

MONEVIN REPORT

RESEARCH PROPOSAL
INTERNATIONAL RESEARCH COLLABORATION
AND SCIENTIFIC PUBLICATION
THE GOVERNANCE OF DISASTER DIPLOMACY
IN INDONESIA AND MALAYSIA



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ABSTRACT

This research aims to produce a portfolio concerning management system of disaster diplomacy in Indonesia and Malaysia through various activities, which are examining legal documents of Indonesia and Malaysia with content analysis focusing on mitigation of disaster to deeply understand the essential constructed message in it, investigating the social construction from the law of disaster with framing analysis, creating roadmap evaluation of the disaster management system that both countries have prepared, by which Malaysia can well recognizes stakeholders' position in its law of disaster, a simulation experimenting the management system of two countries as well as delivering international publications discussing roadmap and the management system of disaster diplomacy in Southeast Asia to reputable journals or international conference.

The reasons why this research prefers to Indonesia and Malaysia are: 1) both countries have proximities in the form of disasters such as landslide, earthquake as well as tsunami, and 2) both have strong bilateral relationship and intensive cooperation in mitigation, rehabilitation and reconstruction post disaster.

Data collection in this research on the management system of disaster diplomacy employs sampling, by which three products of primary regulation belonging to each country become sample of the research. The data analysis or interpretation utilizes content and framing analysis towards the use of specific word (sign) based on level, context, setting and roadmap of how the legal documents have been formulated.

The advantages of conducting this research collaboration between the Universitas Muhammadiyah Yogyakarta, Indonesia and International Islamic University of Malaysia are: 1) both institutions have more opportunity to enhance study on non-traditional security, and 2) this research can practically become a portfolio as reference for political decision making process and result new contribution to establish more progressively the management system of disaster diplomacy.

Keywords: Disaster Diplomacy, The Law of Disaster, Content Analysis, Framing and Roadmap of Disaster Diplomacy

CHAPTER I INTRODUCTION

Background

In Indonesia, disaster tends to become regular phenomena. According to WALHI, disasters that took place in 2008 were 359 cases such as flood, landslide and earthquake.¹ Within “the ring of fire” areas, Yogyakarta Province categorized as a vulnerable region is threatened from earthquake and eruption of Merapi affecting pyroclastic flow and volcanic mud flood. Similar to this, disasters taking place in Malaysia are often. Flight accident of the Malaysian-owned company Air Asia that crashed nearly Sumatera and killed majority of Indonesian passengers is a trigger, by which two countries should collectively manage disaster. It is also because Indonesian’s SAR can immediately evacuate peace of aircraft’s body and victims.

Concerning the law on mitigating disaster, Indonesia has several legal documents. The first is Law No. 24 Year 2007 on Mitigating Disaster. The second is Government Regulation No. 22 Year 2008 on Financing and Managing Disaster Aid. The third is Government Regulation No. 23 Year 2008 on Participation of International Organization and Foreign NGOs on Disaster Mitigation. The fourth is Presidential Regulation No. 8 Year 2008 on the National Body for Disaster Mitigation and Presidential Decree No. 29 Year 2008 on Promotion for Head and Echelon I Official of National Body for Disaster Mitigation.

Malaysian government also releases legal documents on disaster mitigation, which are UUBL Year 1984, OSHA Year 1994, CIMA Year 1996, SMART Year 1995 and NSCD No 20 Year 1997. Those documents are seemingly “inward looking” and exclude the role of international society for mitigating disaster in Malaysia². As a result, activities of disaster diplomacy are absence. Meanwhile, Indonesia has more experience in disaster diplomacy. In this regard, Ilan Kelman who writes a book entitled *Disaster Diplomacy* explains how disaster management

¹WALHI : 359 Bencana Alam di Indonesia in <http://www.antaranews.com/view/?i=1244199032> accessed on March 1st, 2013

² Aini, M. S., Fakhru'l-Razi, A. & Daud, M. (2001) "Evolution of Emergency Management in Malaysia", *Journal of Contingencies and Crisis Management*, Vol. 9, No. 1, pp. 46-53. See in Foong, S.L., Shiozaki, Y. & Horita, Y. (2006) “Evaluation of the Reconstruction Plans for Tsunami Disaster victims in Malaysia”, *Journal of Asia Architecture and Building Engineering/ November*, Vol. 300. More detail information see in Tan, Andrew, A. L. (2001) *Project Management in Malaysia – A Comprehensive Approach for Successful Management of Property Development Projects from Inception until Completion*, Kuala Lumpur

in Aceh contributes to peace negotiation between Aceh Free Movement and Indonesian government. On the other hand, post-peace negotiation Indonesia has overlooked disaster diplomacy in the number of cases.

International Islamic University of Malaysia (IIUM), as 500-rank university in the world, has a wide international network. Since 2003, International Islamic University and Universitas Muhammadiyah Yogyakarta (UMY) have signed the Memorandum of Understanding in 2013 until 2018³ to collaborate in several programs. For example, the UMY sends its academic staff to pursue Master and PhD at the IIUM. Another example is that UMY sends the students to take credit of subjects at the IIUM and IIUM does so. Both universities agree to organize the international joint seminar, which will be conducted every two years in Indonesia and Malaysia, namely ICOSHI (International Conference on Sustainable Humanity Issues).

The Memorandum of Understanding includes joint research between IIUM and UMY. In this regard, UMY develops research in International Relations discipline, which both university have uniform passion to improve non-traditional security studies such as international migration, border issue and disaster diplomacy. The reason why this study is necessary to develop for two countries is to eliminate negative stigma between them and encourage cooperation for humanity in Southeast Asian region.

Disaster Management System is one of important study for both countries. In 1990, Malaysia has legislation on disaster and Indonesia released the same law in 2006. Content analysis is meaningful to analyze disaster diplomacy in those legal documents of both countries. Then, it could be a guideline for two countries to cooperate.

Objectives

These following objectives of the research are:

1. To identify special message (sign) of disaster diplomacy in the Law No. 24 Year 2007 on Mitigating Disaster,
2. To identify special message (sign) of disaster diplomacy in Government Regulation No. 22 Year 2008 on Financing and Managing Disaster Aid, Government Regulation No. 23 Year 2008 on Participation of International

³ See in attachment 5

Organization and Foreign NGOs on Disaster Mitigation, Presidential Regulation No. 8 Year 2008 on the National Body for Disaster Mitigation and Presidential Decree No. 29 Year 2008 on Promotion for Head and Echelon I Official of National Body for Disaster Mitigation,

3. To identify special message (sign) of disaster diplomacy on UUBL Year 1984, OSHA Year 1994, CIMAHA Year 1996, SMART Year 1995 and NSCD No. 20 Year 1997.
4. To design the map of disaster management simulation and disaster diplomacy both Malaysia and Indonesia can work together to enhance their capacities in formulating management of disaster diplomacy.
5. To publish article resulted from the research in international conference and reputable international journal.
6. To publish book on disaster diplomacy management in Southeast Asian member countries.

Significance of Research

This content analysis research upon legal documents on disaster management in Malaysia and Indonesia has several significant points, which are:

First, stakeholders of disaster coming from Malaysia and Indonesia have low level of understanding towards the conception and regulation of disaster because of several reasons. The first is the disaster diplomacy's code of conduct is clearly mentioned in disaster regulation, international partnership and international agreement in Indonesia. Content analysis study towards legal documents is likely to help stakeholders in understanding productively and implementing disaster diplomacy.

Second, the result of this content analysis research will help lawmakers to revise the law of disaster by imposing imperative message in articles of the law, from which progressive law of disaster can be achieved. It is a response that Indonesian lawmakers do not intend to revise 10-year-old the law of disaster. At the same time, 20-year-old the Malaysian law of disaster has not been reviewed yet.

CHAPTER II

LITERATURE REVIEW

Disaster diplomacy studies means that disaster is a pivotal instrument to achieve political interests like peace, economic interest as inter-state economic cooperation or cultural interest aimed at establishing civilized and humanized community. In optimistic perspective, disaster phenomenon can positively solve social problems that political and economic diplomacy based on the zero-sum game or the distributive characteristics do not work to settle.

According to Louise K. Comfort, disaster has increasingly become a crucial issue to enhance quality of people's welfare. Disaster must be broadly defined ranging from natural catastrophe to dangerous diseases such as the avian influenza and Ebola, or climate change. Furthermore, disaster that is classified as global issue would considerably attract people's empathy and encourage international society to participate in mitigating disaster. Louise points out,

“[D]isaster Diplomacy examines the role of disaster-related activities not just in international affairs and international relations, but also in political conflicts not involving more than one independent state. Disaster Diplomacy also embraces a wide definition of "disaster", not just rapid-onset events such as earthquakes and industrial explosions, but also events which are more diffuse in space and time such as droughts, epidemics, and global changes. These latter events have been termed "chronic disasters", "creeping changes", and "disaster conditions" amongst other terms”⁴

The study of contemporary disaster argues that disaster, which is not necessarily negative, can play the role to overcome political tension and other unsolved conflicts at national and international level.⁵The point of Kelman's argument is that disaster stimulates people living in hazardous areas to creatively anticipate and minimize its risks. Research conducted by Kelman on conflict in Aceh has interestingly illustrated how disaster diplomacy contributes to peace negotiation. Since 1995, peace negotiation initiative to settle 25-year Aceh conflict involving various parties had been unsuccessful. Peace settlement, according to Kelman,

⁴Louise K. Comfort, "Disaster: Agent of Diplomacy or Change in International Affairs?", *Disaster Journal*, 2002

⁵Kelman, I. 2006. "Disaster Diplomacy: Hope Despite Evidence?". *World Watch Institute Guest Essay*, 2006, Kelman, I. 2007. "Disaster diplomacy: Can tragedy help build bridges among countries?" *UCAR Quarterly*, Fall 2007, p. 6, Kelman, I. 2007. "Weather-Related Disaster Diplomacy". *Weather and Society Watch*, vol. 1, no. 3, pp. 4,9

between the *Gerakan Aceh Merdeka* (the Free Aceh Movement) and Indonesian government was agreed in Helsinki post-tsunami that occurred in 2005.⁶

Kelman's research indicates that disaster diplomacy is functioning to negotiate.⁷ In other words, disaster is one of elements to widely improve mutual cooperation in political, economic, social and cultural aspects. Therefore, disaster diplomacy allows countries, in which have poor intensive international cooperation, involve in political conflict and suffer from high-risk of disaster, to strengthen global partnership to minimize casualties in disaster. For example, Indonesia, China and Japan that have similar sort of disasters such as earthquake, tsunami and eruption of volcano prefer to enhance beneficial relationship.

Another scholar who focuses on function of disaster diplomacy is Weizhun. Weizhun perceives that rapid economic growth of China in the last ten years is the achievement of its government in capitalizing and managing disaster as a strategic instrument to collaborate with other countries that are previously suspicious to China's hegemonic policy. China to some extent is not common enemy for the West due to its participation in humanitarian action and cooperation with countries experiencing disaster attack. Considering China's aid for disaster, several countries that refused its investment earlier have altered to accept it.

Weizhun believes that,

“[T]he practice of Disaster Diplomacy has a great influence and actual values on improving national and international interests. Disaster Diplomacy is flexible and multiform yet uncertain and there are some restrictions in the process of diplomatic practice. Disaster Diplomacy can also promote the Chinese role "as a responsible and powerful country”⁸

A series of researches conducted by The Cambridge Review on interpreting disaster in the context of disaster diplomacy shows an interesting finding that the diplomacy leads conflicting countries politically and economically to collaborate, rather fighting each other. Kelman asserts that,

⁶Kelman, I. and J.-C. Gaillard. 2007. "Disaster diplomacy in Aceh". *Humanitarian Exchange*, No. 37 (March 2007), pp. 37-39. See in Gaillard, J.-C., E. Clavé, and I. Kelman. 2008. "Wave of peace? Tsunami disaster diplomacy in Aceh, Indonesia". *Geoforum*, vol. 39, no. 1, pp. 511-526.

⁷Kelman, I. 2008. "Disaster Diplomacy: Diplomats should not rely on disasters". vol. 47, 12 April 2008, pp. 8-9

⁸Weizhun M, "The Apocalypse of the Indian Ocean Earthquake and Tsunami". *World Politics and Economy* (Chinese Academy of Social Sciences), vol. 6 (in Chinese) or in Weizhun, M. and Q. Tianshu. 2005. "Disaster Diplomacy: A New Diplomatic Approach?". *Shanghai Institute For International Studies International Review*, Spring 2005, pp. 111-124 (in Chinese).

“[T]he Cambridge Review of International Affairs which analyse critically the argument for disaster diplomacy as an opportunity to increase cooperation among rival states are re-examined in a CAS framework. Based on the application of CAS to the case studies, the article concludes that creative diplomacy for disaster reduction is most effective at the 'edge of chaos', that narrow region where there is sufficient structure to hold and exchange information, but also sufficient flexibility to adapt new alternatives to meet urgent needs”⁹

Indonesia and Malaysia are identified as disaster areas where it frequently occurs. The largest impact of disaster vary from live casualties to property, environment and infrastructures devastation. The Indonesian law of disaster defines catastrophe as follow:

“[D]isaster is an event or a series of events threatening and disturbing human’s life and activity that occurs from natural process and/or non-natural factor, as well as human-made aspect it affects death, enviromental devastating and psychological impact”¹⁰.

Undermining geographical and topographical conditions that should encounter disaster more frequently produces policy or behavior that are incompatible with reality. Based on studies on disaster diplomacy, Indonesia has positive chance to extensively initiate international cooperation by employing positively disaster issue. With respect to the cooperation, it requires a social awareness of both central and local government on disaster diplomacy.

The government has addressed a number of legal documents in dealing with disaster prevention. The first is Law No. 24 Year 2007 on Mitigating Disaster. The second is Government Regulation No. 22 Year 2008 on Financing and Managing Disaster Aid. The third is Government Regulation No. 23 Year 2008 on Participation of International Organization and Foreign NGOs on Disaster Mitigation. The fourth is Presidential Regulation No. 8 Year 2008 on the National Body for Disaster Mitigation and Presidential Decree No. 29 Year 2008 on Promotion for Head and Echelon I Official of National Body for Disaster Mitigation. In terms of mitigating disaster, those legal documents are lack of coordinated and integrated operational procedure at three different phases: pre-disaster, emergency and post-disaster.

⁹Kelman, I. and T. Koukis (eds). 2000. 'Disaster Diplomacy', special section in *Cambridge Review of International Affairs* (edited by Charlotte Lindberg Clausen), vol. XIV, no. 1, pp. 214-294

¹⁰Disaster definition in UU No. 24 Tahun 2007 special in chapter disaster mitigation

Disaster mitigation is responsibility of both government (central and local government) and non-government entities (private sector, society and individuals).

In Indonesia, disaster diplomacy focusing on Indonesia itself is rarely subject Indonesian scholars are interested to study. However, the works abovementioned illustrates that the number of social scientist who examine Indonesia as research object comes from Germany. At the same time, searching topic on disaster diplomacy in articles of Indonesian journal results empty. The articles founded discuss early warning procedure, disaster-based curriculum and religious-cultural-based trauma healing.

The author has prepared a roadmap to study disaster diplomacy, which becomes a new discourse to respond disaster issue as international phenomenon. It also has been delivered in the course of diplomacy. The author, who has lectured diplomacy for ten years, develops numerous researches on diplomacy in the context of politics, economics, counter-terrorism and extraordinary crime of drug.

Started from tsunami and earthquake in Aceh, 2005 and earthquake in Yogyakarta, 2006, the author in the last three years has interested to study disaster diplomacy. The author believes that earthquake attacking in Yogyakarta may happen again with larger impact. The reason is that Yogyakarta is part of the Ring of Fire and located between three plates, which are Asia, Pacific and Australia. These plates also cover another Indonesian regions: western coastline of Sumatera, southern coastline of Java, Maluku and Papua, unless Kalimantan.¹¹

Based on studies conducted in the last three years, the author arranges the roadmap of research as follows:

The **first** stage is study to analyze significance of disaster diplomacy in the context of disaster management. Disaster diplomacy is not determinant variable, in which it is necessary to systematically regulated, in major legal documents at national and local level. The result of this study was presented in International Conference on Sustainable Innovation (ICOSI) in 2012 at Universitas Muhammadiyah Yogyakarta.¹²

¹¹Argumentation of Head of Earthquake of Geology Body of Indonesia, I Gede Suantika in <http://www.suaramedia.com/dunia-teknologi/sains/18235-potensi-gempa-indonesia-paling-tinggi-di-dunia.html> accessed on 14 March 2013

¹²See in Surwandono, Ratih Herningtyas, "Disaster Diplomacy and International Cooperation for Reducing Disaster Effects", *ICOSI*, 2012

The **second** stage is that the author in collaboration with Ratih Herningtyas conducts research on perception of local government of Yogyakarta, as disaster stakeholder, towards practice of disaster diplomacy as instrument of establishing international cooperation. The finding of the research presents that the stakeholders living in the most vulnerable area, which could become a reference for managing disaster, have lack of comprehensively understanding on disaster diplomacy.¹³

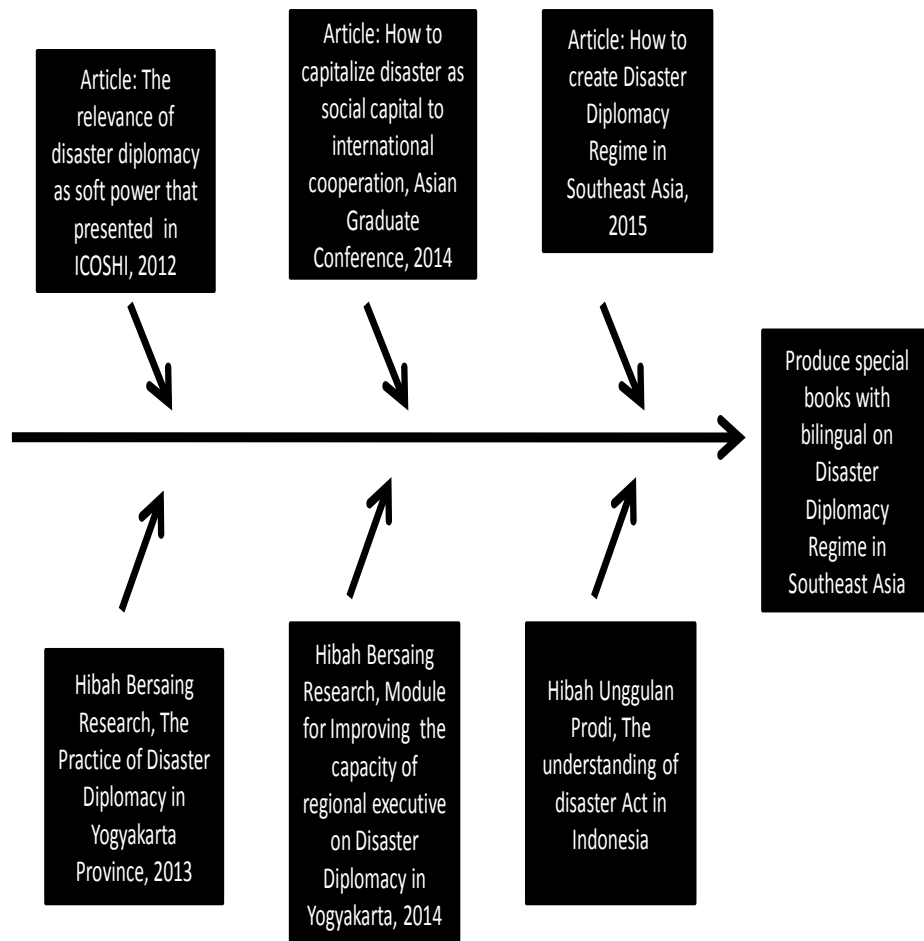
The **third** stage is that the author in cooperation with Ratih Herningtyas writes an article explaining how managing disaster becomes effective social capital to initiate international partnership. This article entitled “How to Capitalize Disaster to Make International Cooperation” was presented at Asian Graduate Research in 2014.¹⁴

In 2015, the author focuses on research on the idea or supra-structure of disaster diplomacy in legal documents of Indonesia. This research is urgently needed because Law No. 24 Year 2007, which should be revised, remains inappropriate to represent disaster diplomacy in managing disaster. Indonesia may become wealthier and more civilized if it manages precisely and proportionally disaster as social and natural capital.

¹³Op.cit Surwandono and Ratih Herningtyas

¹⁴See in Surwandono, Ratih Herningtyas, “How to capitalize to make international cooperation”, Asian Graduate Research, 2014

Road Map of the Research



CHAPTER III

RESEARCH METHOD

a. Approach

This research employs qualitative approach to elaborate numerous special messages (signs) in document. Documents that are likely to research are legal documents released by the government, in which they regulate disaster issue. Two major questions the research will discuss are: 1) what do the legal documents clearly and systematically explain the conception of disaster diplomacy and regulate the implementation of it, 2) how is disaster diplomacy discourse perceived in the legal documents of Indonesia.

b. Data Collection Technique

The main legal documents that will be collected are:

- 1) Law No. 24 Year 2007 on Mitigating Disaster
- 2) Government Regulation No. 22 Year 2008 on Financing and Managing Disaster Aid
- 3) Government Regulation No. 23 Year 2008 on Participation of International Organization and Foreign NGOs on Disaster Mitigation
- 4) Presidential Regulation No. 8 Year 2008 on the National Body for Disaster Mitigation
- 5) Presidential Decree No. 29 Year 2008 on Promotion for Head and Echelon I Official of National Body for Disaster Mitigation
- 6) UUBL Year 1984, OSHA Year 1994, CIMAH Year 1996, SMART Year 1995 and NSCD No 20 Year 1997

c. Analysis Data Technique

Collected data will be interpreted by utilizing content analysis to examine two main hypotheses, which are: 1) the legal documents on disaster mitigation have regulated the conception and practice of disaster diplomacy and 2) all legal documents relating to disaster management have less clearly constructed disaster diplomacy in managing disaster issue. To investigate those hypotheses, the research determines parameters on the conception of disaster diplomacy and parameters to measure the articulation of disaster diplomacy.

In this content analysis approach, it is important to identify particular keywords as follows:

First keyword is words indicating disaster diplomacy, to which it will be symbolized by DD. This keywords aim to measure clarity of the legal documents in disaster issue. After that, **second keywords** to articulate disaster diplomacy will be divided into several phrases, which are **the first** is the role of international aid (IA), **the second** is international cooperation (IC), **the third** is disaster as social capital for national interest (DSC), **the fourth** is the institutionalized domestic disaster management (DDM) and **the fifth** is institutionalized international disaster management (IDM).

Those phrases will be verified in the five legal documents of Indonesia and Malaysia through coding. Next, all words will be calculated. Then, the result will be transferred into the distribution of frequency table by using descriptive statistic

method to examine frequency and articulation of disaster message in legal documents.

d. Population and Sample

Population of this research is all words related to disaster regulation that remains valid. It contains of five legal documents of both Indonesia and Malaysia.

e. Location

The research will be held in the Magister of International Relations, Postgraduate Program of Universitas Muhammadiyah Yogyakarta and International Islamic University of Malaysia.

f. Research Plan

This research plans to take several steps as follows:

1. Collecting all regulations related to disaster.
2. Formulating instrument to measure and understand the message of documents
3. Assessing documents by the prepared parameters
4. Composing tabulation to calculating the particular words
5. Analyzing the result of tabulation to proof hypothesis

Table of Research Activities

No	Activities	Objective	Data Collection Technique	Output	Time of Implementation
1.	Collecting documents in Malaysia and Indonesia	Documents are successfully collected	Downloading documents and files on regulations of disaster	Documents are available	First Year
2.	Designing research instrument	Research Instrument are accomplished	Classifying research instruments	Research Instrument is available	First Year
3.	Verifying research instrument	Research instrument on particular documents is verified	Verification is in line with research objective	Documents are verified	First Year
4.	Tabulation of verified document from Indonesia and Malaysia	Tabulation process of verified result is accomplished	Entry to system	Data is successfully tabulated	First Year
5.	Interpreting the result of tabulation	The result of tabulation is interpreted	Score is accumulated	Data is already analyzed	First Year
6.	Preparing report and article	Report and article completed	Final analysis	Report and Article are submitted	First Year
7.	Simulating disaster diplomacy policy of Indonesia and Malaysia	Roadmap and orientation of disaster diplomacy completed	Review Policy	Policy Report	Second Year
8.	Writing article for International Journal	Article is prepared		Article accomplished	Second Year
9.	Publishing article in international journal	2 articles are ready to submit		Articles are published	Third Year
10.	Publishing Book on Managing Disaster Diplomacy in Southeast Asia	Book can be published in two languages		Bilingual book is published	Third Year

CHAPTER IV

DISCUSSION

Below are the explanation of the three main regulations of the Indonesian government related to disaster diplomacy. The three regulations are Indonesian Law No. 24 (2000) on International Treaty/Agreement, Government Law No. 21 (2008) on Disaster Management Regulation, and Government Law No. 22 (2008) on Funding and Disaster Aid Management. It is expected that the readers will gain a deep knowledge and information of such regulation in order to understand the source, form and implementation of the disaster management in Indonesia. This is important due to from the regulations issued were depict the posture of the Indonesian diplomacy related to the disaster management issues.

A. Indonesian Law No. 24 (2000): International Treaty/Agreement

The Law No. 24 (2000) on the International Treaty is closely linked with the Article 11 of the 1945 Indonesian Constitution concerning international treaties. However there are still remain problem that make the concept of international agreement has not been well-conceptualized by the government. As a result, arouse some pertinent issues for example about definition and others that are still unclear.

Many have not clearly understood about these particular law, regardless academicians, public servants and even the public itself in Indonesia. They are mostly lack of understanding especially about the background, objective and the significant of the regulations. Thus, some specific issues are likely should be resolved promptly such as (1) the subject of international law (whether state, international organizations, or between international organizations etc.), (2) printed document, (3) international law (4) the rights and obligations.

Therefore, the government should take initiation to improve or revise the Article 1 of the Law No. 24 (2000) and Article 11 of the 1945 Indonesian Constitution to confirm and approve the theory and the set international treaties that have been ratified to be national law. Further, the government is also continually to monitor and actively participate in the process of drafting and ratification of international treaties.

In the post-New Order regime followed by the 1999 general elections, Majelis Permusyawaratan Rakyat (MPR) or the People's Consultative Assembly of the Republic of Indonesia have issued some Acts. The primary aim is to define Indonesian foreign policy which described as robust, independent, free, and pro-active foreign policy. However, the Law No. 24 (2000) does not noticeably mention and reflect the essence of the one of the MPR's act called *TAP MPR No. IV / MPR / 1999* as a guidance, consideration, clauses arrangement and general explanations of the law. The Law No 24 (2000) is currently only based on the two set of general regulations namely Article 11 of the 1945 Indonesian Constitution which considerably too short and based on the Presidential Letter No. 2826/HK/1960 which seen no longer compatible with the current issues. In addition, the implementation of the Law No. 24 (2000) was mostly dominated by the interests, demands and pressure from the foreign intervention. The issue of the Law No. 24 (2000) is similar with the Law No. 7 (2007) on international trade.

To be sovereign nation, Indonesia should not relied on and free from the influence of foreign nations. The improvement of the law on international agreements is needed due to some weaknesses and ambiguities. The improvement is also indirectly enhance the image of Indonesia in the the international community.

Meanwhile, in line with the Vienna Convention 1969, there are several issues that make the Law No. 24 (2000) different with the convention. For example:-

General Conditions

The Vienna Convention is consist of some technical issues concerning the implementation of the agreement conducted by countries in the world. The provision is generally composed with set of the procedures and mechanisms of the international agreement. The Vienna Convention only determine the general mechanism of international law, but did not explain more the ways of implementation. This is because the scope and regulation which were arranged are wide and the countries are given authority to modify based on the local norms as long as not have contradiction with the general condition of the Vienna Convention

The content of the Law No. 24 (2000) are more specific about mechanism to implement the international agreement, for example:

- Formulation
- Ratification
- Implementation
- Archiving
- Termination
- Transitional and conclusion

All the contents are described further in the Article 22, which was then approved and signed by the Fourth President of the Republic of Indonesia Abdurrahman Wahid.

The State Representatives

In accordance with the Article 7 of the Vienna Convention, a selected person who has been delegated in the negotiation process requires a power of attorney letter issued by the original country. The power of attorney and credentials letters are given by the countries to someone who have been appointed as a representative of the country. The Vienna Convention describe the power of attorney letter as “A document emanating from the competent authority of a State designating a person or persons to represent the State for negotiating, adopting or authenticating the text of a treaty, for expressing the consent of the State to be bound by a treaty, or for accomplishing any other act with respect to a treaty.” Nevertheless, the Vienna Convention is not recognizes so-called Credentials as in the Law No. 24 (2000).

According to Article 7 of the Vienna Convention, the countries representatives are not require a power of attorney. The Vienna Convention define representatives are as below:

1. Heads of State, Heads of Government and Ministers for Foreign Affairs, for the purpose of performing all acts relating to the conclusion of a treaty;
2. Heads of diplomatic missions, for the purpose of adopting the text of a treaty between the accrediting State and the State to which they are accredited;

3. Representatives accredited by States to an international conference or to an international organization or one of its organs, for the purpose of adopting the text of a treaty in that conference, organization or organ.

Compared to the Law No. 24 (2000), someone who have been designed to representing the government of the Republic of Indonesia in order to accept or sign the agreement or to be bound by a treaty, require a power of attorney. In this regulation, the credentials used by one or more people who will attend, negotiate, and/or accepting the outcome of international treaty requires the credentials. According to the Law No. 24 (2000) power of attorney refers to "a letter issued by the President or the Minister to one or more persons to representing the Government of the Republic of Indonesia to sign or accept the agreement, to express the approval of the state to be bound by a treaty, and /or to complete the other things that are needed in the international agreement process." While Credentials described as "a letter issued by the President or the Minister to one or more persons to representing the Government of the Republic of Indonesia to attend, negotiate, and / or receiving the results of an international meeting."

According to Article 7 paragraph (2) of the Law No. 24 (200) mention that state officers who are not require a power of attorney are:

- President as head of state and head of government.
- Minister of Foreign Affairs.

Archiving

The Vienna Convention is also did not explain the parties who are responsible to the archiving process of the original text of the agreement. The countries are only required to notify and register a certified true copy of the international agreements that have been made to the secretary of international organizations. While the Law No. 24 (2000), explained in detail that the Minister is fully responsible for storing and maintaining the original manuscript of international agreements that have been made by the government of the Republic of Indonesia as well as recording the list of official documents and published under compilation of international treaties.

Nonetheless, between Vienna Convention and the Law No. 24 (2000) have some similarities such as:

1. A country has recognized had committed to the international agreement if ratified, accession (formalized), accepted and approved in accordance with Article 1-b of the Law No. 24 (2000) which mention as "Ratification is a legal action to attach themselves to an international agreement in the form of ratification, accession, acceptance and approval." Article 2-b of the Vienna Convention mention that "ratification", "acceptance", "approval" and "accession" mean in each case the international act so named whereby a State establishes on the international plane its consent to be bound by a treaty."
2. The succession against a country does not lead to the end of an agreement as long as successor states agree to proceed the agreement. As mentioned in the Article 73 of the Vienna Convention that "The provisions of the present Convention shall not prejudice any question that may arise in regard to a treaty from a succession of States or from the international responsibility of a State or from the outbreak of hostilities between States." While Article 20 of the Law No. 24 (2000), mention that "A treaty does not end due to a succession of states, but it remains effective as long as replacement states were bound by the agreement."

B. Government Law No. 21 (2008): Disaster Management Regulation

Below are some definitions about the Law No. 21 (2008) on Disaster Management Regulation to understand the specific terms of the regulation.

According to the Law No. 21 (2008) disaster is an event or series of events that threaten and disrupt the life of society caused by whether natural factors and/ or non-natural factors as well as human factors that lead to the human casualties, environmental damage, loss of property, and psychological impact.

The implementation of disaster management is defined as a series of efforts that include the establishment of development policies with risk of disaster, disaster prevention, emergency response and rehabilitation.

Related to the disaster prevention, the Law No. 21 (2008) define as a series of activities undertaken to reduce or eliminate the risk of disasters, whether through the reduction of hazards and vulnerabilities of the threatened parties during the disaster.

Related to the preparation aspect, the Law No. 21 (2008) mention that preparedness is a series of activities undertaken to anticipate disasters, through the organization as well as the appropriate steps effectively and efficiently.

Early warning is a series of activities as soon as possible warnings to the public about the possibility of a disaster in such place by the authorities.

Mitigation is a series of efforts to reduce disaster risk, either through physical development as well as awareness and capacity building to face the threat of disaster. Disaster risk is the potential casualties from disasters in such region and a period of time as death, injury, illness, life threaten, loss of of security, displaced, damage or loss of property, and disruption of community activities.

Emergency response is a series of activities carried out immediately upon the occurrence of disaster related to negative impacts including rescue and evacuation of victims, property, distribution of basic needs, protection, management of refugees, rescue, and recovery of infrastructure and facilities.

Disaster victims are people or groups of people who suffered or died because of the disaster.

Rehabilitation is the adequate reparation and restoration of all aspects of the public or community services in the post disaster areas with the main objective is to normalize all aspects of the government and public activities in the post-disaster areas.

Reconstruction is rebuilding all infrastructure and facilities, the institutions in the post-disaster areas, whether at the government level or society with the main goal is to growing and rebuild the economic activities, social and cultural lifes, rule of law and order, and the rise of community participation in all aspects of social life in the post-disaster areas.

In the Law No. 21 (2008) the preparation and planning are as below:

- a. Identification and assessment,
- b. Understanding of the vulnerability of society;
- c. Analysis of the possible impact of the disaster;
- d. Option of disaster risk reduction measures;
- e. Decision of readiness and disaster mitigation mechanism; and
- f. Assignment of duties, authorities, and available resources.

In terms of the apparatus the disaster management plans are coordinated by:

- a. BNPB (National Agency for Disaster Management) for national level;
- b. BPBD (Provincial/State Agency for Disaster Management) for provincial level; and
- c. BPBD (Regency Agency for Disaster Management) for regency/city level.

Disaster risk reduction is implemented through the following activities:

- a. The identification and monitoring of disaster risks;
- b. The participatory planning of disaster management;
- c. The development of disaster awareness culture;
- d. The increasement of commitment to disaster management actors; and
- e. The application of the physical, non-physical, and disaster management arrangements.

Prevention is conducted through the following activities:

- a. Identification, recognition and monitoring of sources or potential hazard:
- b. Acquisition and natural resources management;
- c. The usage of high technology.
- d. Supervision of the implementation of planning and environmental management; strengthening the social resiliency.
- e. Prevention activities as referred to paragraph (3) is the responsibility of the Government, whether local government, and society.

The implementation of preparedness activities referred to paragraph (1) is conducted by the agency/authorized agencies, both technically and administratively, are coordinated by BNPB and/or BPBD in the forms such as:

- a. Preparation and testing of disaster management plans;
- b. Organize, installation, and testing of early warning systems;
- c. Supply and preparation of basic needs distribution;
- d. Organizing, counseling, training, and drills on the emergency response mechanisms;
- e. Decision of the evacuation sites;
- f. Arrange the accurate data, information, and updating operating procedures for emergency response; and
- g. Supply and preparation of materials, goods, and equipments for reconstruction of infrastructure and facilities.

Disaster management during emergency response such as:

- a. Accurate and quick assessment of the sites, damage, causalities, and resources;
- b. Decision of the status of emergency response;
- c. Rescue and evacuation of the affected society;
- d. Distribution of basic needs;
- e. Protection of vulnerable groups; and
- f. Immediate recovery of such vital infrastructure and facilities.

C. Government Law No. 22 (2008): Funding and Disaster Aid Management

As it was mandated by such Indonesian laws and regulations such as the Law No. 24 (2007) on Disaster Management, the Government Law No.21 (2008) on the Implementation of Disaster Management Regulation, the Government Law No.22 (2008) on Funding and Disaster Aid Management, the Government Law No.23 (2008) on Participation of International and Foreign Non-Governmental Institutions in the Disaster Management, Presidential Decree No. 8 (2008) on the National Agency for Disaster Management, the Regulation of the Head of BNPB No. 3 (2008) on the Guidelines for the Establishment of the Regional Disaster Management Agency, the Regulation of the Head of BNPB No. 13 (2009) on the Guidelines for the Logistics and Disaster Management Equipments, the tasks of the BNPB, BPBD

Provincial/Regency/City level are required to be able to build a logistics and equipment management system.

Logistics is all types which are tangible and can be used to fill the basic needs of human life that consists of clothes, food and housing or the similar derivatives. Some equipments that categorized as logistics are consumers goods (e.g. daily necessities, medicine, clothes, water, tents, sleeping suits and others).

Equipment is all kind of tools and equipment that can be used to help the rescue and evacuation operation of the affected people, the fulfillment of basic needs and for immediate restoration of the vital infrastructure and facilities.

The logistics and equipment management system of disaster management is an important system for disaster management starting from pre-disaster, during disaster and in the post-disaster or in other words that management of logistics and equipment during the disaster is the “soul” of the disaster relief system.

During disaster, logistics and equipment for disaster management require disciplines and accurate in terms of time, place, quantity, quality, the needs and target analysis, based on the priority and service standards.

The Requirements of Logistic System for Disaster Management

Logistics support and equipment that needed should be on-time, in the right place, accurate quantity and quality, the needs and target analysis, based on the priority and service standards.

The transportation system requires improvisation and creativity in the disaster fields, whether in the land, air, sea or river.

The distribution of logistics and equipment require special delivery methods due to such limitation as transportation, events and isolated location of the disaster).

Inventory of needs, procurement, storage and delivery as well as accountability of the affected logistics and equipment during operation require special management system.

Meanwhile, observing the movement of disaster victims is also needed. In addition, there are require coordination and priority of the usage of the limited transportation. The possibility of the assistance from military, police, businesses, non-governmental organizations and other relevant institutions both from domestic and international should be under the authorities command. And also the authority should be concern about the effective of supply chain process during the disaster outbreak.

Regarding the responsibility report is refer to the Regulation of the Head of BNPB No. 6.A (2011) on Guidelines for the Usage of the Ready Funds¹ in the Emergency Disaster Status so-called PERKAP BNPB (2011).

In the background section of the Appendix of PERKAP BNPB (2011) (p. 2), mentioned that that ready funds should be used effectively and efficiently, as well as to be reported and accounted under the principles of accountability and transparency

In addition, the accountability of the funds usage is regulated under Chapter III of the Annex of PERKAP BNPB (2011) (p.13-14), namely:

1. Recipients should provide accountability reports according to the appropriate regulations.
2. Responsibility of the funds is given special attention, namely the procurement of goods/services for the implementation of the Emergency Disaster Status is conducted specifically through direct purchase/procurement process according to the conditions at the Disaster Emergency Status.
3. The meaning of "Special treatment/attention" is although the purchasing evidences are not clearly be identified under such regulation, yet the evidences are treated as a valid financial accountability document.

¹ In this discussion the term of "ready funds" will be fixed to "funds" to avoid multiple interpretation.

4. The accountability of both financial and performance should be reported within three (3) months after the Emergency Disaster Status was ended, completed and attached with such evidences of expenditures such as:
 - a. Receipt and Delivery Assistance Minutes.
 - b. Recapitulation of SPJ.
 - c. Receipt of aids distribution endorsed by local authorities.
 - d. Receipt of transaction of procurement of equipment and logistics.
 - e. Receipt of car rental for aids delivery including personnel.
 - f. Receipt of packing and shipping of aids to the disaster field.
 - g. Assignment letter and others.
 - h. Contract/ Assignment letter (SPK) for procurement of services.
 - i. Other valid evidences.

Furthermore, as described in the Appendix of PERKAP BNPB (2011) (p. 14) that the funds were not used until the expiration of the Emergency Disaster Status (alert emergency, emergency response and transitional emergency to recovery), are remitted to the State Treasury and the evidences of payment is should be delivered to the BNPB. The remittance process is conducted simultaneously with the funds accountability not more than 3 (three) months after the end of Emergency Disaster Status.

The accountability report is totally required and important so that the fund management runs smoothly and transparently. Further, the report is also must be monitored effectively and comprehensively. Monitoring and reporting are carried out by BNPB and BPBD as well as the related institutions. Once the activities are completed especially after the completion of the state of emergency, the financial manager of the fund must report all the activities and financial accountability to the head of BNPB (p. 14).

Fund beneficiaries shall submit the accountability report of the usage of the fund no more than 3 (three) months after the aids were received and submit it to the head of BNPB. The main items of the report are: (see p. 14-15)

- a. Realization of physical activities;

- b. Realization of the budget;
- c. Other related data

A penalty can be imposed especially to the fund recipient who have evidently abused and cause the loss of the country's fund, such as: (see p. 15)

1. Official managers/users who have used the fund illegally.
2. Official managers/users who have late to or/and did not submit the report within a period of time.
3. Official managers/users who have late to or/and did not remitting the balance of the remaining fund within a period of time.

The penalties imposed to the official managers/users who have evidently abused of authority, as abovementioned can be implemented in various forms such as: (see p. 15)

1. The penalties enforcement under particular legislations.
2. To be considered to terminate the funds/aids, if the same issues are repeated while the previous task have not been resolved.

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