

PERATURAN PRESIDEN REPUBLIK INDONESIA
NOMOR 32 TAHUN 2008
TENTANG
PENGESAHAN ASEAN AGREEMENT ON DISASTER MANAGEMENT
AND EMERGENCY RESPONSE (PERSETUJUAN ASEAN MENGENAI
PENANGGULANGAN BENCANA DAN PENANGANAN DARURAT)

DENGAN RAHMAT TUHAN YANG MAHA ESA

PRESIDEN REPUBLIK INDONESIA,

Menimbang :

- a. bahwa di Vientiane, Laos PDR, pada tanggal 26 Juli 2005 Pemerintah Republik Indonesia telah menandatangani ASEAN Agreement on Disaster Management and Emergency Response (Persetujuan ASEAN mengenai Penanggulangan Bencana dan Penanganan Darurat), sebagai hasil perundingan para Menteri Luar Negeri Negara-Negara Anggota ASEAN;
- b. bahwa sehubungan dengan itu, perlu mengesahkan Persetujuan tersebut dengan Peraturan Presiden;

Mengingat :

1. Pasal 4 ayat (1) dan Pasal 11 Undang-Undang Dasar Negara Republik Indonesia Tahun 1945;
2. Undang-Undang Nomor 24 Tahun 2000 tentang Perjanjian Internasional (Lembaran Negara Republik Indonesia Tahun 2000 Nomor 185, Tambahan Lembaran Negara Republik Indonesia Nomor 4012);
3. Undang-Undang Nomor 10 Tahun 2004 tentang Pembentukan Peraturan Perundang-undangan (Lembaran Negara Republik Indonesia Tahun 2004 Nomor 53, Tambahan Lembaran Negara Republik Indonesia Nomor 4389);
4. Undang-Undang Nomor 24 Tahun 2007 tentang Penanggulangan Bencana (Lembaran Negara Republik Indonesia Tahun 2007 Nomor 66, Tambahan Lembaran Negara Republik Indonesia Nomor 4723);

MEMUTUSKAN :

Menetapkan :

PERATURAN PRESIDEN REPUBLIK INDONESIA PERATURAN PRESIDEN TENTANG PENGESAHAN ASEAN AGREEMENT ON DISASTER MANAGEMENT AND EMERGENCY RESPONSE (PERSETUJUAN ASEAN MENGENAI PENANGGULANGAN BENCANA DAN PENANGANAN DARURAT).

Pasal 1

Mengesahkan ASEAN Agreement on Disaster Management and Emergency Response (Persetujuan ASEAN mengenai Penanggulangan Bencana dan Penanganan Darurat) yang naskah aslinya dalam Bahasa Inggris dan terjemahannya dalam Bahasa Indonesia sebagaimana terlampir dan merupakan bagian yang tidak terpisahkan dari Peraturan Presiden ini.

Pasal 2

Apabila terjadi perbedaan penafsiran antara naskah terjemahan Persetujuan dalam Bahasa Indonesia dengan naskah aslinya dalam Bahasa Inggris sebagaimana dimaksud dalam Pasal 1, maka yang berlaku adalah naskah aslinya dalam Bahasa Inggris.

Pasal 3

Peraturan Presiden ini mulai berlaku pada tanggal ditetapkan. Agar setiap orang mengetahuinya, memerintahkan pengundangan Peraturan Presiden ini dengan penempatannya dalam Lembaran Negara Republik Indonesia.

Ditetapkan di Jakarta
pada tanggal 15 Mei 2008
PRESIDEN REPUBLIK INDONESIA,

ttd.

DR. H. SUSILO BAMBANG YUDHOYONO

Diundangkan di Jakarta
pada tanggal 15 Mei 2008
MENTERI HUKUM DAN HAK ASASI MANUSIA
REPUBLIK INDONESIA,

ttd.

ANDI MATTALATTA

LEMBARAN NEGARA REPUBLIK INDONESIA TAHUN 2008 NOMOR 73

ASEAN AGREEMENT ON DISASTER MANAGEMENT AND EMERGENCY RESPONSE

The Parties to this Agreement,

REAFFIRMING their commitment to the aims and purposes of the Association of Southeast Asian Nations (ASEAN) as set forth in the Bangkok Declaration of 8 August 1967. in particular, to promote regional co-operation in Southeast Asia in the spirit of equality and partnership and thereby contribute towards peace, progress and prosperity in the region;

REAFFIRMING ALSO the objectives and principles of the Declaration of ASEAN Concord I of 24 February 1976. inter alia. declaring that within their capabilities Member Countries shall extend assistance for relief of Member Countries in distress, and the Declaration of ASEAN Concord II of 7 October 2003 where ASEAN shall, through the ASEAN Socio-Cultural Community, intensify co-operation in addressing problems associated with, inter alia, disaster management in the region to enable individual members to fully realise their development potentials to enhance the mutual ASEAN spirit;

REAFFIRMING ALSO the provisions of the Vientiane Action Programme 2004-2010 to pursue the comprehensive integration of ASEAN towards the realisation of an open, dynamic and resilient ASEAN Community by 2020 as envisioned in the Declaration of ASEAN Concord II through the action plans of the ASEAN Security Community (ASC), the ASEAN Socio-Cultural Community (ASCC) and the Recommendations of the High-Level Task Force on ASEAN Economic Integration;

RECALLING the Declaration on Action to Strengthen Emergency Relief, Rehabilitation, Reconstruction and Prevention in the Aftermath of the Earthquake and Tsunami Disaster of 26 December 2004, adopted at the Special ASEAN Leaders' Meeting on the Aftermath of Earthquake and Tsunami held in Jakarta on 6 January 2005;

RECALLING ALSO the ASEAN Declaration on Mutual Assistance on Natural Disasters of 26 June 1976, which calls on Member Countries to, inter alia, co-operate in the improvement of disaster management capacities, and in case of calamities, to extend assistance as may be needed upon the request from an affected Member Country;

RECALLING ALSO the ASEAN Agreement on Transboundary Haze Pollution of 10 June 2002, which provides the co-operative framework to prevent, monitor, mitigate and respond to trans-boundary haze pollution in the overall context of sustainable development;

RECALLING ALSO the ASEAN Agreement for the Facilitation of Search for Aircrafts in Distress and Rescue of Survivors of Aircraft Accidents of 14 April 1972 and the ASEAN Agreement for the Facilitation of Search of Ships in Distress and Rescue of Survivors of Ship Accidents of 15 May 1975, which call on ASEAN Member Countries to, inter alia, provide measures of assistance to aircrafts and ships in distress in their territories and to ensure entry and coordination of qualified personnel required for search and rescue operations;

RECALLING ALSO the Agreement on the ASEAN Food Security Reserve of 4 October 1979, which calls for effective and concerted effort to establish a food security reserve among ASEAN Member Countries to strengthen national and regional resilience and solidarity by, inter alia, establishing the ASEAN Emergency Rice Reserve for the purpose of meeting emergency requirements;

RECALLING ALSO United Nations General Assembly Resolution 59/279 of 19 January 2005 to strengthen emergency relief, rehabilitation, reconstruction and prevention in the aftermath of the Indian Ocean tsunami disaster; United Nations General Assembly Resolution 46/182 of 19 December 1991 to adopt an integrated approach for disaster management in all its aspects and to initiate a process towards a global culture of prevention;

United Nations General Assembly Resolution 57/578 of 10 December 2002, which, inter alia, encourages the strengthening of co-operation among States at the regional and sub-regional levels in

the field of disaster preparedness and response with particular respect to capacity-building at all levels;

RECALLING ALSO the Hyogo Declaration and the Hyogo Framework for Action set out by the World Conference on Disaster Reduction in January 2005, which, among others, stress the need to strengthen and when necessary develop co-ordinated regional approaches, and create or upgrade regional policies, operational mechanisms, plans and communication systems to prepare for and ensure rapid and effective disaster response in situations that exceed national coping capacities;

DETERMINED to give effect to the ASEAN Regional Programme on Disaster Management 2004-2010, which calls for the implementation of various project proposals and priority project proposals including the establishment of an ASEAN Response Action Plan;

CONCERNED by the increasing frequency and scale of disasters in the ASEAN region and their damaging impacts both short-term and long-term;

CONVINCED that an essential means to achieve such collective action is the conclusion and effective implementation of this Agreement;

Have agreed as follows:

PART I. GENERAL PROVISIONS

Article 1 Use of Terms

For the purposes of this Agreement:

1. "Assisting Entity" means a State, international organisation, and any other entity or person that offers and/or renders assistance to a Receiving Party or a Requesting Party in the event of a disaster emergency.
2. "Competent Authorities" means one or more entities designated and authorised by each Party to act on its behalf in the implementation of this Agreement.
3. "Disaster" means a serious disruption of the functioning of a community or a society causing widespread human, material, economic or environmental losses.
4. "Disaster management" means the range of activities, prior to, during and after the disasters, designed to maintain control over disasters and to provide a framework for helping at-risk persons and/or communities to avoid, minimise or recover from the impact of the disasters.
5. "Disaster risk" means the probability of harmful consequences, or expected losses in terms of deaths, injuries, property, livelihoods, economic activity or damage to the environment resulting from interactions between natural or human-induced hazards' and vulnerable conditions.
6. "Disaster risk reduction" means a conceptual framework of

elements considered with the possibilities to minimise vulnerabilities and disaster risks throughout a society, to avoid through prevention or to limit through mitigation and preparedness the adverse impacts of hazards, within the broad context of sustainable development.

7. "Disaster emergency" means a situation where a Party declares that it is unable to cope with a disaster.
8. "National Focal Point" means an entity designated and authorised by each Party to receive and transmit information pursuant to the provisions of this Agreement.
9. "Hazard" means a potentially damaging physical event, phenomenon and/or human activity, which may cause the loss of life or injury, property damage, social and economic disruption or environmental degradation.
10. "Member State" means a Member Country of the Association of Southeast Asian Nations.
11. "Party" means a Member State that has consented to be bound by this Agreement and for which the Agreement is in force.
12. "Receiving Party" means a Party that accepts assistance offered by an Assisting Entity or Entities in the event of a disaster emergency.
13. "Requesting Party" means a Party that requests from another Party or Parties assistance in the event of a disaster emergency.

Article 2 Objective

The objective of this Agreement is to provide effective mechanisms to achieve substantial reduction of disaster losses in lives and in the social, economic and environmental assets of the Parties, and to jointly respond to disaster emergencies through concerted national efforts and intensified regional and international co-operation. This should be pursued in the overall context of sustainable development and in accordance with the provisions of this Agreement.

Article 3 Principles

The Parties shall be guided by the following principles in the implementation of this Agreement:

1. The sovereignty, territorial integrity and national unity of the Parties shall be respected, in accordance with the Charter of the United Nations and the Treaty of Amity and Cooperation in Southeast Asia, in the implementation of this Agreement. In this context, each affected Party shall have the primary responsibility to respond to disasters occurring within its territory and external assistance or offers of assistance shall only be provided upon the request or with the consent of the affected Party.
2. The Requesting or Receiving Party shall exercise the overall direction, control, co-ordination and supervision of the