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PRESIDENT OF  
REPUBLIC OF INDONESIA

**GOVERNMENT REGULATION OF REPUBLIC OF INDONESIA  
NUMBER 23 OF 2008  
CONCERNING**

**PARTICIPATION OF INTERNATIONAL INSTITUTIONS AND FOREIGN NON-  
GOVERNMENTAL INSTITUTIONS IN DISASTER MANAGEMENT**

**BY GRACE OF ONE AND ONLY GOD**

**PRESIDENT OF REPUBLIC OF INDONESIA,**

Considering : that to implement provisions of Art. 30 para. (3) of Law Number 24 of 2007 concerning Disaster Management, there is need to implement Government Regulation concerning Participation of International Institutions and Foreign Non-governmental Institutions in Disaster Management;

In view of : 1. Art. 5 para. (2) of Constitution of 1945 of Republic of Indonesia;  
2. Law Number 24 of 2007 concerning Disaster Management (State Gazette of Republic of Indonesia Number 66 of 2007, Supplement to State Gazette of Republic of Indonesia Number 4723);

**RESOLVED:**

Enacted : GOVERNMENT REGULATION CONCERNING PARTICIPATION OF  
INTERNATIONAL INSTITUTIONS AND FOREIGN NON-  
GOVERNMENTAL INSTITUTIONS IN DISASTER MANAGEMENT

**SECTION I  
GENERAL PROVISIONS**

**Article 1**

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In this Government Regulation what is meant by:

1. International institution is organization within organizational structure of United Nations or which undertakes tasks representing United Nations or other international organization;
2. Foreign non-governmental institution is a certain international institution which is organized functionally free of and non-representative of government of certain state or (is) international organization which is formed separately from certain state where that organization is set up.
3. Disaster management undertaking is a series of efforts which encompass passing of development policies which run risk to cause disaster, activities of disaster prevention, emergency response, and rehabilitation.
4. National Disaster Management Agency, henceforth abbreviated BNPB (*Badan Nasional Penanggulangan Bencana*), is non-departmental government institution in accordance with provisions of regulations of law.
5. Relevant portfolio agency/ institution is portfolio agency/ institution which has relevance to disaster management.

## **Article 2**

Participation of international institution and foreign non-governmental institution in disaster management aims to support the strengthening of disaster management efforts, reduction of disaster hazards and risks, alleviation of suffering of disaster victims, and to accelerate recovery of social existence.

## **Article 3**

Arrangements regarding roles of international institution and foreign non-governmental institution in disaster management encompass activities at pre-disaster, emergency response, and post-disaster phases.

## **Article 4**

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Head of BNPB is authorized to determine participation of international institution and foreign non-governmental institution in disaster management.

**SECTION II**  
**PROCEDURE OF PARTICIPATION OF INTERNATIONAL INSTITUTIONS AND  
FOREIGN NON-GOVERNMENTAL INSTITUTIONS**

**Article 5**

- (1) International institution or foreign non-governmental institution which will participate in disaster management must prepare:
  - a. proposal;
  - b. memorandum of understanding; and
  - c. work plan.
- (2) Proposal as meant in para. [1] letter a is prepared by international institution or foreign non-governmental institution through consultation with representative of Republic of Indonesia abroad.
- (3) Memorandum of understanding as meant in para. [1] letter b is prepared jointly by BNPB and international institution or foreign non-governmental institution by involving portfolio agency responsible for foreign affairs.
- (4) Preparation of memorandum of understanding as meant in para. (1) may be carried out by relevant portfolio agency/ institution and international institution or foreign non-governmental institution coordinated by BNPB by involving portfolio agency responsible for foreign affairs.

**Article 6**

- (1) Work plan as meant in Art. 5 para. (1) letter c is prepared jointly by BNPB and international institution or foreign non-governmental institution and may involve relevant port folio agency/ institution.

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- (2) Preparation of work plan as meant in Art. 5 para. (1) letter c which is carried out by relevant port folio agency/ institution and international institution or foreign non-governmental institution is coordinated by BNPB.

**Article 7**

Execution of memorandum of understanding and work plan as meant in Art. 5 and Art. 6 is coordinated by BNPB.

**Article 8**

- (1) During emergency response, international institution or foreign non-governmental institution may provide assistance directly without going through procedure as meant in Art. 5 and Art. 6.
- (2) Delivery of assistance by international institution or foreign non-governmental institution as meant in para. (1) is performed by submitting list of number of personnel, logistics, equipment, and location of activity.
- (3) Submission of number of personnel, logistics, and equipment as meant in para. (2) may be performed before, during or immediately after arrival of assistance in Indonesia.
- (4) Based on list of number of personnel, logistics, and equipment as meant in para. (3), Head of BNPB grants approval in accordance with disaster emergency response needs.
- (5) Head of BNPB in performing provisions as meant in para. (4) coordinates with relevant port folio agency/ institution.
- (6) In the event that international institution or foreign non-governmental institution provides assistance in the form of funds , it must be delivered or transmitted directly to BNPB.
- (7) Provisions regarding fund assistance as meant in para. (6) are regulated in accordance with provisions of regulations of law.

**Article 9**

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Mobilization of personnel, logistics, and/ or equipment as meant in Art. 8 para. (2), para. (3), para. (4) is given facilitated access in accordance with provisions of regulations of law.

**SECTION III  
IMPLEMENTATION OF PARTICIPATION OF INTERNATIONAL INSTITUTIONS  
AND FOREIGN NON-GOVERNMENTAL INSTITUTIONS**

**Article 10**

- (1) Participation of international institution or foreign non-governmental institution in disaster management activities at pre-disaster and post-disaster phases must adapt to disaster management operations policies.
- (2) Participation of international institution or foreign non-governmental institution as meant in para. (1) is coordinated by BNPB.
- (3) Participation of international institution or foreign non-governmental institution in disaster management during emergency response is under BNPB command.

**Article 11**

- (1) Workers of international institution or foreign non-governmental institution who perform disaster management activities obtain guarantee of protection from Government.
- (2) Guarantee of protection as meant in para. (1) is performed in accordance with provisions of regulations of law.

**Article 12**

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- (1) International institution or foreign non-governmental institution may participate in disaster management individually, jointly, and/ or in a joint manner with implementing partner from Indonesia.
- (2) International institution or foreign non-governmental institution which provides assistance in complete manner in the form of international personnel, logistics, and/ or equipment as meant in Art. 8 may participate in disaster management individually.
- (3) International institution or foreign non-governmental institution which provides assistance in incomplete manner as meant in para. (2) may participate in disaster management jointly to mutually complement other international institutions or foreign non-governmental institutions.
- (4) International institution or foreign non-governmental institution as meant in para. (2) and para. (3) may participate in disaster management in a joint manner with partners in Indonesia, both with relevant port folio agency/ institutions and non-governmental organizations with shared vision and mission.

**Article 13**

- (1) International institution or foreign non-governmental institution in disaster management activities as meant in Art. 12 may be granted facilitation.
- (2) Granting of facilitation as meant in para. (1) is performed in accordance with provisions of regulations of law.

**Article 14**

- (1) International institution and foreign non-governmental institution which participate in disaster management are prohibited from implementing political or security activities .
- (2) In determining whether certain activity has political or security undertone as meant in para. (1), Head of BNPB must coordinate with the agency which duties and responsibilities are in intelligence and security sector.
- (3) International institution and foreign non-governmental institution which participate in disaster management must heed and respect social, cultural, and religious backgrounds of local communities.

## SECTION IV SUPERVISION AND REPORTING

### Article 15

- (1) BNPB supervises participation of international institution and foreign non-governmental institution in disaster management.
- (2) Supervision as meant in para. (1) is performed to monitor their activities.
- (3) Provisions regarding procedure of supervision as meant in para. (1) are regulated with Regulation of Head of BNPB.

### Article 16

- (1) International institution and foreign non-governmental institution must submit accountable reports on implementation of their activities to BNPB, which is performed periodically, by end of their work period or from time-to-time if requested by BNPB.
- (2) Reports as meant in para. (1) are announced by BNPB to the public in transparent manner.
- (3) Provisions regarding reporting procedure and substance of reports as meant in para. (1) are regulated with Regulation of Head of BNPB.

## SECTION V OTHER PROVISIONS

### Article 17

- (1) In the event assistance for disaster management originates from foreign state, Head of BNPB must consult and coordinate with the minister whose duties and responsibilities are foreign affairs.
- (2) Provisions as meant in para. (1) are performed in accordance with provisions of regulations of law.

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**SECTION VI  
CLOSING PROVISIONS**

**Article 18**

This Government Regulation comes into effect on date of promulgation.



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So as to be recognized by every person, ordered promulgation of this  
Government Regulation by its placement in State Gazette of Republic  
of Indonesia.

Enacted in Jakarta  
on date of 28 February 2008

**PRESIDENT OF REPUBLIC OF INDONESIA,**

sign.

**DR. H. SUSILO BAMBANG YUDHOYONO**

Promulgated in Jakarta  
on date of 28 February 2008

**MINISTER OF LAW AND HUMAN RIGHTS AFFAIRS OF  
REPUBLIC OF INDONESIA,**

sign.

**ANDI MATTALATTA**

**STATE GAZETTE OF REPUBLIC OF INDONESIA OF 2008 NUMBER 44**

Copy in accordance with original

STATE SECRETARY OF RI

Chief of Bureau of Regulations of Law

In [illegible] and Social Welfare Sector,

[signed & stamped]

Wisnu Setiawan

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PRESIDENT OF  
REPUBLIC OF INDONESIA

**ELUCIDATION OF**

**GOVERNMENT REGULATION NUMBER 23 OF 2008**

**CONCERNING**

**PARTICIPATION OF INTERNATIONAL INSTITUTIONS AND FOREIGN NON-  
GOVERNMENTAL INSTITUTIONS IN DISASTER MANAGEMENT**

**I. GENERAL**

Arrangements of participation of international institutions and foreign non-governmental institutions in disaster management in Indonesia are, aside from aiming to support the strengthening of disaster management efforts, reduction of disaster hazards and risks, alleviation of suffering of disaster victims, and to accelerate recovery of social existence, meant also to:

1. guarantee respect towards roles and actions of Government based on public interests as lead executive agency (*penanggung jawab utama*) in regulating and coordinating disaster management activities;
2. allow international community to provide support and contributions in effective way to disaster management activities;
3. clarify processes, roles, and responsibilities of Government and international community in disaster management activities;
4. minimize administrative and legal obstacles which may influence effectiveness and efficiency of delivery of international assistance during emergency situations; and
5. guarantee that international cooperation and assistance provided are in accordance with both national and international principles of humanity and standard quality.

Participation of international institutions and foreign nongovernmental institutions in disaster management in Indonesia must be based on principles as meant in Law Number 24 of 2007 concerning Disaster Management. In addition, it must also be based on Law Number 37 of 1999 on Foreign Relations and Law Number 24 of 2000 concerning International Treaties.

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International institutions and foreign nongovernmental institutions must respect sovereignty of Unified State of Republic of Indonesia, place principle of humanitarianism as sole objective, guarantee that assistance is provided without bias against ethnicity , religions, cultural, social, economic, political backgrounds, and sexes, in accordance with prevailing law in good coordination and coherence with Government, regional governments, other international institutions and foreign nongovernmental institutions, Government counterparts and public; based on good competency in institutional sector and workers are acknowledged nationally and internationally; follow prevailing mechanisms in Indonesia and involve affected victims of disaster as well as counterparts in disaster management in a good way; and in accordance with prevailing international and national laws including human rights and humanitarian laws.

International institutions and foreign nongovernmental institutions in operating their roles in Indonesia must also fulfil minimum quality standards which are effective nationally, involve affected victims of disaster starting from planning stage, implementation, monitoring, and programme evaluation, not bring negative impact to public life, economic, social, and cultural institutions of the public, not exceed expiry limit of certain type of assistance provided, not make linkages to specific political, ideological, and religious interests, and not serve as tools for policies of specific foreign governments.

In maximizing all existing resources, particularly which are sourced from foreign countries, Government:

1. has main responsibility in providing or regulating disaster risk management efforts, help/assistance and recovery aid in the territory of Unified State of Republic of Indonesia;
2. has full right to coordinate, monitor, and regulate, in accordance with principles of humanity and international laws, disaster aid and recovery assistance which are provided by assistance providers in the territory of unified State of Republic of Indonesia;
3. guarantees that required procedures are in place in order to facilitate rapid dissemination of information on natural disasters, including information on impending disasters, when

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necessary jointly with other country or international organization, including United Nations Office for the Coordination of Humanitarian Affairs (UN-OCHA).

4. provides accurate information to international community regarding domestic regulations of law which have strong relevance with arrival and implementation of disaster management activities;
5. provides a clear and functional system in coordinating with international community for all disaster management activities;
6. guarantees fulfilment of disaster victims' needs by appealing for or receiving assistance from international community when disaster situation exceeds Government capacity to cope with;
7. provides protection for workers, buildings, archives, and communication equipment which are used by international institutions and foreign non-governmental institutions in disaster management activities; and
8. guarantees international institutions specifically agencies, funding, programmes, workers, and equipments belong to the United Nations, can play their roles in disaster management in accordance with United Nations Convention on Privileges and Immunities.

## **II. ARTICLE BY ARTICLE**

### **Article 1**

Self-explanatory.

### **Article 2**

Self-explanatory.

### **Article 3**

Self-explanatory.

### **Article 4**

Self-explanatory.

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Article 5

Self-explanatory.

Article 6

Self-explanatory.

Article 7

Self-explanatory.

Article 8

Self-explanatory.

Article 9

What is meant by “provisions of regulations of law” is regulations of law regarding disaster management operations.

Article 10

Self-explanatory.

Article 11

Self-explanatory.

Article 12

Para. (1)

Self-explanatory.

Para. (2)

Self-explanatory.

Para. (3)

Self-explanatory.

Para. (4)

What is meant by “foreign non-governmental institution which may form partnership with relevant port folio agencies/ institutions or non-governmental

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organizations” is foreign non-governmental institutions which have been granted facilitation based on technical cooperation agreements in economic, social, and cultural sectors.

**Article 13**

**Para. (1)**

Self-explanatory.

**Para. (2)**

What is meant by “regulations of law” in this provision includes among others:

- a. Law Number 10 of 1995 concerning Customs as amended by Law Number 17 of 2006 concerning Amendment of Law Number 10 of 1995 concerning Customs and Excise.
- b. Government Regulation Number 19 of 1955 concerning Regulation concerning General Import Duty and Export Duty Exemption for Needs of Groupings of Officials And Experts from Specified Foreign Nations
- c. Government Regulation Number 8 of 1957 concerning Import Duty Exemption Based Upon International Relations.
- d. Government Regulation Number 6 of 1969 concerning Duty-Free Import.

**Article 14**

**Para. (1)**

Self-explanatory.

**Para. (2)**

What is meant by “coordinate” in this provision is determination of certain activity of having political or security undertone is undertaken after going through verification process.

**Para. (1)**

Self-explanatory.

**Article 15**

Self-explanatory.

**Article 16**

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Para. (1)

What is meant by “periodically” in this provision is reports submitted on a half-yearly or yearly basis.

Para. (2)

Self-explanatory.

Para. (3)

Self-explanatory.

Article 17

Self-explanatory.

Article 18

Self-explanatory.

**SUPPLEMENT TO STATE GAZETTE OF REPUBLIC OF INDONESIA NUMBER  
4830**