
May 19	Landslide, East Java, 1 killed
May 5	Flooding, Papua
Apr 24	Mt Anak Krakatau erupts
Apr 15	7 killed in flash flood in West Java
Apr 14	Mt Ibu volcano alert status increased
Mar 31	Heavy rainstorm, Java
Mar 26	Floods hit Sumatra, inundating 6010 houses
Mar 12	Three earthquakes, magnitude 5.2 and 5.0 in Bengkulu and 5.4 in Papua
Mar 12	Flood in East Java

Source: disasterindonesia.wordpress.com (compilation of news reports)

The initial national response was overwhelmed by the scale of the tragedy. The Indonesian military (Tentara Nasional Indonesia, commonly referred to as TNI) was able to undertake search and rescue operations, but as with the local authority, was affected by losses itself and worked in parallel with civilian authorities. Support from central government in Jakarta came relatively quickly but took time to find its feet. The Indonesian authorities took an early decision to open Aceh to international agencies, causing a flood of relief, albeit in an uncoordinated and sometimes inappropriate way, and asked the UN to help coordinate the international response. International pledges to relief and reconstruction in Aceh made up to half of the \$14bn pledged for all countries affected by the tsunami (TEC 2006).

In March 2005, the Indonesian government response was considerably strengthened by the formation of the BRR reconstruction agency. This agency was able to coordinate activities better and fashion a clear strategy for recovery and reconstruction. It generated confidence among donors with a leadership which was seen as efficient and free of corruption. However its autonomy from normal government structures has created challenges as the provincial government prepares to take over its role early in 2009. At the moment there is no provincial budget for continuing reconstruction and donors have not engaged with the provincial government, which has as a priority the importance of disaster risk reduction.

Central Java earthquake 2006

The magnitude 6.3 earthquake that struck central Java, including the large population centre of Yogyakarta, caused widespread destruction. Since Yogyakarta is a well-organized urban centre more connected to other resources in Java, the response was better organised than in Aceh, but there were still holes in national response. The international response was low key as the local authorities were well equipped and coordination was helped by the fact that humanitarian personnel were on the ground before the earthquake struck, preparing for a possible eruption of nearby Mt Merapi. The international response amounted to almost \$90m.

1.6.2 Vulnerability

There are many hazards in Indonesia and significant numbers of Indonesians are vulnerable to their effects. Factors determining and increasing vulnerability in Indonesia include high population density, urbanisation, environmental degradation, levels of poverty and income inequality, and conflict.

Income inequality in Indonesia is high. The poor tend to live in more risky areas such as flood plains and poorly constructed buildings, making them vulnerable to natural hazards. Infrastructure is a cause of much risk including poor planning of residential and public infrastructure and/or weak enforcement of building codes.

Geographical variation is also highly relevant. Java is a very crowded island with high levels of urban migration to areas of high risk. In terms of capacity to respond, Eastern Indonesia has weak governments, little civil society (e.g. Muhammadiyah and PBNU have low presence), there is little donor interest and transport is an issue just in terms of physically transporting relief items.

Environmental degradation caused by logging and industry has also increased the impact of extreme weather through increased flooding, and poor quality of water supplies affected by industry.

1.6.3 Attitudes towards disasters

The attitude of many Indonesians towards disasters has traditionally been fatalistic, in common with many developing countries. The view that disasters are 'from God' has driven a sense that nothing can be done to reduce risks or prepare to respond better.

Government in Indonesia has been traditionally authoritarian and patronage-based. Those affected by disaster may have expectations that they will be assisted by the state, but this has not been seen as a right or entitlement, making the state's response unpredictable and inconsistent.

As a result of the prevailing fatalism and the frequency with which they occur, natural disasters have received little coverage in the media. In a country where natural disasters occur every few weeks, the tolerance for such occurrences has been high and media reporting minimal.

As Section 3 will discuss in greater detail, the major disasters of 2004 and 2006 which gave momentum to a new Disaster Management law in 2007 may mark the beginnings of a shift in attitudes among the public, media and within Government as to the need to take a more integrated and hands-on approach to disaster management.

2. Disaster management legislation and architecture

This is a period of significant change for Indonesian disaster management, building on a long history of state response to disasters. This section will examine issues relating to the legislative frameworks and corresponding architecture of state and domestic non-state actors in disaster management. It will also reflect on international assessments of Indonesian state capacity.

2.5 Legislative framework and BAKORNAS

The 2004 tsunami was not the first event that has driven government capacity to respond in Indonesia. Given the country's vulnerability to disasters, the Government of Indonesia (GoI) has had a legal structure for disaster response for over 40 years. It established a national coordinating body for disasters in 1966, and its responsibilities have grown and changed over the years in response to changing paradigms, events and politics.¹ Until 2007, however, there was no overarching legislative framework for disaster management, although it featured in a number of other regulations and laws. In 2007 the passing of a new Disaster Management Law marked a significant step in the strengthening of national disaster management capacity.

A brief background to the new DM law and institutions is important to understand the current drivers of institutional change. The National Disaster Management Coordinating Board (In Indonesian: BAKORNAS and other minor variants over the years) has been the body responsible for coordinating disaster management since 1979.² In its most recent previous incarnation it was an ad hoc committee chaired by a senior cabinet minister, the Coordinating Minister for People's Welfare and Poverty Alleviation, reporting directly to the President. Its membership consisted of ministers and various officials from the Ministries of Social Affairs, Home Affairs, Public Works and Transportation as well as the Commander of the Armed Forces.

¹ A timeline of major changes in legislation is in Box 2

² BAKORNAS is an acronym from the Indonesian: Badan Koordinasi Nasional Penanggulangan Bencana dan Penanganan Pengungsi

Box 2: Major changes in disaster management legislation in Indonesia

1966 – National coordination for natural disasters begins; Advisory Board of Natural Disaster Management established which focused primarily on provision of emergency relief for disaster victims

1979 – National Disaster Management Coordinating Board established - Bakornas PBA (Presidential Decree No. 28)

1990 – Responsibility added for man-made disasters and to manage disasters before they occur Name changed to Bakornas PB (Presidential Decree No. 43)

2001 – Scope extended to include complex emergencies and internally displaced people. Name of agency changed to Bakornas PBP (Presidential Decree No. 3 and 111)

2005 – Bakornas restructured and its name changed back to Bakornas PB (Presidential Decree No. 83 ADRC 2006)

2007 – Disaster Management Law No. 24 enacted, creating National Disaster Management Agency, BNPB

2.5.1 Response mentality and critiques of BAKORNAS

BAKORNAS was structured as an inter-ministerial coordination body with three facets. Firstly it came together in an ad hoc manner as a committee of all relevant ministers to coordinate response. This temporary nature emphasised its response role over a wider role in disaster management, particularly preparedness.

Secondly it comprised a small standing Secretariat to support the committee. This consisted of officials mainly on secondment, with uncertain career prospects, and the Secretariat's role was ambiguous and not supported by financial resources.

Thirdly it linked to corresponding provincial and district level mechanisms. Again these were ad hoc bodies formed in the wake of disaster – the

Provincial Coordinating Unit for Disaster Management (SATKORLAK) and District Coordinating Unit (SATLAK) respectively. These have been inconsistent in delivering appropriate response capacity – Yogyakarta authorities, for example, had significant capacity while those in less developed parts of the country such as Sulawesi are assessed to be weaker.

Despite having these formal emergency response structures in place, actual experiences have been characterized by poor coordination of actors in major disasters as a result of ambiguous responsibilities amongst government bodies. In Aceh, for example, BAKORNAS was not able to mount a significant operational response. Poorly coordinated responses were undertaken by the Indonesian military, community groups, line ministries and international agencies. The Vice President, Yusuf Kalla, moved his office to Aceh to coordinate the response, but the general view is that coordination was poor during the relief phase until the BRR agency was set up in April 2005 with responsibility for recovery and reconstruction.

Historically, disaster management has focused on emergency response. The most frequently cited complaint expressed by the public and international partners is the difficulty to identify the most responsible officials or institutions who can become the focal point in an emergency situation. This was unsurprising, however, since BAKORNAS' mandate was limited to coordination and it therefore had only limited authority over line ministries – both formally and informally – and minimal standing operational capacity.

2.5.2 Changing attitudes: the new Disaster Management Law and NDMA

Responding to the shortcomings in the Government response to the tsunami and central Java earthquake, a process over several years led to the passing of Law 24 on disaster management in 2007.³

This process reflected changing attitudes to disaster management and marked a shift in expectations. Firstly, that disasters were not

something to await passively but could be prepared for. Also, that Government could do more and needed to be seen to be doing more in a transparent way.

President Yudhoyono has been instrumental in leading this and the change in attitude has begun to permeate to technical level and into the general population. Previous attempts to pass bills had not been given sufficient priority and had languished in legislative doldrums. The process leading to the new law was an interesting example of collaboration between Parliamentarians, Indonesian civil society, and international agencies (UN and NGO), building on the momentum generated by the tsunami.

The law reflects a shift of paradigm in disaster management involving three important aspects:

1. Instead of focusing merely on emergency response, disaster management now represents all aspects of risk management, in particular prevention.
2. Protection against disaster threats must be provided for by the government not out of obligation but for the fulfilment of the basic human rights of the people.
3. Responsibility for disaster management no longer lies with the government alone, but is a shared responsibility of all elements of society.

The law contains the following main elements, among others:

- a) Definitions of key terms
- b) Principles of disaster management
- c) Responsibilities and powers of national and regional government
- d) Setting up permanent national and local level DM institutions
- e) Social rights and obligations
- f) Role of business organizations and international agencies
- g) Organization of disaster management
- h) Funding and management of disaster assistance

In addition to Law 24, three regulations have been passed - out of a planned six - which elaborate specific parts of the DM law in more detail. These include regulations on 'Participation Of International Institutions And Foreign Non-Governmental Institutions In Disaster Management', which was developed in close

³ For an overview of the development of 2007 DM law, see MPBI 2005 White Paper for Legislative Reform and UN Indonesia 2007 Academic Script on The Role Of International Institutions. See Hadi 2007 for institutional framework of 2007 DM law

collaboration with international agencies including OCHA and UNDP, and is seen as reflecting international good practice on issues such as appeals for international assistance, the status of international humanitarian workers, visas and customs (IFRC 2005a by contrast describes the previous arrangements). A key regulation that is still awaited concerns the establishment of provincial and district disaster management units. In the decentralized system of government, this regulation is vital to allow roll-out of the law to local level.

The next step in the process that is currently underway is the development of operational guidelines that make the final link from the general principles of the Law to the operational realities of who is responsible for what on the ground and where resources are held. These guidelines are central to the practical implementation of the law.

A parallel but connected process has been the development of a National Action Plan for DRR, coming out of the Hyogo Framework for Action⁴. Disaster mitigation and management has been identified as one of the priorities for national development for 2008 (Hadi 2007). GOI and UNDP have hosted a 'Convergence Forum' meeting on two occasions to bring together national and international actors on DRR. This has now been constituted as a 'Convergence Group' with standing responsibilities, and may in due course evolve into a 'National Platform for DRR' as envisaged by Hyogo.

National Disaster Management Agency (BNPB)

The formation of BNPB is a key part of the new DM law. At the time of writing, the transition from BAKORNAS to BNPB is still very much a work in progress. BNPB was set up in March 2008 but its funding is not yet in the national budget.

The key differences between BAKORNAS and BNPB are that the latter will be a larger organisation with agency status, reporting at Cabinet Minister level directly to the President. In an emergency, it will have the authority to direct line ministries, and will be independently resourced. Box 3 details the key differences between BAKORNAS and BNPB.

The duties of BNPB are:⁵

- a) providing guidelines and directives on disaster management effort addressing fair and impartial disaster prevention, emergency response, rehabilitation, and reconstruction;
- b) stipulating disaster management organization standardization and needs based on regulations of law;
- c) informing the public on activities;
- d) reporting progress achieved in disaster management organization to the President on a monthly basis during normal times and at all times during state of disaster emergency;
- e) using and accounting for national and international donations/ assistance;
- f) accounting for use of funds sourced from state budget;
- g) implementing other obligations in accordance with to regulations of law; and
- h) preparing guidelines on establishment of regional disaster management agency.

Its functions are:

- a) formulating and stipulating disaster and IDP management policies by acting rapidly in a targeted way, effectively and efficiently, and
- b) coordinating implementation of planned, coordinated, and comprehensive disaster management activity.

The NDMA will have an executive body and steering committee comprising government officials and members of the professional community.

At provincial and district level, the ad hoc SATKORLAK and SATLAK structures will be replaced by permanent structures. The lack of government regulations governing these structures is having direct consequences in holding back forward-looking provinces which are already setting them up according to draft guidance (e.g. Central Java, Aceh, West Sumatra). There are also unresolved inconsistencies between the law governing decentralization, which is led by the Home Ministry, and the DM law and its local level bodies. A working group is being set up to resolve these issues.

⁴ www.unisdr.org

⁵ Source: UN Indonesian informal translation of Law 24/2007

Box 3: What's different between BAKORNAS and BNPB?

	BAKORNAS	BNPB
Chairman	Coordinating Minister for Social Welfare	BNPB Chair
Reporting to	President	President
Staffing	80 (secondees)	300 (permanent)
Status	Ad hoc standing board with Secretariat	Executive Agency with steering committee
Local structures	Ad hoc SATKORLAK and SATLAK	Permanent DM units at Province and District level

2.5.3 Proposed Conflict Management law

While BAKORNAS/BNPB has responsibilities in both natural disasters and the humanitarian consequences of conflict, the legislative basis for Government's role in managing conflict is not codified. There is a process to develop a Conflict Management law but this is much less advanced than the DM law and is even more complex and politically delicate.

It would be an important complement to the DM legislation, with particular implications from the humanitarian perspective for the way that the Government provides assistance and protection to those in need in conflict zones. At the moment this is something of a grey area.

2.5.4 Views on the new legislation

Opinion is divided over how much of a difference the new DM law and BNPB will be able to make to disaster planning and response.

Law 24/2007 is significant in a number of ways, but the key challenge will be implementation. Firstly, it is significant in Indonesian terms inasmuch as, being driven and passed by Parliament, it reflects wider legislative buy-in than previous legislation on Disaster Management which was enacted by Presidential Decree. The inclusive nature of the process and the substance of the law both mark it out as advanced by regional standards.

Secondly, the law reflects a shift in paradigm from a focus on disaster response to a broader approach of risk management including preparedness, prevention and risk reduction. It

also reflects a shift from a paternalistic state model to one where citizens have rights and the state has responsibilities towards them. The responsibility is framed as a shared one between the state and communities. Finally, by setting up permanent local structures, there will be clearer lines of responsibility for operational leadership, as well as clearer focal points for international actors working in the field.

It also reflects a shift – on paper at least – in the balance of power between the line ministries and BAKORNAS, previously a weak coordinating body but now more operational and mandated to direct the work of line ministries. It is clearly the intention of Parliament to make BNPB, in the words of one official, a 'superpower' in emergencies. A word of caution is needed, however: there have been several attempts to restructure BAKORNAS over the years and it is not clear whether this new role will be possible to implement in practice. As the next section illustrates, the Indonesian state is a complex bureaucracy with a wide range of competing capacities and interests.

2.6 State architecture for Disaster Management

In addition to BAKORNAS/NDMA, disaster management in Indonesia is undertaken by a number of state institutions with different scopes of work, including the military. All will be affected by the new law. This section outlines the different institutions and their various relationships.

2.6.1 Government structure

Indonesia has a Presidential cabinet government (the United Indonesia Cabinet) of 20 Ministries and 3 Coordinating Ministries (as at May 2007). The President, Susilo Bambang Yudhoyono (popularly known as SBY), was sworn in in October 2004 for a five-year term. Presidential elections are scheduled for 2009. Yudhoyono has been instrumental in championing more effective response and preparedness for disasters.

2.6.2 Government ministries and agencies

Under decentralization, the government ministry structure is generally replicated at national, provincial and district level. For example the national Ministry of Health links to the provincial and district Health Departments. At national level there are three coordinating ministries. In theory, these sit above the line ministries; in practice,

their influence in relation to the line ministries also depends on individuals and their relationships. These ministries have the role of coordinating ministerial functions in three key areas:

- MENKOKESRA is the Coordinating Ministry for People's Welfare, coordinating Health, Population, Education, Social Welfare and Environment.
- Coordinating Ministry for the Economy
- Coordinating Ministry for Legal, Political and Security Affairs

There are also a number of executive agencies, including the Planning Agency and now the National DM Agency.

In theory, BAKORNAS has had the role of coordinating disaster preparedness and response. In practice, different line ministries have developed their own capacities and have not responded in a coordinated way. As significant bureaucracies, there are complex rivalries and relationships between different ministries and coordinating ministries.

National Planning Agency (BAPPENAS)

BAPPENAS, the National Development Planning Agency, coordinates post-disaster damage and loss assessments and the formulation of medium to long-term recovery plans, with technical support from the World Bank/Asian Development Bank/UNDP (Hadi 2007). For example, in the case of the Tsunami the government utilized a Coordinating Committee under BAPPENAS, which was in charge of coordinating the organizations providing assistance until the Rehabilitation and Reconstruction Agency for Aceh and Nias (BRR) was formed to take care of rehabilitation and reconstruction activities. At provincial and district level, the counterpart to BAPPENAS is called BAPPEDA. It takes the lead in recovery planning for smaller crises.

BAPPENAS has had a vital role in championing DRR, working as National Project Director to the Safer Communities through Disaster Risk Reduction (SCDRR) programme funded by DFID and UNDP. This has led to the development of a National Action Plan for DRR (2006-09) and the roll-out of the strategy nationally. Over time, it is envisaged that a National Platform for DRR will be established in line with the Hyogo Framework for Action. The current National Action Plan was

developed before a wider consultative forum was established, with implementation seen as patchy. The wider humanitarian community expects the next Action Plan to be more concrete and based on broader consultation.

Ministry of Health

The Ministry of Health (MoH) has robust response capacity and will often be the first organisation on the ground in an emergency. It has a network of nine Regional Crisis Centres coordinated by a Crisis Centre in Jakarta. The Ministry of Health launched its first Emergency Preparedness and Response (EPR) Programme with the support of WHO in 2006; MoH had previously established a Crisis Centre which has produced a draft of Standard Operation Procedures on health and medical measures in emergency. A joint Ministry-WHO emergency warehouse has been established which can mobilize supplies rapidly to disaster sites (WHO 2007).

While the MoH has well-regarded response capacity, there are cases where it has its own parallel coordination meetings and structures for the health sector which do not themselves coordinate with other sectors or through BNPB.

Ministry of Social Welfare

The Ministry responsible for social welfare and the vulnerable has a well-regarded disaster management team which can coordinate volunteers. It runs, for example, public kitchens to distribute cooked food in disaster areas.

Ministry of Environment

In 2006, UNEP worked with the Ministry of Environment to develop a strategic framework to guide disaster-related work within the Ministry. The work has focused on identifying international practices and integrating environmental and disaster risk information into Spatial Planning for Recovery and Risk Reduction. This activity has led to an active and continuing dialogue among all the deputies within the ministry, and to new opportunities for the ministry to engage in developing national plans for disaster risk reduction (UNEP 2006).

Other government agencies

Depending on the particular emergency, a number of national and provincial departments may be involved, for example the Ministry of Public Works for infrastructure, the Ministry of Water

Resources, and the Geoscience department which works on risk mapping.

2.6.3 Provincial and district governments

Indonesia is very large and diverse. Under decentralization, as discussed above, significant power is devolved to around 30 provinces and 450 districts. Previous sections have touched on the structures of line departments. Two important dimensions of decentralization are the contrasting capacities of different provincial governments, as seen in Aceh and Yogyakarta; and the challenge of ensuring consistency of new structures.

Operational capacity at provincial level is, as a general rule, quite limited. In Aceh this situation was exacerbated when many local officials were killed and their families affected, further reducing their capacity to respond. Yogyakarta was at the other end of the spectrum, with a well-organised local government under the well-respected Governor-King of Yogyakarta, and high levels of community organisation.⁶ The capacity to respond is generally located at district level, although to different degrees.

2.6.4 The role of the Indonesian military (TNI)

The Armed Forces of Indonesia, central to the understanding of disaster management in the country, have a complex role and history. Opinion polls indicate that they are one of the Indonesian state's most respected institutions with a reputation for providing an effective first-response capacity to disasters (despite a history of brutal suppression of separatist movements). The military plays a waning but still important role in national politics. Its large portfolio of business investments including natural resources exploitation, has led to accusations of conflicts of interest.

Until the reform period since 1998, TNI had a dual role in the national security and socio-political fields, with military representation in the House of Representatives and a major influence on national politics. Its power has diminished with the rise of democracy. However it still retains significant influence, and is deeply embedded in Indonesian society, with a military presence at local level all

⁶ Yogyakarta is Indonesia's only province where the governor is not directly elected. The hereditary King/Sultan of Yogyakarta automatically becomes its Governor under special provisions

across the country in parallel with civilian authorities. This 'territorial system', as it is known, has its roots in the TNI's origins as a guerrilla force during the 1945-49 War of Independence. Despite pressure to reform and disband the territorial system as part of the wider reform process, the close relationship between civilian and military institutions that has existed since independence makes change in Indonesia more complex than in other countries.

Some commentators feel the international model of civilian control of the military is not appropriate for Indonesia. Others insist that the principles should apply universally. In theory, Indonesia follows the principle of civilian lead espoused by the Oslo and MCDA guidelines on the use of military assets in natural disasters and complex emergencies. Interviewees indicated that TNI has agreed it will be coordinated by BNPB in responding to natural disasters. Whether this happens in practice remains to be seen.

TNI's response capacity comes primarily from manpower and organisation rather than significant logistics and specialist capacity, but its national reach is significant. TNI has asserted its role as first responder and there are some who argue that it should be supported and its capacity enabled, rather than trying to build up civilian capacity through BNPB. Some external observers have noted that despite its important role in response, TNI has no standard operating procedures on disaster management. Despite this, it was praised for its role in Aceh, where it was able to access affected areas and to undertake difficult tasks such as removal of dead bodies and rubble clearance.

TNI has had a continuing internal security role in a number of separatist conflicts where it has been accused of human rights abuses. In some of these areas it also has a civil affairs role, substituting for civilian institutions in providing for example education facilities. It was found to be responsible for gross human rights violations in the run-up to elections in East Timor in 1999 as part of a scorched-earth policy to defend national unity. Martial law was declared in Aceh in 2003, which had been closed to journalists and other visitors for much of the thirty-year conflict between TNI and the separatist Free Aceh Movement (GAM). There were early concerns that TNI was using the aftermath of the tsunami to pursue its military goals, but in the event, the

Government's decision to open the province to foreign assistance helped catalyse progress in peace negotiations that began before the tsunami (Robinsons 2005). Nonetheless, the history of intimidation by the TNI meant it was not a simple shift to providing relief in terms of perceptions of the local community.

Historically, TNI has been self-financing to a large degree, with as much as 70% of its budget funded by its own businesses. Although widely accepted in the past (Burford 2006), this connection is now being phased out as part of TNI reform so that its activities are state-financed. Concern revolves around accusations that the TNI's business interests have driven military operations - in creating displacement and delivering assistance to the displaced using materials supplied through its business 'arm', for example - and that TNI is guilty of conflict of interest in pursuing illegal or semi-legal interests including logging in areas where it is waging military campaigns (Human Rights Watch 2006). This raises questions about TNI's ability to operate under civilian leadership and deliver assistance without partiality or conflicts of interest.

2.6.5 International views on GOI institutions

The GOI is seen by a range of international actors as open to change in the paradigm of disaster management, and considerable international funding and technical assistance has gone into supporting the reform of disaster management. Indonesia is seen as a strong sovereign state with considerable commitment and capacity to prepare for and respond to disasters. Weaknesses exist in BAKORNAS and in coordinating the response of different parts of government, as discussed above. The Ministry of Health has its own reasonably good crisis response mechanism, and works directly to support health departments at province and district level, but does not always coordinate with either BAKORNAS centrally or at the provincial/district level. This risks poor coordination with other actors in health, including INGOs, and encourages compartmentalization of response whereby, for example, shelter requirements are not planned in parallel with health provision. There is no culture of coordination within Government. While the UN has adopted the cluster approach, this has not been integrated with Government approaches.

Given the size and diversity of Indonesia, providing a consistent level of response all across

the country, and changing the culture from response to risk reduction at district level, pose major challenges.

Donors and INGOs have a number of concerns about corruption – both at the macro level, in terms of large contracts and procurement, and also in everyday transactions and smaller procurement. Although not mentioned explicitly as a top priority, the issue of corruption is never far from the surface.

The Indonesian military is widely seen as the country's safety net, to be brought out if civilian capacity proves insufficient to the task. It may not have a nuanced understanding of how to work with civilians and international actors, but its contribution has been crucial in the recent past for routine tasks like rubble clearance, disposal of the dead and enforcement of law & order. TNI also has strong links with regional military forces and can coordinate international military contributions.

2.7 Indonesian non-governmental actors in disaster management

Non-governmental actors play a significant auxiliary role in response, and have been important in maintaining momentum on development of the new disaster management law.

Three types of organisation are involved. In terms of scale, the largest are the national faith-based social organisations Muhammadiyah and Nahdlatul Ulama (NU). These two organisations claim membership of 30 and 60 million respectively across the country, but focused in Java. They play an important social role at local level, running mosques, prayer houses, clinics, orphanages, poorhouses, schools, public libraries, and universities. Their networks of members are mobilised in disaster response and for community-based disaster risk reduction. Muhammadiyah has a Disaster Management Centre which coordinates response activities, and has worked with international donors including AusAID to strengthen its response capacities. NU has started a programme of Community-Based Disaster Risk Management (CBDRM), also with AusAID funding, working through its network of Islamic boarding schools (Pesantren) and local preachers.

The Red Cross Movement is also extensive, with the National Society Palang Merah Indonesia (PMI – Indonesian Red Cross Society) working through its network of 110,000 volunteers, supported by the International Federation of Red Cross and Red Crescent Societies (IFRC). PMI has a similar status to other NGOs in Indonesia, without a specific agreement with the government reflecting its status as part of the international Red Cross Movement.

There are also many Indonesian NGOs and professional organisations. The Indonesian Society for Disaster Management (MPBI), a professional association for those involved in disaster management, has played a crucial role in maintaining momentum on the DM law by working with both parliamentarians and national and international organizations and developing technical inputs including textual drafts of various parts of the legislation. It works on advocacy, networking, capacity building and has also translated the Sphere guidelines into Indonesian. From this perspective it is not a typical Indonesia NGO. At local level, organisations such as Lingkar in Yogyakarta are working with local authorities and schools to raise awareness of disaster risk reduction, influence the education curriculum and develop appropriate materials.

Although many NGOs were involved in influencing the development of the DM law, some members of civil society feel the significant role played by local organisations in disaster management is not adequately reflected in the law, and community-based programming is not mentioned.

2.8 Financing for disaster response and risk reduction

Before the new DM law, ministries received funding for emergencies through the national budget. With the advent of BNPB, discussions are underway on the level of funding for BNPB and what happens to ministry emergency budgets. While it is unlikely that these allocations will be significantly reduced, there may be pressure to make savings here which could create tensions between BNPB and ministries.

The experience from Aceh and Yogyakarta showed that the Indonesian budget process does not easily accommodate major adjustments in the course of the year. The process is rigid and

bureaucratic, and reallocating funds to unexpected emergencies or reconstruction is difficult to achieve.

In terms of financing for disaster risk reduction, there has been a major increase in the national budget allocated for specific DRR activities, which is welcome, but this still remains small considering the size of Indonesia and does not reflect DRR activities that are mainstreamed (e.g. changes to planning regulations which better reduce disaster risk). The DRR budget for 2008 is 1.2 trillion rupiah (approximately US\$115m), a seven-fold increase on the previous year of 150 billion rupiah (approximately US\$15m).⁷ This covers specific initiatives through different line ministries such as the tsunami early warning system, and equipment for the Meteorological Organisation.

As mentioned, Indonesia is not aid-dependent but welcomes funding received for specific activities under DRR, and for major responses. This is almost always through international mechanisms such as UN Flash Appeals, trust fund mechanisms, or through donor funding to international organisations which may then partner with local organizations or work with Government. This is consistent with donor funding approaches in development, where little bilateral assistance is provided in the form of general budget support, both due to limited demand from GOI and concerns over corruption (OECD 2008).

Decentralization creates opportunities but also challenges for financing – both in ensuring rapid transfer of central funds to local level during an emergency, and in ensuring that provincial and district authorities allocate sufficient levels of funding to prepare for and respond to emergencies.

2.9 Key issues

This section has discussed how the promulgation of the Disaster Management law 24/2007 is a very significant point in Indonesian legislation. It has a number of progressive approaches which if

⁷ National budget for 2008 is 854 trillion rupiah (approximately US\$ 80bn).

successfully implemented would make a real difference to suffering in the country.

At this stage, however, the challenges of implementation cannot be underestimated. Factors such as the size and diversity of the country, the state of the bureaucracy and the decentralization process all contribute to an uncertain future for delivering the promise of the new law. Civil society will continue to play an important role in guiding and pressuring the Government.

The role of TNI is also evolving and the part it plays in disaster management, while significant, needs to be monitored carefully and further integrated with civilian approaches. Where humanitarian response is undertaken in areas of conflict, TNI's role is not straightforward and particular attention needs to be paid to the risks of its involvement in terms of acceptance by local populations, and the dangers of conflict of interest over military and business objectives.

3. The international community's role in disaster management

As Indonesia has emerged as a strong economy and regional power over the past decade, its relationship with the international community has shifted. It has a range of different relationships with bilateral and multilateral donors, the development banks (Asian Development Bank and World Bank), UN agencies, international NGOs, the International Federation of Red Cross and Red Crescent Societies (IFRC), international military contingents, and regional bodies such as ASEAN. This section will analyse Indonesian views on the value added by the international community and areas where a different kind of engagement would be beneficial.

The Government of Indonesia is becoming more sophisticated in dealing with aid donors and agencies, building on its experience in recent years, and the field of disaster management is no exception. In 2007 the GOI disbanded the Consultative Group with international donors, reflecting its low dependence on aid flows and the view that it needed to change its relationships. It nevertheless retains important relationships with aid donors and agencies who add value in a number of areas in disaster management, as discussed below. There are also a number of areas where the international community is seen as negative.

3.5 Where does the international community add value?

Indonesia differs from many developing countries in terms of what it needs from external sources, and how it perceives itself. Compared to aid-dependent, low-income countries under stress, Indonesia's need is not first and foremost financial resources. Indonesia prides itself on self-reliance and reluctance to 'beg' for external sources of support. While some countries take this position to an extreme, to the detriment of their people (e.g. Zimbabwe, Myanmar) there is a more sophisticated position in Indonesia.

The Indonesian government has shown itself able to make fairly accurate assessments of where it has capacity and where it needs assistance. While it welcomes offers of assistance to respond to disasters, and to better prepare for them, it wants this assistance to be on its own terms and coordinated by Government.

As we have seen, local government capacity varies both in the sense of capacity to respond but also in the sense of awareness of when to call for assistance from central Government or external sources. Central government also has a fairly good sense of where capacity gaps exist across the country. The implication here is that international actors can rely on central government to provide reasonably accurate assessments of need and where capacity support, e.g. to weak local government, might be required. A different calculus may take place in areas of conflict where issues of national security come into play, as is discussed in Section 5.

There are four areas where Indonesian actors highlight examples of the international community adding value – bringing additional external capacity, funding, building capacity, and linking different actors.

3.5.1 External capacity – technical, policy, coordination and response

While there is significant Indonesian capacity, external/international capacity has been valuable in a number of areas covering a wide range of inputs for both preparedness and response – both the intellectual and physical assets required. Examples of these are:

Coordination of international actors

Once GOI had decided to open Aceh to international assistance after the tsunami, it quickly recognised that the number and variety of international actors was beyond its capacity to coordinate. The UN was requested to play its customary role of coordinating the international community by setting up coordination structures through sectoral groups, supporting donor coordination, and providing the link between the many INGOs and local authorities. While this was not always done perfectly, it is a clear niche where the UN can add value to support national authorities (Telford and Cosgrave 2006).

Response capacity

For major emergencies such as the tsunami and the Yogyakarta earthquake, the scale and complexity of the response overwhelmed local and national capacities to respond to disasters that affected huge numbers of people (600,000 lost their livelihoods in Aceh as a result of the tsunami) and required specialist technical skills.

INGOs brought in both resources and personnel to be able to bring in relief items, and set up needs assessment and distribution systems in line with international good practice. Foreign military contingents complemented TNI capacity with logistics and personnel, including through field hospitals. There were however questions over the appropriateness and cost of such interventions (in line with 2003 WHO/PAHO guidelines on use of foreign field hospitals which question the speed with which they are operational, their high cost, and whether they meet the real need).

In specific sectoral areas, international expertise for response was crucial – particularly in water/sanitation and camp management.

Technical inputs for policy

In addition to technical inputs for response, the international community has provided valuable inputs to developing policy frameworks for better disaster preparedness, management and risk reduction (e.g. role of UNDP and other agencies in setting up Convergence Forum, SCDRR). In particular, UNDP and other agencies have assisted GOI in implementing its Hyogo commitments.

For post-disaster damage and loss assessments, the World Bank provided support to BAPPENAS in using the ECLAC methodology for the Aceh and Yogyakarta disasters. This experience has enabled BAPPENAS to design its own simplified methodology which it can now undertake with less technical support. UN counterparts commented that Indonesia's approach to post-disaster needs assessment is 'ahead of the curve' – supported and affirmed by international inputs, but led by Government.

Policy discussion

More broadly than specific technical inputs, international agencies are noted for having created the space to discuss policy and bring in innovative ideas such as relating to implementing the Hyogo framework, in support of Indonesian institutions. This is particularly valued as government structures are refashioned – both in the development of the DM law and in its implementation, in terms of building a new set of institutions for disaster risk reduction and response.

As well as the direct effect of capacity inputs, BAKORNAS has found that international inputs

have helped boost its credibility with line ministries.

3.5.2 Funding

While funding is not generally the most important role of international actors, it has its place where the scale of the challenge overwhelms national capacities to respond, whether due to absolute levels of financing required, or because Government budget mechanisms are not suitably flexible to move funds to where they are needed in a timely way.

Indonesia officials interviewed noted examples of specific technical inputs or capital investments – such as the sharing of costs of the tsunami early warning system between GOI and international donors who contributed both cash, equipment and technical expertise.⁸

Another useful role is providing the interface for the Government to access international funds through assisting in preparing appeals such as emergency Flash Appeals, and in preparing appropriate documentation that can be used by the international community to mobilise resources (e.g. Post-Disaster Needs Assessment). Many Indonesian officials are uncomfortable with the concept of an 'appeal' which they see as demeaning and portraying Indonesia as aid-dependent. This is partly an issue of terminology; the same officials appreciate that there are areas where external support is useful. Alternative approaches could be couched in the language of supporting national capacities through solidarity, rather than in terms of national capacity being overwhelmed and appeals for assistance being necessary.

3.5.3 Capacity building

Capacity building for Indonesian staff to undertake specific technical tasks is often linked to technical assistance where short-term international expertise is brought in. The difference is the objective of specifically building up Indonesian technical capacity to prepare for and respond to disasters in future. There are a number of examples of such capacity building in BRR in Aceh (for example the role of the expatriate technical advisor on shelter) and through local government in Yogyakarta (e.g. UNDP's support to local government in database management as

⁸ 'Tsunami early warning system launched', IRIN 12 November 2008

part of its ERA project). The challenge is to avoid substituting for indigenous technical capacity while delivering what is needed in the immediate term in those areas where there are capacity shortages.

3.5.4 Linking role

A fourth area that connects to the previous three but merits separate discussion is a role of linking actors together, both nationally and internationally. This is a role that UNDP and INGOs such as Mercy Corps have done effectively in Indonesia. The issue here is that in a large and complex country, there are gaps in making fruitful linkages between different parts of Government (e.g. different Ministries, between national and provincial/district level), and between civil society on one hand and Government and international agencies on the other. External agencies have had a number of successes in this area. The mechanisms that have been used include:

Pilot projects

This involves starting up a small-scale demonstration project illustrating the benefits of a particular approach, bringing in innovation which can be replicated on a larger scale by Government or other actors if seen to be successful. For example Mercy Corps is piloting flood risk reduction projects in Jakarta which could be scaled up by the municipal authorities.

Intellectual links

As mentioned elsewhere, UNDP, IFRC and OCHA have supported GOI in following up on its international commitments to implement the Hyogo Framework on DRR – facilitating the link to international mechanisms and thinking.

Convening discussions and advocacy

The many actors in humanitarian action are often disconnected. Helping to link them more efficiently can break down barriers between different approaches and provide a forum for constructive discussion. In particular, bringing civil society in to discussions with Government has been supported on many occasions by UN or INGO agencies working quietly in the background (e.g. Convergence forum on DRR which may morph into National Platform - UNDP/IFRC/OCHA)

Military-military contact

Finally, important regional links have been made between military forces with support from

Australia to develop guidelines for regional cooperation on major natural disasters. Many regional militaries assisted Indonesia in Aceh and Yogyakarta, but more advance planning is required to agree common approaches and avoid misunderstandings. For example a number of regional militaries are reported to have flown relief goods into Yogyakarta without flight clearance or appropriate liaison with Indonesian civilian or military authorities. Given the capacity of military forces in the region, being able to work effectively together is an important area for focus.

3.6 Regional dimensions

Indonesia is one of ten members of the regional body ASEAN (Association of South East Asian Nations). Members signed a 2005 agreement on Disaster Management and Emergency Response setting out the principles of joint responses to major crises. ASEAN also has a Committee on Disaster Management which has developed a regional strategy on disaster management. ASEAN's role has been relatively limited in practice, with a number of agreements on mutual assistance that date back decades but have not had huge impact. However ASEAN's role in responding to the impact of Cyclone Nargis in Myanmar was significant, providing a bridge between Western donors and agencies and the reclusive regime in Myanmar, another ASEAN member (ICG 2008). For many years, Indonesia has played a low-profile regional role, working discreetly through ASEAN, which has not distinguished itself as a particularly forceful organisation (Economist 2008).

3.7 Negative aspects of international engagement

The positive aspects mentioned above are balanced by a number of areas where Indonesian actors have been critical of international responses and of elements of otherwise helpful inputs.

3.7.1 Appropriateness

In common with other disasters, the tsunami and Yogya responses elicited considerable levels of assistance but some of it was inappropriate and could not be used. Unlabelled medicines, and those that had expired or lacked an assured cold chain, created huge challenges for the receiving country – both in time spent checking

medicines and in disposing of them safely when necessary.

3.7.2 Cultural sensitivity

A repeated criticism of international assistance in Indonesia is that it lacks cultural sensitivity in taking into account and respecting local cultural and religious practice. For example, some donors sent canned pork products to Aceh despite it being a Muslim province and one of the more conservative in Indonesia. Similarly, aid workers were reported to have worn inappropriate clothing such as short skirts or figure-hugging garments (IFRC 2005a). There are also reports of bibles being distributed.

3.7.3 Staffing and partnerships

The turnover of international staff can be high, particularly in the acute phase of crises, and many interviewees identified staff continuity as an issue. Quick turnover occurs for many reasons - availability of staff, the pressure of working conditions, and unexpected prolongation of the acute phase. Particularly in a country where relationships are between individuals rather than institutions, staff turnover can undermine effective working partnerships and inhibit the development of detailed contextual knowledge.

As mentioned above, the balance is not always correctly struck between bringing external capacity to promote rapid service delivery in an emergency on one hand and exploiting all sources of local capacity and building it further over time on the other.

Where local organisations have been involved, there has been a tendency to treat them as subcontractors rather than partners, contracted to deliver a certain number of for example shelter units, but not making use of their local knowledge to design appropriate units or involve the local community in design or the work itself. In its worst forms, there is a convoluted contracting chain, from bilateral donor to UN agency to INGO to local NGO, each taking a 'cut' of the original grant for their costs without adding clear value to the project and creating confusion over accountability. In some cases the managing agency has not been competent despite having been given responsibility by the busy donor to provide outsourced management.

3.7.4 Disaggregating the international community and its response

In all of this discussion, it is important to disaggregate the many different parts of the international community since they are not all equally criticised. During the tsunami response, for example, a marked contrast was observed between established agencies already working in Indonesia and those that flooded in for the tsunami response, without contacts or an understanding of the context. Established agencies have a much higher proportion of Indonesian staff in more senior positions than those that arrive to respond to emergencies, giving them a much better understanding of the local context.

3.7.5 Alignment and sovereignty

Indonesian government officials in particular were shocked at the tendency of some international actors to ignore local capacities and structures of authority. While this may have been in part driven by gaps in government capacity to engage and coordinate productively, it is clear that many agencies arriving to support Aceh conceptualised it in the same way they would Somalia or other failed states where authority is generally an obstacle to the delivery of humanitarian assistance – not the legitimate authority with at least some capacity.

There are many cases where alignment was not with government approaches but with pre-conceptions about need. In the Yogyakarta response, for example, government officials mobilized health personnel from across country and did not request international field hospitals. Despite this, many were provided. What the government did require – specialists in orthopaedic surgery – were not forthcoming in sufficient numbers. Similarly, the distribution of free medicines, while justified in the emergency phase, disrupted local health systems (where payment for medicines is the norm) once distribution continued beyond the emergency.

The response of the government to the massive influx of NGOs in the wake of the tsunami was initially to be overwhelmed and swing from under-regulation to over-regulation. As BRR capacity increased, it was better able to strike an appropriate balance so that agencies were able to operate according to their own mandates, but within a government framework.

The new DM law guidelines on international engagement are seen as important to avoid this

experience, by, as far as is possible, registering and regulating agencies in advance of emergencies.

4. Key themes and issues

This section will draw out key issues from the case study that are of wider relevance to the overall research study. These include the tension between national sovereignty and the independence of humanitarian action, the opportunities and challenge of new structures, and the challenge of ensuring protection issues are actively pursued.

3.8 National sovereignty and independence of humanitarian action

We have seen that Indonesia has increasingly asserted its sovereignty over humanitarian activities carried out on its territory. This stems from the tsunami experience, which was a lesson in the risks of 'free market' humanitarianism with a huge number of organisations arriving with a variety of agendas.

The message from Indonesia is firstly that alignment with government priorities – as encouraged according to the Paris principles of aid effectiveness – is important as an ambition. There is capacity in Indonesia for government authorities to play a coordination and operational role at national and local level. However their contribution is neither consistent nor reliable. This argues for a 'smart alignment' where agencies make a careful assessment of government capacity in advance of crises and develop strategies to a) build government capacity to coordinate and respond b) work in line with government priorities and approaches and c) substitute or complement government capacity where there are gaps or weaknesses. Such an assessment is not necessarily a current priority or something to be undertaken rigidly, but should be the kind of investment that pays off when a crisis strikes.

The other side of the coin of alignment is accepting that independent humanitarian action can not operate independently of the context. Although in some situations the authorities are an obstacle to delivering assistance, the general assumption in Indonesia is that they are in charge and have the right intentions. There are however unresolved tensions between the principles of humanitarian action, specifically neutrality and independence, and the Paris principles of harmonisation and alignment. While agencies

may express a desire to bypass partial government structures and provide assistance directly to communities, this has risks. Firstly, in terms of identifying where needy communities are and avoiding gaps and duplication in the overall assistance effort. Secondly, in that systems of organisation that allow agencies to identify vulnerable members of communities through community leaders are often indistinguishable from district government authorities, and that other community organisations may lack legitimacy and be as partial as government authorities.

An exception here may be the pursuit of humanitarian action in areas of conflict. Where the Government is prosecuting military campaigns, as currently in West Papua, it cannot be neutral. This is discussed further below, but the key point is that in such conflict situations, agencies need to make nuanced analyses of state capacity to respond to humanitarian need, taking into account the political and conflict dynamics that may prejudice and prevent access to certain groups. It also emphasises the role of international agencies, particularly ICRC, in working in conflict areas to witness, advocate and protect where civilians are at risk.

The other difficult issue is how to avoid substituting capacity - most damagingly, by developing a parallel administrative structure based on international expertise. Substitution may be easier than developing productive working relationships with national and local authorities, but it risks sacrificing important local knowledge and strengthening government capacity in the longer term. In rapid onset situations where capacity has been wiped out, or where it never existed in the first place, international expertise may be the only option – although in Indonesia the substantial national capacity that can be re-deployed elsewhere in the country is a hidden capacity that should not be underestimated.

Secondly, experience has informed a more assertive *ex ante* approach by the government to regulate NGOs and international actors so that it has a better handle on them when a major disaster strikes. The regulations on international organisations in disasters that have followed the

DM law reflect current thinking and were developed together with international organisations. These are important both to set out the principles of the relationship and the limits that the government needs to place on agencies for reasons of security, for example, while also providing clarity over the nuts and bolts of crucial logistics issues such as customs regulations. As many agencies know well, without this clarity it can be a major headache getting relief goods through ports in times of emergency, when policies are developed in an ad hoc or sometimes obstructive manner.

3.9 Opportunities and challenge of new structures

The new law and related DM structures demonstrate a commitment from the Indonesian government and parliamentarians to change the way business is done and creates a genuine opportunity for change. The changed attitude post-tsunami offers a window of opportunity to entrench this change – but this is not assured without appropriate action from Government to follow through on its commitments. There are a small number of high-level champions – from the President to key figures in BAPPENAS, as well as parliamentarians – but there is a risk that changes in personnel could slow progress.

This opportunity also needs to be seen in the context of the complexity of Indonesia's government and politics. It is closely associated with the current President who is coming up for re-election in 2009, and it could lose momentum were he to be replaced. Although the firm role that Parliament played is a useful indicator of wider support, inter-ministerial rivalry and inefficiency within the bureaucracy could undermine implementation.

The structures are themselves untested, and BAKORNAS has a long history of restructuring to overcome its poor performance. Even if implementation proceeds at national level, and all necessary structures and regulations are developed, rolling out the DM structures consistently across Indonesia at local level is another huge step.

In principle, decentralization offers an effective way to support community-based DRR. Once again, though, the devil is in the implementation. Until legislative inconsistencies can be ironed

out, regulations finalised, and financial management allows efficient flows of funds to where they are needed at local level, the promise of locally managed DM structures could remain elusive.

The wider point here is the importance of legislation to provide a stable platform upon which structures can be built and financing assured. To achieve that legislation requires champions within and outside government to maintain momentum and ensure its content is appropriate and based on wide consultation. Implementation will always be an uncertain part of the process, and civil society should play a role in maintaining pressure on government to carry through reforms.

3.10 Uncertain protection issues

The relatively limited discussions on protection issues with interviewees suggested that while there are opportunities at local level to work on protection issues – for example in terms of land rights and gender – this is difficult at national level and in conflict areas such as Papua.

The DM law is very focused on natural disasters and in implementation the role of BNPB is likely to be very different in conflict-affected areas of the country. While in theory it has a role in conflict-related disasters, as seen in Aceh this can be limited by ground realities, including its capacity to be operational and the willingness of the Army to be under civilian control. Where there is an active conflict, such as in West Papua, the army is likely to retain significant control over the entire government engagement. Whether this is in the name of security or due to concerns about army interests (both legal and illegal) being marginalised is unclear.

The military clearly has a vital role to play in disaster response (if not so much in disaster management), but the tension between its fighting role and that of assisting civilians has not been clearly examined in Indonesia. In Aceh there was an uncomfortable transition from the TNI intimidating local populations during emergency rule/martial law to assisting them after the tsunami. This could manifest itself elsewhere such as West Papua in the TNI being partial about which groups/locations are assisted, in it not being able to operate in all geographical areas where security is challenging, and in providing transparency about the humanitarian situation

where this is seen to undermine the military campaign.

While some humanitarian agencies, particularly those with a long track record in Indonesia, have invested in political economy and conflict

analysis to inform their programmes in Aceh and other regions which are or have been affected by conflict, other agencies have been 'conflict-blind' to issues such as the risks of support to tsunami-affected populations but not former combatants.

5. Conclusions and recommendations

This is both an opportune and a premature moment to assess disaster management in Indonesia. On the one hand, progress has been made learning from Aceh and Yogya in passing a new DM law and attitudes to disasters are beginning to shift from a fatalistic to a pro-active management approach. However it is not certain that the momentum and energy that is currently evident in Indonesia will be sustained, making it impossible to judge whether anything will have changed on the ground when another major disaster strikes in, say, a few years' time. Indonesia faces many challenges. Disaster management is currently marginally in vogue. But it could be easily pushed down the priority list if other threats emerge, for example from a faltering economy, religious extremism or regional instability.

The international aid community has a positive relationship on disaster management with the Government of Indonesia, particularly when government capacity is respected and supported. International agencies have much to offer, particularly non-financial inputs – their role in supporting the DM law has been significant – and particularly when they are appropriate, build capacity, and are not tied to other agendas such as missionary work.

Particularly in such a large country, the opportunity for international agencies to have a useful impact comes through harnessing government systems and making them work better. No international agency has the scale to work in all 33 provinces and hundreds of districts. The analogy of helping the government to point the fire hose in the right direction is a valid one here.

Indonesia provides a snapshot of one vision of how international agencies might interact with 'mature' developing countries. This is characterised by a paradigm shift reflected in legislation, a commitment to implement but challenges in doing so, and country leadership with specific areas of valued input from international agencies.

Questions remain over whether Indonesia or similar emerging middle-income countries are able to back up their assertion of sovereignty and

leadership with the capacity to be effective. While in many cases lip service is paid to country ownership, this can often still mean international agencies or consultants developing plans or strategies which are published in the government's name and officially endorsed but not properly bought into as government policy to be actively implemented. This balance of substitution of government capacity to developing genuine capacity is a huge challenge.

The following recommendations for action summarise discussions made through the text.

5.1 Recommendations

To Government of Indonesia:

- Keep momentum on the DM law, especially in ensuring local DM units have capacity and funding.
- Engage actively with the Convergence Forum and maintain momentum towards an National Platform for DRR.
- Be clear about expectations of international agencies.
- Elaborate the law on conflict management.
- Ensure TNI remains within a civilian-led structure. Involve it more in joint preparedness planning and support it in developing standard operating procedures for disaster management.

To Indonesian civil society:

- Maintain pressure on the Government of Indonesia to sustain implementation of Law 24/2007.
- Participate in the Convergence Forum and support its transition to a National Platform for DRR.

To international agencies (UN, NGOs and Red Cross):

- Develop specific tools for capacity assessment of authorities while understanding that the best knowledge comes from pre-existing relationships.
- Pursue 'smart' alignment – the default should be to try to align with government priorities and work through government systems. If this proves impossible – due to capacity, lack of impartiality in conflict

areas – try to build up capacities in advance of disaster and focus on recovering capacities after a disaster.

- Use local capacity where possible and develop it for emergency response, perhaps among long-term development staff.
- Avoid inappropriate assistance.
- Recognise this is not Somalia: government regulation is appropriate.
- Review financing instruments for appropriateness (E.g. CAP).
- Train staff to be culturally sensitive and invest in long-term positions.
- Use conflict analysis where appropriate.
- Develop further guidance on how the cluster approach should be applied where there are strong national capacities.
- Use opportunities to work with TNI to increase awareness of international civilian agencies, humanitarian principles and IHL.

To donors:

- Align and harmonize with national priorities on response and support to DRR, avoiding cherry picking specific projects.
- Tailor response to the local context.
- Work with others in the region to look at ASEAN's role and other regional bodies and networks that could strengthen disaster management learning and systems.
- Examine how international actors can support local capacity and provide funds for emergencies in ways that are not seen as demeaning (partly by changing terminology from 'Appeals'.)

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Annex A: List of interviewees

Jakarta

Government

Dr Emil Agustiono, Deputy Coordinating Minister for People's Welfare

Bakri Beck, Deputy Chief for Rehabilitation and Reconstruction, National Disaster Management Agency

Sugeng Triutomo, Deputy of Prevention and Preparedness, National Disaster Management Agency

Dr Suprayoga Hadi, Director for Special Area and Disadvantaged Region, National Development Planning Agency (BAPPENAS)

UN

Oliver Lacey-Hall, Head of Crisis Prevention and Recovery Unit, UNDP

Angger Wibowo, Programme Officer, Early Recovery, UNDP

David Hollister, Disaster Risk Reduction Adviser, UNDP

Lina Sofiani, Emergency Specialist, UNICEF

Ignacio Leon, OCHA

Reiko Niimi, Deputy to UN Resident Coordinator

World Bank

Iwan Gunawan, Senior Disaster Management Adviser, World Bank

NGOs

Dr Nugroho, Chairman, Department of Health and Community Welfare, Muhammadiyah

Husnan Nurjuman, Muhammadiyah Disaster Management Centre

Avianto Muhtadi, CBDRM, Nahdlatul Ulama

Hening Parlan, Secretary General, MPBI

Sean Granville-Ross, Country Director, Mercy Corps

Heather van Sice, CARE International

Jeong Park, Disaster Management Coordinator, IFRC

Donors

Louise Hand, Deputy Head of Mission, Australian Embassy

Christopher Edwards, Director of USAID Program Office

Brigadier Ian Errington, Defence Attache, Australian Embassy

Jon Burrough, Emergency Preparedness Manager, Australian Embassy

Yogyakarta

Retno Winahyu, Team Leader, ERA Programme, UNDP

Banu Subagyo, Project Coordinator for DRR, UNDP

Ninil Miftahuljannah, Lingkar (local NGO)

Pak Bayudono, Head of Yogyakarta Provincial Government Settlements and Infrastructure Service

Head of Development Planning, Bantul District

Lockton Morrissey, AusAID consultant on Disaster management

Banda Aceh

Eddy Purwanto, Chief Operating Officer, BRR

Usman Budirman, Head of UNDP-GTZ Joint Secretariat (local authorities)

Satya Tripathi, UN Recovery Coordinator for Aceh & Nias

Simon Field, Head of UNDP Office

Ingrid Kolb-Hindarmanto, UNICEF

Azwar Hasan, Forum Bangun Aceh

John Augsburg, Area Programme Manager, Oxfam

John Penny, Head of Europe House, European Commission



Overseas Development Institute
111 Westminster Bridge Road
London SE1 7JD
UK

Tel: +44 (0)20 7922 0300

Fax: +44 (0)20 7922 0399

Email: publications@odi.org.uk

Website: www.odi.org.uk