

## DECLARATION PAGE

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

I hereby declare that the Undergraduate Thesis which is entitled “**THE IMPLEMENTATION OF INTERNATIONAL DISASTER RESPONSE LAWS TOWARDS INDONESIAN SOVEREIGNTY**” its content is truly the work of my own and I did not do plagiarism or quotation in ways that are inconsistent with the prevailing ethic in the scientific community. On this statement, I am ready to bear the risk/any sanctions imposed to me in accordance with applicable regulations, if in the future found a breach of scientific ethics, I am willing to accept the sanctions.

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## **DEDICATION**

**This Undergraduate Thesis dedicate to**

My Lord, Allah SWT

Prophet Muhammad SAW

My beloved parents

Drs. Mohammad Zainal Hafid

Dra. Neng Indra Diansih

My lovely brothers

Mohammad Bima Auron Haiz

Mohammad Bayu Indranal Hair

## FOREWORD

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### Indonesia

- Law No. 24 of 2007 on Disaster Management.
- Government Regulation No. 21 of 2008 on Disaster Management.
- Government Regulation No. 22 of 2008 on Disaster Aid Financing Management
- Government Regulation No. 23 of 2008 on Participation of International Organizations and Foreign Non- Governmental Organization in Disaster Management.
- Head of BNPB Regulation No. 22 of 2010 on Guideline on the Role of International Organization and Foreign Non-Governmental Organization During Emergency Response.

### International

- UN Convention on the Privileges and Immunities of the Specialized Agencies 1947.
- UN Convention on the Privileges and Immunities of the United Nations 1946.
- UN Convention on the Safety of United Nations and Associated Personnel 1994.
- UN General Assembly Resolution 46/182, 1991.
- UN General Assembly Resolution 57/150, 2002.
- UN Principles on Internal Displacement.
- Agreement on Disaster Management and Emergency Response, 2005.
- ASEAN Agreement on Disaster Management and Emergency Assistance 2005.
- ASEAN Declaration on Mutual Assistance on Natural Disasters, 1976.
- Charter on Cooperation to Achieve the Coordinated Use of Space Facilities in the Event of Natural or Technological Disaster of 2000.
- Convention Establishing the International Relief Union of 1927.
- Convention on Assistance in the Case of Nuclear Accident or Radiological Emergency 1986.
- Convention on Early Notification of a Nuclear Accident of 1986.
- Convention on Temporary Admission of 1990.
- Council's of Europe Agreement on the Prevention of, Protection against, and Organization of Relief in Major Natural and Technological Disaster of 1987.
- Declaration on Action to Strengthen Emergency Relief, Rehabilitation, Reconstruction and Prevention on the Aftermath of Earthquake and Tsunami Disaster of 2004.
- EUR-OPA Major Hazards Agreement 1987.
- Framework Convention on Civil Defense Assistance of 2000.
- Framework for Action for the International Decade for Natural Disaster Reduction of 1989.

Guiding Principles on Housing and Property Restitution for Refugees and Displaced Persons (Pinheriro Principles) 2005.

IASC Operational Guidelines on Human Rights and Natural Disasters (2006) and their Manual, 2008.

INSARAG Guidelines, 2002.

Inter-American Convention Disaster Assistance, 1991.

Inter-American Convention to Facilitate Disaster Assistance of 1991.

The Guideline of International Disaster Response Law, 2007.

Kyoto Protocol to the United Nations Framework Convention on Climate Change, 1997.

Optional Protocol to UN Convention on the Safety of United Nations and Associated Personnel, 2005.

The Agreement on the ASEAN Food Security Reserve of 1979.

The ASEAN Agreement for the Facilitation of Search of Ship in Disasters and Rescue of Survivors of Ship Accidents of 1975.

The ASEAN Agreement for the Facilitator of Search of Ships in Disasters and Rescue of Survivors of Aircraft Accidents of 1972.

The ASEAN Agreement on Transboundary Haze Pollution of 2002.

The Hyogo Framework for Action (HFA) 2005-2015: Building the Resilience of Nations and Communities to Disasters adopted at the Second UN World Conference in Hyogo, 2005.

The International Convention on the Simplification and Harmonization of Customs Procedures as amended in 1999.

The International Strategy for Disaster Reduction of 1999.

The measures to Expedite International Relief of 1977.

The Principles and Rules of Red Cross and Red Crescent in Disaster Relief as amended in 1995.

The Sendai Framework for Disaster Risk Reduction 2015-2030 adopted at the Third UN World Conference in Sendai, 2015.

The Seville Agreement on the Organization of International Activities of the Components of the International Red Cross and Red Crescent Movement of 1997.

The statutes of the International Red Cross and Red Crescent Movement as amended in 1995.

The supplementary measures to enhance the implementation of the Seville Agreement of 2005.

The Tampere Convention on the Provisions of Telecommunication Resources for Disaster Mitigation and Relief Operations of 1998.

The Yokohama Strategy for a Safer World: Guidelines for Natural Disaster Prevention, Preparedness, and Mitigation and its Plan of Action, adopted in 1994.

Treaty of Amity and Cooperation of 1976.

## **LIST OF ABBREVIATIONS**

|            |   |
|------------|---|
| AADMER     | ASEAN Agreement on Disaster Management and<br>Emergency Response                |
| ACDM       | ASEAN Committee on Disaster Management  |
| AHA CENTRE | ASEAN Coordinating Centre for Humanitarian Assistance<br>on Disaster Management |
| ARPD       | ASEAN Regional Programme on Disaster Management                                 |
| ASEAN      | Association of Southeast Asian Nations  |
| BIN        | Badan Intelijen Nasional  |
| BNPB       | Badan Nasional Penanggulangan Bencana   |
| BPBD       | Badan Penanggulangan Bencana Daerah   |
| ECHO       | European Commission for Humanitarian Aid  |
| HFA        | Hyogo Framework for Action  |
| IASC       | Inter-Agency Standing Committee   |
| IFRC       | International Federation of Red Cross and Red Crescent<br>Societies             |
| IDRL       | International Disaster Response Law   |
| IHL        | International Humanitarian Law  |
| INSARAG    | International Search and Rescue Advisory Group                                  |
| MCDA       | Military and Civil Defense Assets   |
| NGO        | Non-Governmental Organization   |

|           |  |
|-----------|--|
| PMI       | Palang Merah Indonesia   |
| POLRI     | Kepolisian Republik Indonesia  |
| SAR       | Search and Rescue  |
| SATKORLAK | Satuan Koordinator Pelaksana   |
| TAC       | Treaty of Amity and Cooperation                                      |
| TNI       | Tentara Nasional Indonesia   |
| UN        | United Nations   |
| UNISDR    | United Nations International Strategy for Disaster Risk<br>Reduction |
| UNICEF    | United Nations International Children's Emergency Fund               |
| USAID     | United States Agency for International Development                   |