Review of Myanmar's Disaster Management Law from the Angle of Inclusivity

December 2013

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Acknowledgements

Acronyms

AADMER	Agreement on Disaster Management and Emergency Response
ADB	Asia Development Bank
ADPC	Asian Disaster Preparedness Centre
AMCDRR	Asian Ministerial Conferences
ASEAN	Association of South East Asian Nations
CCA	Climate Change Adaptation
CCCBDM	Child Centred Community Based Disaster Management
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CSO	Civil Society Organisation
DM	Disaster Management
DML	Disaster Management Law
DRR	Disaster Risk Reduction
DRRWG	Disaster Risk Reduction Working Group
EIA	Environmental Impact Analysis
GEN	Gender Equality Network
HFA	Hyogo Framework for Action
HIA	Health Impact Analysis
IASC	Inter-Agency Standing Committee
IDPs	Internally Displaced Persons
IFRC	International Federation of the Red Cross
INEE	International Network on Education in Emergencies
INGO	International Non Governmental Organisation

KI	Key Informants
LNGO	Local Non-Government Organisations
MAPDRR	Myanmar Action Plan for Disaster Risk Reduction
MDG	Millennium Development Goals
MDPA	Myanmar Disaster Preparedness Agency
MILI	Myanmar Independent Living Initiative
MSWRR	Ministry of Social Welfare Relief and Resettlement
NDPCC	National Disaster Preparedness Central Committee
PONJA	Post Nargis Joint Assessment
RCC	Regional Consultative Committee
SDG	Sustainable Development Goals
SGBV	Sexual and Gender Based Violence
SIA	Social Impact Analysis
TCG	Tripartite Core Group
TDMCs	Township Disaster Management Committees
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNISDR	United Nations International Strategy for Disaster Reduction
VDMCs	Village Disaster Management Committees
VFL	Views from the Front Line

Executive Summary

This research reviews Myanmar's Disaster Management Law from the angle of inclusivity. It aims to make Myanmar's disaster management cycle more inclusive of women, children, persons with disabilities and aged persons. It offers recommendations aimed at government and members of the Disaster Risk Reduction Working Group (DRRWG) as to how to address inclusivity gaps identified through an analysis of the Disaster Management Law, and beyond. It suggests that many of the gaps can be addressed by construction of robust and inclusive Rules and Regulations to accompany the Law. While this research is focused predominantly on inclusion within Myanmar's Disaster Management Law, it also discusses disaster management processes more broadly. In this way, this research offers useful insights with regards to current and future challenges for comprehensive disaster management in Myanmar.

The work was carried out from July to October 2013 and involved a desk review of literature and in country interviews with more than 20 key disaster management stakeholders from government, international and local organisations. Editing took place between October and December 2013.

Background

Disasters from natural hazards are increasing. Rises in populations, rapid development and climate change are making the impacts of disasters on people, the environment, economies and nations more and more complex.

Since the devastation of the 2004 tsunami, numerous international and regional frameworks and agreements have been initiated and ambitious targets set to mitigate disasters from natural hazards. The Hyogo Framework for Action (HFA 2005-2015) set five priority areas and gave some concrete examples of work to be carried out by governments. The Asian Agreement on Disaster Management and Emergency Response (AADMER) of the same year provides affirmation of the ASEAN nations' commitments to the HFA and contains provisions of all aspects of the disaster management cycle. Despite these initiatives the HFA interim report of 2011 found many nations are falling short on the promises made. Globally not enough is being done to reduce risk.

There are wide gaps in government and policy makers' understanding of vulnerabilities and their ability to manage the risk associated with those vulnerabilities in order to increase resilience and mitigate the impacts of disaster. This leaves the poor even poorer and the vulnerable pushed to beyond their capacities to cope.

Who are the vulnerable and marginalised and why are they more susceptible to the impact of disaster?

Vulnerable people such as women, children, persons with disabilities and aged persons, those marginalised by caste, ethnicity, livelihood and religion as well as those displaced by conflict

or disaster and those living in areas of unrest are in general more susceptible to and disproportionately affected by the impacts of disaster. They often experience barriers to accessing emergency response, relief and rehabilitation packages and are excluded from consultations regarding disaster management planning. There are numerous reasons for this, many stemming from human impacts resulting from poor planning and cultural mindsets. Very often these individuals with heightened vulnerabilities are also living in poverty which further weakens their resilience to withstand shocks.

Disaster and the vulnerable in Myanmar

In 2008 Cyclone Nargis struck Myanmar. According to the UN, the cyclone resulted in 84,500 deaths and left 53,800 missing and 19,300 injured. Despite the devastation, Cycone Nargis served as a catalyst for the Government of Myanmar to reassert its commitments to international and regional agreements including the HFA and AADMER.

Line ministries with responsibility for different aspects of disaster management have been identified through the Myanmar Action Plan for Disaster Risk Reduction (MAPDRR 2008-2015). This document aligns with the five HFA priority areas (ensuring DRR is a national priority; identifying, monitoring and assessing risk; using knowledge and information to build resilience; reduce risk and strengthen disaster preparedness) and addresses some longer term structural targets, however there is little concrete mention of longer term strategies to reduce risk. No mention is made of addressing the needs of specific groups such as persons with disabilities, aged persons, children or women.

More broadly in Myanmar, some attention is being focused on addressing the needs of vulnerable groups and broader draft legislation is being drawn up (for example, the Anti-violence Against Women Law, the Disability Act and the Aged Persons Act). However, current policy and practice remains exclusive of these groups.

Findings

From 2009-2013 the Disaster Management Law was drafted. Parliament passed the Law in July 2013 and the process of writing the Rules and Regulations to accompany the law is currently underway. **This research found numerous gaps in the Law, including when viewed through an inclusive lens, and in Myanmar's disaster management cycle more broadly.**

Key gaps found included:

- Too much focus on emergency planning and response and not enough on prevention and risk reduction
- Insufficient value placed on the role of CSO's in the disaster management cycle
- Lack of understanding of the complex vulnerabilities of the population and insufficient attention to reducing their vulnerabilities
- No specific mention of addressing the needs of women, children, aged persons or persons with disabilities

- Gaps in knowledge and capacity between central and local level disaster management councils
- Unclear communication channels between central and local levels
- Omission of references to the private sector, an important actor able to exacerbate or mitigate disaster
- A specific budget allocated for disaster risk reduction and contingency planning was not identified.

Recommendations

Key recommendations for the government and other relevant stakeholders arising from this research are:

- The government should be explicit in its aim to reduce risk rather than simply respond to disasters
- The government should engage CSOs in consultation meetings and be clear on their role in the disaster management cycle
- Efforts should be made to build capacity at all levels to undertake participatory vulnerability and capacity analysis in order to inform planning
- Where possible, Rules and Regulations should aim to ensure horizontal co-ordination between disaster management and other sector laws
- The Rules and Regulations should overtly mention how the needs of women, children, persons with disabilities and aged persons are to be met at each stage of the disaster management cycle
- The government should demonstrate strong and responsible governance over the private sector
- DRRWG should lead by example and mainstream inclusive practices
- Annual budget allocations should clearly identify spending on disaster management.

Whilst it is acknowledged there remains much work ahead to ensure the Disaster Management Law and associated policies are robust and inclusive, the Government of the Union of Myanmar at this time is demonstrating the political will to engage positively with moving inclusion and disaster management higher up the political agenda.

Myanmar is in a unique situation, one of great opportunity. It is undergoing vast legislative overhaul and promulgation of new laws. There is now a unique chance to embed the themes of inclusivity across all disaster management and risk reduction work and entrench disaster management and risk reduction across all sectors.

Introduction

Despite international progress on legislation for the protection of specific persons deemed more vulnerable, and global calls for inclusive legislation and policy, specifically in disaster risk reduction, the needs of many women, children, aged persons, and persons with disabilities, are still not being adequately met. Existing vulnerabilities within these populations are exacerbated by legislation and practices which fail to acknowledge them and their individual needs. Too often those tasked with addressing these needs fail to recognise existing capacities within these populations to overcome the risks they routinely face from a range of hazards.

The mid-term review of the Hyogo Framework for Action's (HFA) implementation in Myanmar found that, despite recent efforts, gaps remained in meeting the needs of these individuals across all priority areas. The passing of Myanmar's new Disaster Management Law in July 2013 is a welcome and much-needed step forward. The rapid drafting and approval of this legislation shows real commitment by the Government of the Union of Myanmar to build a safer, more resilient, nation. This swift progress, however, has also meant that key issues in relation to disaster management have not been given adequate attention within the new law.

This report seeks to identify the most significant gaps in the 2013 Disaster Management Law and review current application of disaster management (DM) policy in Myanmar, specifically in relation to how inclusive it is. Recommendations will be given on how the drafting of the Rules and Regulations to accompany the law can address the gaps found with regards to inclusivity, but also in relation to broader disaster management practice in Myanmar. The recommendations are aimed at two key agents for change: law and policy makers of the Government of the Union of Myanmar and members of the Disaster Risk Reduction Working Group (DRRWG). They will point to where attention should be focused - both in the short term as well as post-2015. By carefully structuring comprehensive and detailed Rules and Regulations, the gaps found by this study regarding inclusivity can be bridged and Myanmar can move closer towards meeting their HFA targets for 2015, in so doing, securing a more resilient population.

This work comes at a pivotal time in Myanmar's development. Political reforms are well underway and the country is emerging as a significant and important player on the regional and world stage in both public and private sectors. Myanmar has a golden opportunity - the chance to guarantee a path of development that is well thought out, that embeds disaster management and is inclusive of all people of Myanmar. It has the ability to ensure vulnerabilities are recognised and reduced. The political will is there to drive this issue forward - what we need to see now are real and tangible actions to translate this good will into lasting change.

Background

Myanmar has ranked as the "most at-risk" Asia-Pacific country in 2011 and 2012[1.] Each State/Region is prone to one or more type of hazard[2], and, according to historical data available, the likelihood for medium to large scale disasters every few years is high. The need for comprehensive disaster risk reduction measures is a nationwide concern for citizens and civil society organisations, and an obligation for government bodies and private sector investors.

Disaster risk is a function of the consequences of an event and the likelihood of its occurrence. It is a composite of the size of the hazard; the exposure of people, assets and services to it; and the vulnerability to that hazard, offset by the capacity to cope and respond to it[3]. Vulnerability, defined as the propensity or predisposition to be adversely affected, is strongly linked to poverty - the poverty level in Myanmar stands at 25.6% according to a 2010 study by the Asian Development Bank (ADB)[4] – and is strongly affected by gender, age and disability. A further human impact consideration is population mobility and projected population growth. Whilst concrete figures on population mobility and growth are yet to be made available[5] the 2014 census should provide an opportunity to map this phenomenon.

In addition, the expected impact of climate change on livelihood generation and environmental protection is an important consideration, as is the impact of human development on environments which are already prone to specific disasters. Industrial development, large scale agricultural practices, deforestation and logging, mining and hydroelectric power construction, smaller scale unmonitored mangrove clearance and ill-conceived land use planning in general all impact on the environment and the vulnerabilities of populations – and are thereby inextricably linked to how disasters are managed.

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[1] UNOCHA (2013) 'Myanmar: A country prone to a range of natural disasters' http://reliefweb.int/report/myanmar/myanmar-country-prone-range-natural-disasters-0

[2] The most common nine being: Cyclones, drought (dry zone), earthquakes, fire, floods (including flash flood), forest fire, landslide, storm surge and tsunami. For a detailed analysis of all hazards faced nationwide: Union of Myanmar (2009) 'Hazard Profile of Myanmar', Yangon

[3] http://www.oxfam.org/sites/www.oxfam.org/files/bp172-no-accident-resilience-inequality-of-risk-210513-en_1.pdf

[4] ADB predict with continued reforms Myanmar could follow Asia's fast growing economies and expand at 7%-8%/year becoming a middle income nation – caution must be taken in viewing these statistics as a reflection of poverty levels in the nation. See OHCHR Cambodia: Poverty Development and Human rights. Rapid economic growth in Cambodia saw the richest 20% of the population see a 45% rise in living standards between 1994 and 2004 whilst the poorest 20% of the population saw a rise of only 8%. The economic growth seen in this case study has served only to widen the gap between the rich and poor.

[5] ADB cite population growth at 1.1% from a 2010 study http://www.adb.org/sites/default/files/pub/2013/MYA.pdf

Governments are the primary duty bearers for protection of their populations and so are obliged to respond to disasters. It is now acknowledged that this obligation applies to both planning risk reduction and mitigation activities.

Historically, capturing, conveying and keeping data records in relation to disasters and losses - both human and economic - has not been undertaken efficiently in Myanmar. This was due to: ineffective disaster reporting systems (many likely go unreported); the presence of few external actors operational in-country to collect data; and neglect on the governments part to recognise or address the need for long term disaster risk reduction.

In 2011 U Soe Htwe, Deputy Director-General of Relief and Resettlement Department (RRD) stated in his opening remarks to a data systems workshop in Nay Pyi Taw[6] that:

> '*the current disaster information management system in Myanmar needs enhancement to ensure data on various disaster events are systematically collected, organized, stored and analyzed and to generate risk information for consideration in national and sub-national level disaster risk reduction plans.*'

With support from UN agencies, the government has been establishing a database to meet these identified needs. If it can be kept up to date and establish linkages with the population data results from the 2014 census, it would be a powerful tool for comprehensive risk analysis, vulnerability identification, monitoring and associated mitigation planning.

Chapter 1: Impetus for Action

In May 2008, Myanmar was devastated by the cyclone Nargis, a disaster which resulted in 84,500 deaths, 53,800 missing and 19,300 injured. Out of 7.35 million people in the 37 affected townships across the Ayeyarwady and Yangon Divisions, some 2.4 million people and 13 townships were estimated to have been severely affected. Approximately 800,000 people were displaced and the Food and Agricultural Organization of the United Nations (FAO) estimated 63% of rice paddy fields in the country were impacted.[7] The cyclone also caused widespread destruction of homes and infrastructure, including roads, jetties, water and sanitation systems, schools, hospitals, fuel supplies and electricity networks. A large number of water sources were contaminated and food stocks damaged or destroyed. Overall, it was estimated Nargis caused USD 4 billion of economic losses[8].

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[6] Press release UNDP December 2011
http://www.mm.undp.org/NewsandPressreleases/NarNewsandPressreleases/Pressreleases/DRR%20database.html

[7] IFRC, MRCS 'After the storm: recovery, resilience reinforced Final evaluation of the Cyclone Nargis operation in Myanmar, 2008 – 2011' Geneva

[8] PONJA report July 2008

A few of the 14 States/Rivisions[9] had elements of basic, so-called disaster planning in place but the sheer scale of Nargis showed these plans to be outdated and incomprehensive. The most affected areas were deeply unprepared for the impact. This unpreparedness enhanced the impact of the devastation wrought by Nargis, and alerted the government and international community of the need to address disaster preparedness in Myanmar, particularly given the potentially high incidence of further disasters from natural hazards[10].

In the immediate wake of the disaster in 2008 the Tripartite Core Group (TCG) was formed to bridge the gap that existed between the Government of the Union of Myanmar and the international community, to open humanitarian aid channels and provide relief to Nargis hit communities. With the aim of acting as an ASEAN-led mechanism it succeeded in the first steps towards building trust and with that followed growing collaboration. Its three members: The Government of the Union of Myanmar, ASEAN and the United Nations (UN) worked together from the response efforts to beyond and spearheaded the Post Nargis Joint Assessment[11] (PONJA) with support from the Asian Development Bank (ADB), the World Bank and other international actors.

1.1 From Nargis to Today

The Government of the Union of Myanmar has shown leadership and recognition of the threat and potential devastating impact of disasters by signing up to a number of frameworks and declarations as well as being a member of regional co-ordination mechanisms including:[12]
- Hyogo Framework for Action (HFA)
- ASEAN Committee on Disaster Management (ACDM)
- ADPC Regional Consultative Committee on Disaster Management (RCC)
- Asian Ministerial Conferences (AMCDRR)
- ASEAN agreement on Disaster Management and Emergency Response (AADMER)

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[9] See Section 1A: 'A Situational Analysis of Disaster Risk Management Policy and Practice in Myanmar' Swiss Agency for Co-operation and Development SDC and ADPC (2009)

[10] The phrase 'disasters from natural hazards' will be used in this report in lieu of 'natural disasters' because disasters are a function of exposure and vulnerability, which are not natural phenomenon, as well as the hazard itself. . However, within this document reference to Natural Disasters will still be made when the term is used in National/international documents

[11] Post Nargis Joint Assessment (2008) Full report available at http://reliefweb.int/report/myanmar/myanmar-post-nargis-joint-assessment

[12] For more detail see the individual agreements listed in the bibliography or the policy research by Kyaw Myo Min from Plan 'Policy Analysis on AADMER Phase (1) Implementation in Myanmar'

Chapter 11 of the 2008 Constitution also has details on provisions in a state of emergency and disclaimers of certain aspects of the constitution in situations of disaster.[13]

The government has recently demonstrated its commitment to the HFA and to establishing more formal disaster management systems through the passing of its DML. Whilst this political attention is highly admirable and comes at a time of great need in Myanmar – especially given the changing political and economic landscape - the government now needs to follow up with concrete actions: actions which address the needs of all; actions which mitigate the impacts of disasters; and actions which build resilience, strengthen regional and local disaster management bodies and empower and support communities and civil society organisations to promote sustainable solutions to living in hazard-prone environments. To do this, the government must address the issue of how to meet the needs of the most vulnerable and how to integrate disaster management at every stage of its legislative overhaul. Any legislation or policy omitting this approach is incomplete and will only serve to highlight weaknesses in structures when finally put to the test.

The Ministry for Social Welfare Relief and Resettlement (MSWRR) has overall responsibility for DM. As part of their work they published the Myanmar Action Plan on Disaster Risk Reduction 2009-2015 (MAPDRR) '*To make Myanmar Safer and more Resilient against Natural Hazards, thus Protecting Lives, Livelihood and Developmental Gains'*.[14] Many of the targets in the MAPDRR align with international obligations and compliment Myanmar's renewed commitment to the HFA. In 2011, a review was completed and the government officially endorsed the revised MAPDRR in 2012 in an effort to provide greater impetus for DM work in Myanmar. The MAPDRR has a strong focus on infrastructure, health and education – as well as emergency response.

Drafting the DM Law (a key activity of HFA Priority One) began towards the end of 2009. As part of the drafting process ministers from other states in the region (China, Indonesia, and Philippines) were invited to Nay Pi Taw, Myanmar, to share their experiences. The Law promulgation was led by MSWRR with support from the TCG and consultation with members of the DRR working Group (DRRWG)[15]. Members of the DRRWG[16] were invited to three consultations on the drafting of the Law between 2011 and 2013 and asked to submit

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[13] In addition, the International Development Law Organization has produced a compendium of all international law and standards applicable in situations of natural disaster see bibliography

[14] MSWRR (2012) 'Myanmar Action Plan on Disaster Risk Reduction (MAPDRR)', Yangon, MOSWRR

[15] The Disaster Risk Reduction Working Group was formed in 2008 during the early recovery phase of cyclone Nargis and has since grown in to a diverse network of 49 agencies working for DRR interventions in Myanmar as of 2013. For more detail see the DRRWG draft Strategic framework.
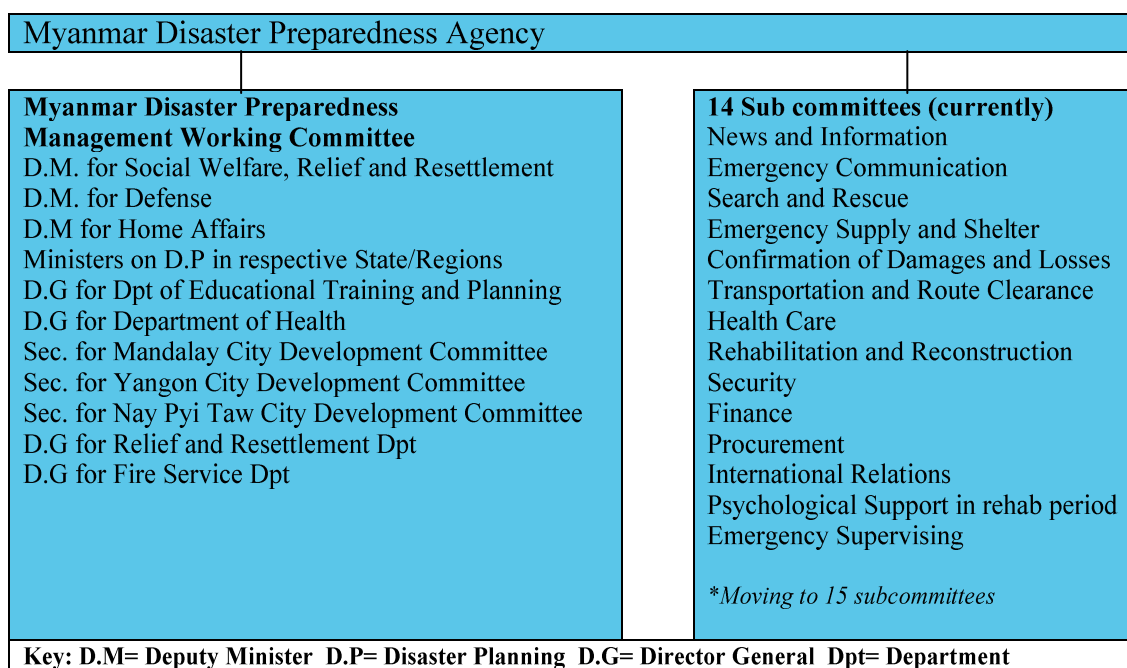
[16] This group of 49 agencies from UN, international and some local NGOs meet monthly and have just established a DRRWG draft Strategic Framework 2013-1018[16]. There is a need for more CSO representation in this group however there have been challenges in the past with how the language barrier in meetings can be overcome.

recommendations on the law's development.[17] The Myanmar DM Law was written in Burmese then translated to English.

A technical working group of one consultant and members of the DRRWG have now begun looking at drafting the Rules and Regulations which accompany the Law. The momentum which saw the DM Law created in a relatively short space of time must now continue with swift action to address the Law's gaps – in particular to ensure that the Law addresses the needs of all people so that the compounded risks faced by women, children, persons with disabilities and the older people in times of disaster can be mitigated before another large-scale event occurs.

Below is a brief summary of government-level institutional arrangements including a list of sub-committees and ministries which are in the Working Committee.[18] This list does not include the new sector working group on Social Protection and Disaster Risk Reduction set up recently to aid co-ordination. It is not yet clear how this group will fit with existing structures.

Fig 1: Institutional Framework for Myanmar Disaster Preparedness Agency, Management Working Committee and Sub-Committees (source MAPDRR 2012)

Myanmar Disaster Preparedness Agency	
Myanmar Disaster Preparedness Management Working Committee D.M. for Social Welfare, Relief and Resettlement D.M. for Defense D.M for Home Affairs Ministers on D.P in respective State/Regions D.G for Dpt of Educational Training and Planning D.G for Department of Health Sec. for Mandalay City Development Committee Sec. for Yangon City Development Committee Sec. for Nay Pyi Taw City Development Committee D.G for Relief and Resettlement Dpt D.G for Fire Service Dpt	**14 Sub committees (currently)** News and Information Emergency Communication Search and Rescue Emergency Supply and Shelter Confirmation of Damages and Losses Transportation and Route Clearance Health Care Rehabilitation and Reconstruction Security Finance Procurement International Relations Psychological Support in rehab period Emergency Supervising *Moving to 15 subcommittees*
Key: D.M= Deputy Minister D.P= Disaster Planning D.G= Director General Dpt= Department	

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[17] Consultations took place in Nay Pyi Taw. It is not clear how the invitation for consultation was issued or which agencies attended. Feedback from KIs who attended consultations cited that although some recommendations were taken on board may were omitted from the final version of the law.

[18] Further details of the ministries managing each subcommittee and the individual responsible for representation on the working committee can be found in Section 1.3 of the MAPDRR, figure 1. In addition the following sections of the MAPDR highlight further details of institutional arrangements: Table 4, Component lists the Policy, institutional arrangements and further institutional development. Annex II lists agencies providing information on DRR projects in country, Annex III gives the composition of MAPDRR Task Force and Annex IV lists members of MAPDRR's four working groups.

Beyond this top tier level it is expected that disaster management committees (DMCs) are formed at different strata of governance. At the state/regional and township level these committees are formed from members of the associated Ministries and Sub-committees. At the Ward and Village level there is no set formula for construction. MAPDRR and the DM Law outline the government's responsibility to oversee the general formation of DMCs - and they can delegate this role to State/Regional level.

Fig 2: Disaster Management Committee Levels and flow of information

Central Government Myanmar Disaster Preparedness Agency
State / Regional Level DMCs
Township DMCs
Ward / Village Level DMCs

There remains insufficient detail concerning the practicalities of DMC establishment and operations. Whilst progress towards establishing committees is being made and had begun before the DM Law was finalised, much remains to be done to ensure blanket coverage of the country - and to ensure clear lines of communication are open between committees at each level.

A **National Platform for Disasters** (management and risk reduction) is currently absent in Myanmar, though may be enacted in the implementation of the new DML. The DRRWG is the largest body of state and non-state actors and is the key advisory board to the government at this time. Whilst the DRRWG functions well, there are issues over where to draw the line of responsibility regarding the different stages of the DM cycle. It is absolutely critical to address this to avoid any gaps in the management of DM; the importance of supporting the establishment of a State-owned and led mechanism must be a priority aim for the near future. UNISDR strongly recommends the establishment of *nationally owned* DRR platforms (see below).

National platforms are **nationally owned and led** multi-stakeholder forums or committees working on disaster risk reduction.

They **reflect the commitment of government** to implement national and local disaster risk reduction activities while linking to international efforts.

National participation is the primary ingredient for regional and international cooperation and is critical for implementing disaster risk reduction policies and measures at the local scale.

National Platforms (NP) build on existing systems relevant to disaster risk reduction and include representatives from all stakeholders involved, such as government, international organizations, NGOs, academic institutions, the private sector and the media.

Source: UNISDR, http://www.unisdr.org/we/coordinate/national-platforms

The global HFA 2011 interim report highlights the impressive political and civil society commitment to DM, however, it also cites the lack of substantial achievements, demonstrating there is a long way to go to change behavior from the traditional 'reaction and response' approach to longer term 'risk reduction'. The government's capacity to deliver comprehensive disaster preparedness to all communities at risk and enhance their ability to respond to new disasters is still very limited.

The challenge now is to see how these new laws and institutional arrangements translate on the ground. This research is focused explicitly on analyzing the rigour of the DM Law. Further research on Myanmar's disaster management practice and the capacity of its institutions to implement the DM Law would be complementary to this work.

It is vital that agencies and organisations at both ends of the spectrum deliver technical support within the framework of inclusivity and equality and make capacity development around inclusiveness an integral part of their work.

Chapter 2: The Rationale for Inclusive DRR

2.1 Governments' obligations

Governments have a responsibility to provide effective DM for all people, including those who are marginalised or disadvantaged, and there is a growing consensus that this is a *legal duty*. The International Law Commission's Sixth report on the protection of persons in the

event of disasters[19] reviews existing international and national laws, outlines how prevention is a principle of international law, and proposes draft articles on the subject. In the Chair's Summary of the 2013 Global Platform on Disaster Risk Reduction it has also been stated that: "there is growing recognition that the prevention and reduction of disaster risk is a legal obligation."[20]

There is also a specific article in the Convention on the Rights of Persons with Disabilities which relates to disaster – 'State parties shall take, in accordance with their obligations under international law, including international humanitarian law and international human rights law, all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters'[21].

International and regional commitments to which Myanmar is party also make specific mention of the importance of meeting the needs of all and especially those whose vulnerabilities can be exacerbated by disaster. These include the Hyogo Framework for Action (HFA) and the AADMER, including the relevant articles below:

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[19] http://www.ifrc.org/PageFiles/97352/Sixth%20report.pdf

[20] http://www.preventionweb.net/files/33306_finalchairssummaryoffourthsessionof.pdf

[21] http://www.un.org/disabilities/convention/signature.shtml

Box 2 – Relevant international articles on inclusion in disaster management

HFA2 - Early Warning

Develop early warning systems that are people-centred, in particular systems whose warnings are timely and understandable to those at risk, which take into account the demographic, gender, cultural and livelihood characteristics of the target audiences, including guidance on how to act upon warnings, and that support effective operations by disaster managers and other decision makers.

HFA3 - Education and training

Ensure equal access to appropriate training and educational opportunities for women and vulnerable constituencies; promote gender and cultural sensitivity training as integral components of education and training for disaster risk reduction.

AADMER Work Programme Point 5

Recognises the unique needs and potential contributions of various groups of stakeholders, particularly children, women, older people, and people with disabilities, in the processes of disaster risk reduction, response, and recovery and the necessity to include gender perspectives, human security and social equity issues, and transparency and accountability in the Work Programme implementation and monitoring.

Five years later at the Asia Ministerial Conference on Disaster Risk Reduction (AMCDRR) the need for governments to acknowledge the importance of inclusion measures to address specific groups in DM was highlighted again through a declaration of 'the need to protect women, children and other vulnerable groups from the disproportionate impacts of disaster and to empower them to promote resiliency in their workplaces'[22].

However, by the following year little progress on gender issues had been made. Both the HFA midterm review and the Global Assessment Report (GAR) on DRR found worrying trends.[23]

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[22] Source: 4th AMCDRR (2010), Incheon Korea

[23] HFA midterm report 2011 'Inclusion of a gender perspective and effective community participation are the areas where the least progress seems to have been made.' GAR 2011: Global Gender Blindness: While most countries now have legislation, policies and institutions in place to promote gender equality in employment, health and education, progress on incorporating gender considerations into DRM has been much slower

2.2 Understanding vulnerabilities and capacities

Vulnerable people such as women, children, persons with disabilities and aged populations, those marginalised by caste, ethnicity, livelihood and religion, are in general more susceptible to the impacts of disaster and are disproportionately affected.

However, it would be misleading to portray the most vulnerable purely as victims. They often demonstrate considerable resilience during disasters and can be powerful forces for change. Studies show that women are more likely to volunteer for projects in their communities for activities related to emergency management, perhaps realising their vulnerability. Women also tend to participate more often in grassroots organisations tackling community preparedness.[24]

Understanding these different vulnerabilities as well as capacities in order to plan mitigation activities can only be done by consulting with these groups. By providing an environment conducive to participation and enabling communities to genuinely partake in policy consultations, programme design, planning, and management the path to increased ownership, accountability and impact is paved.

The principle behind inclusivity is to address power imbalances in society, imbalances which are a hindrance to real development and progress. If this imbalance is not addressed, the needs of all cannot be met and Myanmar will fall short of the 2015 deadline for HFA priorities, AADMER work plan targets and the MDGs.

2.3 Role for government and private sector

The government must now transparently communicate how they plan to meet the needs of marginalised people – and operationalise those plans urgently.

It is vital that other actors including the private sector also address issues of vulnerability in their engagement on DRR and resilience. Disaster does not differentiate between different groups, nor between public and private sector. The private sector is just as likely to be negatively affected by hazards and the potential for disaster as the community in which it sits. The private sector has a responsibility to the environment in which it operates not to exacerbate any hazards or weaknesses. Myanmar is currently in a stage of deep and wide reform to its institutions, laws, policies and practice. This moment presents an important opportunity for institutions governing private sector investment and development, along with environmental agencies and development partners, to ensure disaster preparedness is placed at the heart of operations at all levels of government.

What follows are some highlights of the progress of inclusive DM and reference to good practice. Each section ends with a brief overview of how that particular vulnerable group is currently included in Myanmar.

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[24] Oxfam International (2008). Rethinking Disasters: why death and destruction is not nature's fault but human failure.

2.4 Including Women

'Integrating gender considerations into disaster risk reduction remains a major challenge. Only 20 per cent of countries reported substantial achievement in this area in 2009. Two years on, there has been little improvement, with only 26 percent of countries reporting significant ongoing commitment to gender as a driver of progress'[25].

There is a global recognition that in times of disaster women are almost always disproportionately affected and suffer greater challenges in recovery and rehabilitation stages due to discriminatory practises or legislation[26]. Evidence based on gender sensitive DRR practices worldwide demonstrate that both women and men benefit from a gender-balanced approach to DM. Mainstreaming gender in DM gives governments a chance to re-examine gender relations in society from a variety of angles and enhance gender equality in socio economic development.

Gender inequality is a serious barrier to progress across a broad spectrum of issues in Myanmar[27]. Despite the pervasive nature and impact of gender inequality in Myanmar, progress is being made. In 1997 Myanmar acceded to the Convention on the Elimination of All forms of Discrimination Against Women (CEDAW)[28] and in 2011 acknowledged that legislative reform was needed to bring the body of Myanmar's laws in to greater compliance with CEDAW. As a result, the government has now finalised its national strategic plan for the advancement of women (NSPAW). The government is also working with civil society to develop laws to tackle violence against women. However, big question marks remain about how effectively this legislation will address women's needs in regards to risk reduction and disaster mitigation. Practices in Myanmar have so far continued to largely overlook the specific needs and vulnerabilities of women.

2.5 Including Children

The Convention on the Rights of the Child (CRC) acknowledges children as a specific demographic group with a different set of needs to adults as well as active agents in social change. Despite this, social and cultural challenges remain in many parts of the world to accepting and viewing children as agents of change and as individuals with contributions to make.

School-aged children form one-third of about 200 million disaster victims every year[29]. Children have particular vulnerabilities but they also have the capacity to be 'independent,

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[25] Global Assessment Report on Disaster Risk Reduction, 2011

[26] P.G.D.Chakrabarti and E.Enarson provides valuable and current contributions to the debate (see bibliography) as does E.Enarson (2009)

[27] Action Aid, Care and Oxfam, *If given the chance: Understanding barriers to and opportunities for women's participation in public life and decision-making in Myanmar* (Yangon: Action Aid, Care and Oxfam, 2011)

[28] Convention on Elimination of Violence Against Women (CEDAW), United Nations General Assembly

[29] http://www.opcr.org/english/stats_world.htm

strong survivors capable of sharing knowledge and contributing to making communities resilient'[30]. Progress has been made globally by applying a range of DM initiatives aimed at children such as: including them in hazard mapping activities, initiating school disaster councils (run by children and facilitated by adults), the writing of disaster risk reduction curriculums and including them in village disaster management committees. In some parts of the region, children are taking leadership roles within their families and communities on DRR but more remains to be done to use children as key stakeholders.

In Myanmar, the rights of children have been acknowledged since 1993 when the country acceded to the CRC and passed a new national Child Law. As a result of the shadow report written in 2011, a committee on the Rights of the Child was established under the Ministry of Social Welfare (MSW) to raise awareness and report on Children's Rights and the CRC through establishing and training committees at National, State, District and Township level. In addition, a National Plan of Action for Children 2006-2015 was produced but contains no mention of how children's needs are to be met through DM. There is a disaster curriculum for schools but there have been no evaluations as to whether this has been rolled out country wide or indeed if it is taught at all. The general view of children by adults in Myanmar society is that they are too young to have any meaningful opinions to add, an issue also faced at village level when constructing inclusive village DMCs. Challenging this view at the micro and macro level will be essential to ensuring Myanmar's DM law is fully inclusive and effective.

States have a duty of care and are the guardians of children left parentless after disaster. Children are extremely vulnerable to sexual violence, food insecurity, disease and malnutrition amongst other things, and the government must have contingency plans in place specifically geared towards mitigating these risks for children. There are a growing number of tools available and international standards for child protection in emergencies[31] and these should be highlighted in policy and practice.

2.6 Including Persons with Disabilities

Persons with disabilities make up up to 20% of the world's population and have the right to equal opportunity to advance their resilience to disasters[32]. The Convention on the Rights of Persons with Disability (CRPD)[33], articles 11 and 32 requires that persons with disabilities

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[30] A.Kumar, 'Child Centred Disaster Risk Reduction': toolkit used by Plan and ADPC. This document is a reference document describing CCDRR and how it aligns with CBDRR and then describes the application of CCDR so far with examples from the field.

[31] The global Child Protection Working Group (CWPG) has some of the most comprehensive up to date resources and has been working to develop a set of minimum standards for child protection in emergencies http://cpwg.net/. In addition, nutritional and medical minimum standards are set by SPHERE and education access by INEE.

[32] UNEnable: Factsheet on Persons with Disabilities:
[33] Convention on the Rights of Persons with Disability (CRPD) United Nations General Assembly

'benefit from and participate in disaster relief, emergency response and disaster risk reduction strategies'. However, persons with disabilities are often overlooked throughout the DM cycle, especially during relief operations and are rarely considered as key actors in planning and preparations stages[34]. International Day for Disaster Reduction 2013 takes disability as its focus in an effort to increase international attention on this issue.

Myanmar ratified the CRPD in 2011 and is working towards legislation to protect the rights of those with disabilities. Civil society, at least in the greater Yangon area, is relatively strong in terms of advocacy and they have been involved in the drafting of the DM and new disability law. However, the current infrastructure in Myanmar does not include persons with disabilities. There is little knowledge of disability groups beyond the Yangon/Ayerwaddy divisions. Lack of concrete data on disability nationwide contributes to the poor acknowledgement and planning. The 2014 census will be an excellent opportunity to map disability across the country and develop targeted programming to meet the needs of this particular vulnerable group.

2.7 Including Aged Populations

The global increase in older populations is the result of a demographic transition from high to low levels of fertility and mortality. By 2050, the number of older persons in the world will exceed the number of young for the first time in history.

There are often stigma attached to the older people – including views that they are weak, useless or worthless. This stigma often results in their needs, rights and contributions being neglected. This group is routinely overlooked in DM planning, especially in countries where the cultural practice is for older generations to live with their families. Basic issues - such as ensuring early warning systems and shelters are accessible for them, finding ways to include them in community meetings where information is shared, and seeking their advice for or representation on DMCs – are often not in place.

In Myanmar, there are no specific laws relating to the needs of aged populations, and to some extent they are side-lined in favour of other vulnerable groups such as children or persons with disabilities. Consideration of the needs and vulnerabilities of the aged will be vital for Myanmar's disaster preparedness, mitigation and response planning.

Minimising the disaster vulnerability of the elderly requires a solid understanding of the specific needs and traits of the elderly population, and identification of the risk factors that lead to their vulnerability.

'Older people contribute to their communities their decades of accumulated experience, knowledge and understanding. This insight makes them an essential resource and potential partner in developing emergency preparedness and response programmes'[35].

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[34] CBM and the Disability Inclusive DRR Network for Asia and Pacific (2013) 'Disability Inclusive Disaster Risk Management: Voices from the Field and Good Practises, Germany: CBM
[35] *Older People in Emergencies: Considerations for Action and Policy Development* WHO, 2008

Chapter 3: Myanmar Disaster Management Law 2013: Review and identification of gaps

In order to identify gaps in the DM Law, a detailed analysis of each of the nine chapters was conducted - the framework developed in 2013 by the IFRC and UNDP for their Global Synthesis Report[36] examining best practice in legislation for DRR and its implementation, was used as a basis for comparison. Detailed chapter by chapter analysis can be found in the Annex and the summary of gaps identified can be found below.

The analysis suggests that whilst the DM law is an important step forward in tackling problems around disaster preparedness and response in Myanmar, there are significant gaps across a range of themes and sectors.

Generally, insufficient planning and preparation went into the consultation process of drafting the DM Law. The process of consultation in itself was not inclusive of specific groups (with expertise in disability, gender, children and aged populations). This meant essential key actors and groups were omitted and important, critical information on how to meet the specific needs of these groups throughout the DM cycle is absent in the final version.

Box 3 - Reasons for limited consultation in DM Law drafting

Lack of awareness by LNGOs/CSOs (resulting from insufficient sharing of comprehensive details about the law and consultation process)

Time (invitations came too late to make arrangements)

Cost (many LNGOs could not afford the travel and accommodation costs to send representatives to Nay Pi Taw)

Overall, the Law lacks sufficient emphasis on meeting the needs of people who experience higher vulnerability. There is one sentence in the Law which refers to women, children, aged persons and people with disability.

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[36]http://www.ifrc.org/en/what-we-do/disaster-law/about-disaster-law/legislation-for-disaster-risk-reduction/law-
-drr/

Box 3 – Recommendations for strengthening

Providing more detail on long-term risk reduction and mitigation. More detail is needed on how the Government plans to manage risk longer term.

Indicating linkages between DM law and other legislation (eg. Child Law, draft Disability, Aged persons and Anti-violence against women's Acts)

Enhancing the focus on the role of the private sector in disaster management legislation. It is essential the private sector is engaged in DM in Myanmar and that their development plans have DM as a central theme integrated throughout. Links between private sector bodies and DM bodies need to be forged.

Providing clear articulation of lines of responsibility between National Disaster Management Committees and Township and Village Disaster Management Committees. Clear lines of responsibility and communication between high and low levels of governance need to be made clear in the Law. Accountability for establishment of DMC and Ward level DMCs needs to be taken by the government, or clearly delegated to a group who has the capacity to carry out the task effectively.

Clearly acknowledging the underlying causes of vulnerability. This mirrors feedback from KIs which showed a higher level of knowledge about preparedness and response than mitigation and risk reduction. Once understanding of vulnerability is raised it can feed in to the results from consultative risk analysis and go towards making DMC plans stronger and more inclusive.

Providing robust detail concerning how to meet the needs of vulnerable groups. Emergency response measures, for example, make no mention of how they will cater for people with disability in relief shelters or evacuation procedures. Unaccompanied or orphaned children are not acknowledged in the relief, rehabilitation and compensation efforts. Issues surrounding land, housing etc for female headed households post-disaster is not tackled.

Acknowledging the work and harnessing the strengths of civil society and other actors with regards to disaster management. CSOs are already doing much of the work in risk reduction and emergency response at the local level. There is a need for comprehensive organisation and opportunity assessments at state/regional and township level to ascertain the true capacities in terms of knowledge and experience, specifically in relation to specific groups in different areas of the country and to share this knowledge amongst DM actors such as DRRWG, NAG and the CPWG cluster. These assessments need to be undertaken at regular intervals to ensure real time knowledge is included in planning.

In addition, a number of important issues were found which, if addressed, could create a robust law which aims to meet the needs of all.

Box 4 – Additional recommendations

More accountability by the state of its role to protect is needed, coupled with specific points of how it aims to do this (including reference to international standards of humanitarian response). Discussing the needs of vulnerable in terms of protection only is not sufficient though. Other disaster laws such as those from Indonesia and the Philippines[37] suggest that meeting the needs of vulnerable people *should not* simply be limited to protection issues in times of disaster but to longer-term mitigation efforts. Their laws also have clauses on conflict sensitivity in areas prone to disaster and detail how communities should be able to return home as soon as possible post-disaster. The movement of people in areas of unrest due to conflict and/or disasters from natural hazards is not mentioned in the Myanmar DM law, and whilst the topic is sensitive, it must be addressed.

Expediting access procedures for the international humanitarian community both in to and around the country in times of disaster are needed. Progress is being made on entering the country but movement to certain fragile areas is still enormously challenging and often a lengthy process. Time taken to grant access permits to disaster areas impacts enormously on the success of recovery efforts and the death toll.

Transparent allocation of sufficient resourcing and budgets to DM, as represented as a percentage of annual government expenditure. This should include a forecast for longer term risk reduction activities, not simply preparedness, response and rehabilitation. In addition, details of the compensation calculation need to be stipulated in the law and a fund earmarked for this.

Building resilience can only happen if vulnerabilities are recognised, analysed and acknowledged through appropriate policy and long-term planning. By being explicit in its aims, the law would demonstrate a real and deep commitment by the government of Myanmar to build the resilience of the nation by reducing the risks they face to hazards. It is imperative that the rules and regulations are written in a way that is inclusive and fosters a culture of prevention through concerted efforts to reduce risk.

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[37] Indonesia Disaster Management Act 2007 and Philippines Disaster Management Act IRR 2010

Chapter 4: Opportunities for Inclusivity in the Disaster Management Process

The process of producing Rules and Regulations to accompany the DM Law provide an opportunity for the government to move forward in closing some of the inclusivity gaps identified in the previous section. The technical group responsible for this task should seek widespread and in-depth consultation with a range of stakeholders to ascertain how individual groups feel the Law can be implemented to best meet their needs. This consultation should not be limited to only the Yangon or Nay Pyi Taw Divisions. Sufficient time and resources need to be allocated to ensure the process is comprehensive. Once finalised, the DM Implementation Procedures Handbook (2009) needs to be updated and re-launched through an awareness raising event such as a road show, TV show or community radio broadcast.

4.1 National Awareness of DM Law

Now the Law has been endorsed by the President, it is essential that the Government plans and budgets for activities designed to raise awareness of the Law amongst the public. This is not only good practice, but it offers further opportunity for vulnerable and excluded groups to participate in the process. The people who are directly affected by disasters need to know of the laws' existence, the mechanisms with which it is enacted and how it might assist them to realise their rights[38]. Links between the Law and local level DMCs need to be established to ensure community consultation and input on disaster plans is meaningful and linked with the national and international frameworks. Public buildings can be used for the events and they should be accessible for persons with disability and older people. Schools offer an opportunity to involve children in the process, and radio broadcasts and road shows allow wider access and opportunities for community participation.

The Government and other actors involved in DM should also increase work with the media to raise awareness of journalists on root causes of disasters and how they can be averted. This is important both for educating the population and for increasing pressure on decision makers to demonstrate leadership on disaster preparedness.

In April 2013 UNISDR (in association with ECHO, UNDP, UNIC, UNESCO and the DRRWG) ran a workshop for 16 journalists from the country's main print and TV media organisations[39] to alert them to the root causes of disaster in the hope they would write more features about hazards and disaster, thereby educating the population. Evaluations found that journalists felt they had greater capacity to report in more detail about potential hazards such as mangrove destruction. Journalists are an excellent source to disseminate information nationwide. Opportunities to provide them with follow up workshops about inclusivity of

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[38] Myanmar's VFL 2013 found communities repeatedly cited lack of information and knowledge as one of the risks they faced in terms of disaster and wanted more training. This is being tackled by some CSOs such as the YMCA and MRCS. For the DM law a more comprehensive approach is needed across the country.

[39] http://www.unisdr.org/archive/32271 DRR training for journalists

vulnerable groups in environmental hazards and DM should be explored. They can also add pressure to the private sector and support the encouragement of bringing them in to line with responsible practices. If they can produce some stories or give their reporting of disasters an inclusive angle it will support the development of inclusive thinking nationwide.

In discussions with KIs about DM plans there was a strong focus on the need to improve knowledge about emergency preparedness and response. Ministers and some LNGOs could describe detailed emergency preparedness and evacuation plans but tended to skim over questions relating to longer-term risk reduction activities. It is therefore imperative to look at ways to shift attention towards risk reduction. Vulnerable groups are often acutely aware of their vulnerabilities and can offer valuable comments on how to integrate their needs into policy and planning.

4.2 Climate Change Adaptation (CCA)

Numerous reports, including the HFA mid-term review and the SREX identify a *clear gap between national efforts towards adaptation to climate change and for disaster risk reduction*, which governments tend to manage in silos, despite their strong interdependencies. No mention of CCA was made in the DM law. It would significantly enhance the effectiveness of the DM law if CCA were included in the Rules and Regulations and links between CCA, development and economic growth can be highlighted. Private investment, agricultural and extractive industries must be closely regulated and ways to link these sectors with DM bodies and DMCs must be explored.

4.3 Monitoring and Evaluating (M&E) Disaster Management

The government needs to look at the existing DM Committees and groups and forge a clearer picture of a National Platform for Disaster Risk Reduction as advised in the HFA[40]. Many of the pieces are already in existence with the emergence of the DRRWG (planned activities until 2018) and it now needs to come together under a coherent *national* umbrella as a mechanism which mobilises all DM work. One of the next steps needed is to put in place an effective M&E mechanism as this is vital for the National Platform process. When evaluating DM, specific workshops with national organisations and networks for vulnerable groups should be offered: gender and disability networks, children's commissioners and any organisations working to realise the rights of aged persons. The Contingency Planning Working Group (CPWG) would be a good source to approach in identifying these organisations.

4.4 Writing DM plans

DMC plans at all levels should contain details on how longer-term risk reduction is to be tackled. Committees will need technical advice from experts initially on how to accomplish this. One role of international support organisations must be to ensure language used in plans is gender, ageing and disability sensitive. However, it is also important that national CSOs are involved in the capacity building initiatives to ensure all vulnerable persons have

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[40] Guiding Principles for National Platforms for Disaster Risk Reduction – UNISDR (Working Document)

representation in drafting procedures. Local CSOs in particular have the specific experiential and contextual knowledge that is useful for helping formulate plans.

4.5 Consultation for planning

When writing plans, sufficient time must be given for consultation with different members of the community in order to foster a sense of ownership and promote sustainability of actions held within plans[41]. The aim is that village level plans feed in to Ward level, these feed in to Township and Township feed in to State/Regional plans. How exactly this is done and who is responsible needs clarification. Care must be taken not to overload already burdened local level government bodies.

Beyond village and ward level townships and regions/states should seek to build relationships with CSOs knowledgeable in meeting the needs of different vulnerable groups through a needs assessment. In addition the CPWG has organised itself in to clusters mirroring that of the UN/INGO system and there are specific agencies tasked with responsibility for different groups. These organisations can offer input in to DM planning.

4.6 Dissemination of technical capacity gained

A clear progression of how the knowledge learned through technical support at State/Regional level will be transferred to Sub Committees (for example through workshops and training sessions) should be drawn up, similar to how a curriculum is drafted. Too often information remains at the top as disconnected pools of knowledge which eventually dry up. Along with this roll-out plan for knowledge sharing and capacity building must be a clear time and financial budget allocation as well as a clearly planned method for evaluating how successful the knowledge transfer is and if indeed it is being used. For example, activities to test understanding of DRR concepts could be done at township level then again at ward or village level to check if there is a shared understanding and vision.

4.7 Interactive monitoring and evaluating

Learning by doing is one of the best methods to consolidate knowledge. Workshops that are heavily auditory or filled with hand-outs tend to engage participants during the session but afterwards knowledge of what was covered that day disappears rapidly. By 'doing' a deeper understanding can be garnered. Part of the technical capacity building should include as many opportunities as possible for interactive learning. DMCs should be guided through the writing process and given specific tasks to complete before the next round of workshops. Reference to the DM law and other relevant laws both national and international such as: Child law, the upcoming violence against women law, environmental law and land reforms, the CRC, CEDAW and CRPD need to be included in these trainings. Activities involving peer assessments of plans should be carefully crafted to allow channels of knowledge sharing to open up and create a sense of shared ownership. Neighbouring villages or wards could share

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[41] Due to the frequency of disaster caused by natural hazards, Taiwan has long since been working towards greater community participation. See L.C.Chan (bibliography) for details of the success of the government's Integrated Community-Based Disaster Management Programme.

their plans and offer recommendations on improvements, specifically any issues that would impact on their individual village or ward.

Systems for monitoring how well plans are being followed and any issues arising need to be built in to the implementation process. Routine revision of plans and adaptation must happen and is strongly advised in HFA and ISDR documentation. The rules and regulations for the Philippines Disaster Management Law explicitly mention they will revise the National plans every two years. It is essential these plans are applicable working documents. The rapid changes the country has seen in the last few years look set to continue and so it is vital the Government of Myanmar prioritise the revision and adaptation of plans in its current annual planning schedule.

Chapter 5: Recommendations

The following recommendations are aimed at two main target groups: MSWRRD and members of the DRRWG. These two bodies have the resources and ability to affect all subsequent groups. They focus on processes (are subtitled as such) and identify critical points along which actions are needed.

The most urgent process for consideration is that of the drafting of the Rules and Regulations to accompany the DM law. The opportunity presented at this time to turn the DM law into real actions which fully endorse the government's will to embrace a culture of risk reduction and inclusivity is one which must be seized. The recommendations below address gaps in the current law (by chapter) which need to be addressed explicitly in the rules and regulations.

5.1 Development of Rules and Regulations

In **Chapter One** explicit mention must be made of the role of civil society and local bodies in the DM cycle. In addition, the term 'vulnerable groups' needs to be comprehensively defined (ie. Each group deemed vulnerable identified and described).

Chapter Two must be specific in stating that a key aim of the law is to reduce risk, address vulnerability and build resilience of all members of society. There should be specific mention of how vulnerable groups (defined in chapter one) will have their vulnerabilities and resilience addressed. In addition greater emphasis and detail is needed for risk reduction activities at both central and local level.

Horizontal co-ordination between DRM systems and other sector laws must be planned for and carried out to ensure a comprehensive disaster risk management system that integrates all sectors, particularly development, building (codes), land use planning, private sector investment and infrastructure development. Policy makers must embed DM, risk reduction and risk management across all sectors in the legal reform process and make the topic of disaster a central development issue. Identifying key people in each department (both public and private sectors), to be responsible for DM and risk reduction/management in order to form a cross-sector team is one way to ensure DM is integrated throughout.

Chapters Three and Four of the law are where meticulous detail can be given of precisely how children, women, persons with disabilities and aged persons will be protected and included throughout the DM cycle and who will be responsible for ensuring each of their needs are met in practice, for example, which Ministries/Departments for which groups and which level of Minister is relevant. It would be highly useful to work towards the aim of all DMCs having an inclusive advisor or, even better, being composed of representatives from all groups on each council to ensure DMC plans have inclusion embedded throughout.

DMCs should equip themselves with the necessary knowledge and tools on inclusivity. The government needs to make training and capacity building of DMCs and associated ministries responsible for inclusion an integral part of the Law, allowing sufficient time and budget for this purpose. Conducting local capacity and organisational analysis would enable the government to find out which specialist CSOs and LNGO networks are available to support the delivery of training.

Chapter Six must elaborate on the onus on the private sector towards positive risk management and prioritise the inclusion of the private sector in all DM planning as a matter of urgency.

Specific mention of international minimum standards should be made when describing temporary efforts, especially as theses support initiatives targeted towards specific groups eg: INEE and SPHERE.

Comprehensive regulations on how livelihoods will be restored and food security achieved for all is crucial. Particular attention must be given to aged populations, female headed or child headed households and people with disability.

Chapter Seven should consider decentralisation of budgets and wider scope for spending, particularly on risk reduction activities. See 5.5 for more detail.

Chapter Nine must describe clear compensation mechanisms which are non-discriminatory, transparent, clearly communicated and accessible to all. Specific mention of how aged persons and people with disability as well as women and children can access these mechanisms needs to be documented in the Rules and Regulations.

5.2 Implementation

5.2.1 Government Accountability
- Ensure all **new and revised laws have clauses relating to DM and inclusivity.**
- Include DM at every stage of legislative overhaul. **Identify key persons** in departments and ministries to be responsible for working together on all DM aspects.
- **Update** the National Plan for Advancement of Women to be inclusive and contain risk reduction and mitigation activities related to the DM cycle.
- Explore **creation of a model State/Region** to trial cutting edge DM policy and practise, suggestions from KIs identified Ayerwaddy as a possibility.
- Ensure **DMCs are created with inclusivity and representation of all groups** in mind. The Help Age model[42] could be piloted at township level.

5.2.2 DRRWG Accountability
- **Share good practice between members and consider replicating models** or approaches used by partner agencies if deemed successful and appropriate.
- **Lead by example**; be inclusive in all aspects of work (meetings, consultation with CSOs etc). Consider the structure of each organisation and how other departments are included in DRR work.
- All technical **guidance** to government **must be consistently inclusive** of different groups advising how best to include them at all policy level consultations.
- **Embed inclusion as an integral part of all training sessions**. Avoid the addition of inclusive aspects at the end of training sessions. Make it a cross cutting theme that permeates all training, guidance, support and documentation.

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[42] Help Age use a ratio system when establishing VDMCs: 50% female 50% male, 25% 55yrs + 25% 12-17 yrs. Number of persons with disabilities representatives is dependent on each circumstance. This unique inclusive VDMC model has seen marked success in Myanmar, the results of which are being documented in October this year. The final handbook will be publicly available in January 2014.

- As key actors in search and rescue, **seek opportunities to sensitise the military** to the specific needs different groups. Consider offering training with representation of women, children, persons with disabilities and aged persons.

5.2.3 Knowledge Transfer

- **Translate** laws, policies and plans into local languages as this can exclude parties from contributing or could have alternative meaning to different stakeholders.
- Support and use **community radio stations** as ways of sharing information about DM legislation, policy and planning.
- Rally and **train** the media in the language and terminology of disaster, inclusion and the DM law.
- Execute subsequent **awareness raising activities nationwide** such as road shows, to inform the public and gather momentum and support for DM. Activities should include all media including social networking sites.
- Plan how to **transfer technical knowledge** gained at Regional, District and Township level, down to Ward and Village level. Neighbouring villages/wards should share DM plans and link together. Utilise existing CSOs and tap in to international technical assistance opportunities.
- Local government and DMCs should **link with CPWG clusters** to share good practice and gain advice and guidance on inclusive practises, as well as knowledge on CSOs in operation in their wards/townships.

5.3 Monitoring and Evaluating

To inform better planning and actions:

- In partnership with government, DRRWG must **ensure inclusive DMCs are constructed** and representative of all groups. Seek meaningful consultation with these DMCs and **use their M&E feedback** to inform future planning.
- **Inclusive participatory, capacity and vulnerability analysis must be done** at each level of DMC governance.
- **Resource and organisational analysis must be completed regularly** to ensure up to date information on and changes in availability/capacity of items identified in DM plans.
- **DMCs should link with CSO cluster leads in the CPWG** and forums such as the National Forum of Older People's self-help groups to inform on monitoring tools for specific groups and evaluation of DM plans for inclusivity.
- Following the completion of the 2014 census government must **prioritise the use of disaggregated data analysis to inform the inclusion of specific and targeted initiatives** in DM planning at Central and State/Regional level. Initiatives must relate to specific groups such as women, children, aged and persons with disabilities as well as any of those groups that are excessively marginalised.
- CSO groups and networks can support monitoring of DM implementation. **DRRWG must consider how to be more inclusive of CSO groups** (who don't have strong English language skills, who experience disability or who are aged). These are key actors with valuable insight which must be brought in to the working group for M&E activities and future law revisions.
- The National Platform for Disaster Risk Reduction (once established) should plan workshops to **support shared learning of DM planning (at levels beyond State/Region) with an inclusive focus** - until such time the Platform is established the DRRWG could facilitate this.

5.4 Future DM Revisions

- Make specific mention of the Law's **aim to reduce risk and vulnerability.**
- Under each section **state how the needs of individual groups will be met** (children, women, aged persons and persons with disabilities).
- **Budgets and time frames need to be planned and allocated** to allow sufficient time for thorough consultation on any DM law revisions.
- **Wider consultations** should be conducted geographically. CSOs, particularly those with expertise of inclusivity must be given the chance to input through holding meetings in Yangon. Opportunities for wider consultation at State/Regional level should be explored.
- **Consultations should be physically accessible for all** including CSOs and those who have a disability or are aged persons.
- More specific mention is needed of **how DM law integrates and is mainstreamed** in other legislation, particularly how it aims to reduce vulnerabilities, manage risk and protect persons of Myanmar (e.g. land use, building codes, education, anti violence against women, Disability aAt, Aged Persons Act, private investment, extractive industries, agriculture etc). Conversely as these laws are promulgated and updated there should be signposts within them to management of disaster, risk reduction and links with relevant sections of the DM Law.
- **Decentralisation of DM budgets** and responsibilities needs to be on the agenda. Hazard mapping, risk, capacity, resource analysis is State/Region specific so law and policy need to follow the same approach.
- **Private sector development and corporate responsibility for DM** and risk reduction needs a much greater focus. Mechanisms and regulations to monitor the sector's impact on DM and risk reduction must be reflected in key relevant laws such as land laws and foreign investment and link to any associated global approaches Myanmar is party to such as the Extractive Industries Transparency Initiative (EITI).

5.5 Funding for DM law

- In the annual budget process, **allocate specific and sufficient budgets for DM**, specifically risk reduction activities, as well as monitoring and evaluation activities.
- Explore decentralising budgets and **expediting funds in times of crisis.**
- Seek bilateral and/or multilateral arrangements with donors that create **funding streams that are accessible for global inclusive work** as opposed to earmarking for one particular vulnerable group.

Annex 1: Interview Participants

Name	Role	Organisation
Lat Lat Aye	Programme Analyst	UNDP
Billy Kan Myat	Programme coordinator	Thingaha
Myat Thet Thitsar	Research Director	Myanmar Development Research
Phyo Phyo Wai	DRR Project Manager	Help Age International
Myint Zaw	M&E Officer	Help Age International
Anne Hallaire	Deputy Country Director	Help Age International
Kyie Soe Thu	Humanitarian Program Officer	Oxfam
Mya Marla	Policy & Research Officer	Oxfam
Ei Ei Yi Mon	DRR Project Manager	Oxfam
Catherine Dennis	Humanitarian Programme Coordinator	Oxfam
Debbie Hillier	Humanitarian Policy Advisor	Oxfam
Jasmine Burnley	Policy &Communications Manager	Oxfam
Jaiganesh Murugesan	Disaster Risk Reduction specialist	UNHABITAT
Bobby	Chief Executive Officer	Network Activities Group
Kyaw Myo Min	Disaster Risk Management	Plan International

	Programme Manager	
Dr. Ohmar Khaing	Coordinator	Food Security Working Group
U Mg Mg Khin	Head of Division, Disaster Management	Myanmar Red Cross Society
U Shwe Thein	Policy & Communication Coordinator	Care
U ChumHre	Director	Relief Resettlement Department
Daw Aye Aye Myint	Deputy Director	Department of Education Training and Planning
U Win Thein	Manager (Training & Development)	MMRD Research Services
U Aung Min	Associate Director	MMRD Research Services
Daw Rupar Mya	Deputy Director	Deputy Director MSWRR
U Aung Ko Myint	Operations Director	Myanmar Independent Living Initiative
U Nay Lin Soe	Founder & Programme Director	Myanmar Independent Living Initiative
Daw Yu Ya Thu	Operations Manager	Myanmar Independent Living Initiative
Daw Wah Wah Htun	President	Myanmar Women's entrepreneurs association
Bron Ives	Technical Advisor	Gender Equity Network
Daw May Sabe Phyu	Senior Coordinator	Gender Equity Network
Daw Khin Zar Naing	National Programme Officer	UNFPA
Lian Yi Yong	Protection Officer (legal)	UNHCR
Tessa Kelly	Coordinator for Asia Pacific Disaster Law Programme	IFRC Asia Pacific Zone

Siddhuri Kumar	Project Manager	ADPC
Myat Thu Rein	Documentation & Communication Officer	Actionaid
Phyo Haymar Than Htun	DRR Training Officer	Actionaid
Sarah Woodcock	DipECHO Consortium Manager	Actionaid
Philipp Danao	Country DRR Coordinator	Malteser International

Annex 2: Definition of Terms

This research uses UNISDR definitions of terminology with the exception of the term resilience (this document uses Oxfam's definition of resilience reached in Dhakar 2013 at the HECA & WFA Summary of Agreements). All remaining definitions are based on the 2009 UNISDR version. Worth noting is that the terms are not automatically mutually exclusive, and in some circumstances may have overlapping meanings.

Capacity

The combination of all the strengths, attributes and resources available within a community, society or organization that can be used to achieve agreed goals.

Capacity Development

The process by which people, organizations and society systematically stimulate and develop their capacities over time to achieve social and economic goals, including through improvement of knowledge, skills, systems, and institutions.

Climate Change

(a) The Inter-governmental Panel on Climate Change (IPCC) defines climate change as: "a change in the state of the climate that can be identified (e.g., by using statistical tests) by changes in the mean and/or the variability of its properties, and that persists for an extended period, typically decades or longer. Climate change may be due to natural internal processes or external forcings, or to persistent anthropogenic changes in the composition of the atmosphere or in land use".

(b) The United Nations Framework Convention on Climate Change (UNFCCC) defines climate change as "a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods".

Contingency Planning

A management process that analyses specific potential events or emerging situations that might threaten society or the environment and establishes arrangements in advance to enable timely, effective and appropriate responses to such events and situations.

Disaster

A serious disruption of the functioning of a community or a society involving widespread

human, material, economic or environmental losses and impacts, which exceeds the ability of the affected community or society to cope using its own resources.

Disaster Risk

The potential disaster losses, in lives, health status, livelihoods, assets and services, which could occur to a particular community or a society over some specified future time period.

Disaster Risk Management

The systematic process of using administrative directives, organizations, and operational skills and capacities to implement strategies, policies and improved coping capacities in order to lessen the adverse impacts of hazards and the possibility of disaster.

Disaster Risk Reduction

The concept and practice of reducing disaster risks through systematic efforts to analyse and manage the causal factors of disasters, including through reduced exposure to hazards, lessened vulnerability of people and property, wise management of land and the environment, and improved preparedness for adverse events.

Disaster Risk Reduction Plan

A document prepared by an authority, sector, organization or enterprise that sets out goals and specific objectives for reducing disaster risks together with related actions to accomplish these objectives.

Early Warning System

The set of capacities needed to generate and disseminate timely and meaningful warning information to enable individuals, communities and organizations threatened by a hazard to prepare and to act appropriately and in sufficient time to reduce the possibility of harm or loss.

Emergency management (preparedness)

The organisation and management of resources and responsibilities for addressing all aspects of emergencies, in particular preparedness, response and initial recovery steps.

Environmental Impact Assessment

Process by which the environmental consequences of a proposed project or programme are evaluated, undertaken as an integral part of planning and decision making processes with a view to limiting or reducing the adverse impacts of the project or programme.

Hazard

A dangerous phenomenon, substance, human activity or condition that may cause loss of life, injury or other health impacts, property damage, loss of livelihoods and services, social and economic disruption, or environmental damage.

Landuse planning

The process undertaken by public authorities to identify, evaluate and decide on different options for the use of land, including consideration of long term economic, social and environmental objectives and the implications for different communities and interest groups, and the subsequent formulation and promulgation of plans that describe the permitted or acceptable uses.

Mitigation

The lessening or limitation of the adverse impacts of hazards and related disasters.

National Platform for Disaster Risk Reduction

A generic term for national mechanisms for coordination and policy guidance on disaster risk reduction that are multi-sectoral and inter-disciplinary in nature, with public, private and civil society participation involving all concerned entities within a country.

Preparedness

The knowledge and capacities developed by governments, professional response and recovery organizations, communities and individuals to effectively anticipate, respond to, and recover from, the impacts of likely, imminent or current hazard events or conditions.

Recovery

The restoration, and improvement where appropriate, of facilities, livelihoods and living conditions of disaster-affected communities, including efforts to reduce disaster risk factors.

Resilience

Resilience is the ability of women and men to realise their rights and improve their wellbeing despite shocks, stresses and uncertainty.

Response

The provision of emergency services and public assistance during or immediately after a disaster in order to save lives, reduce health impacts, ensure public safety and meet the basic subsistence needs of the people affected.

Risk

The combination of the probability of an event and its negative consequences.

Risk Assessment

A methodology to determine the nature and extent of risk by analysing potential hazards and evaluating existing conditions of vulnerability that together could potentially harm exposed people, property, services, livelihoods and the environment on which they depend.

Risk Management

The systematic approach and practice of managing uncertainty to minimize potential harm and loss.

Sustainable development

Development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

Vulnerability

The characteristics and circumstances of a community, system or asset that make it susceptible to the damaging effects of a hazard.

Annex 3: Analysis of Myanmar DM Law by Chapter (based on updated translated version by UNDP May 2013)

Chapter One: Title and Definitions

This section is explicit in describing disaster management language and definitions stating DM should include risk reduction activities and minimise potential losses. It recognises DRR activities should be included in National Development programming and DRR includes both 'short and long term measures to mitigate the effects of natural disasters'. Through interviews there was little mention or demonstration of strong understanding or commitment to longer term risk reduction activities. Knowledge and discussions very much revolved around emergency preparation, response and recovery. Chapter One also lacks any mention of civil society or local organisations, focus remains on governmental bodies or international and regional organisations. Exclusion of CSOs here automatically devalues their input in the DM cycle. Their profile must be raised and their input valued.

Recommendations:

1. **Apply a greater focus to risk reduction activities in the longer term.**

Resilience can only be built by reducing the risk faced by communities and reducing the risks individual groups' experience. As such risk reduction activities must permeate every aspect of sector law reform and national development agendas. Other laws, on building practises, land access, use and ownership, foreign investment agricultural development, natural resource use and extraction and environmental management are critical in reducing the risks for the most vulnerable people. IFRC acknowledges 'the potential of planning laws to reduce underlying risks is not yet being realised' safety legislation: human, construction, development and environmental - in sectors outside disaster management law hold the key to long-term reduction of underlying risks.

Myanmar is in a unique situation where it is undergoing a legislative overhaul. This is a golden opportunity to embed DRR perspectives across the board. Part of the review process in other law reform sectors must include a risk reduction focus and make links with the DM law. State level DMCs should be consulted to allow insight in to specific regions and knowledge of individual hazards to inform law reforms, especially in land use. DM needs to be made an integral and active part of the entire national governance system. All sectors which have the potential to suffer from disaster and positively impact on risk reduction activities (such as health, education, building, agriculture and mining etc) should seek opportunities to collaborate in law and policy drafting and implementation activities. Importantly this applies to both the public and private sector.

2. Make explicit mention of civil society and local bodies in the DM cycle and mechanisms

Experience tells us it is frequently these groups who are first to respond in crisis and in the context of Myanmar they experience greater and often easier access than the international community. It is therefore imperative these groups are recognised as valuable agents of change and acknowledged here. They are also key agents in longer term development activities, especially at the local level as such they have a wealth of information and knowledge which should be tapped in to.

Chapter 2: Aims of DM Law

This chapter covers the need to establish robust programmes to tackle DM. It recognises that protection is needed for the environment prone to disaster but there lacks any further content on this essential point. The 'provision of health education, social and livelihood programmes which can help to improve living conditions for disaster affected people' is referred to as important but it reads as having a focus very much on recovery and rehabilitation, not protection of these prior to disaster. It lacks any mention of reducing vulnerabilities and minimising risks faced by persons in these programmes.

Recommendations

1. Address the need to protect environments prone to disaster with concrete legislation and associated activities

This is a key activity needed for successful DRR. Details of how the environment will be protected with specific links made to relevant development and business (public or private sector) responsibilities and laws is essential. Poorly managed and developed environments pose a hazard to all but increase the vulnerability of specific groups even more so. The abundance of natural resources in Myanmar mean the environment itself is vulnerable to dangerous and exploitive practices if not regulated and monitored closely. An aim of this law must be to reduce risks experienced by the population, build resilience and address the needs of all.

Here is a prime opportunity to detail the theme further by citing how the living conditions of people, specifically vulnerable groups could be improved sustainably pre-disaster thereby mitigating the effects of the hazard. Being more explicit in this section projects the image of a more committed approach to improving the lives (and building the resilience) of the most vulnerable.

Chapter Three: The Formation, Duties and Responsibilities of the National Natural Disaster Management Committee

This chapter lays out how the central DMC is formed and what its roles and responsibilities are. This body should be the centre of excellence for the country and should lead by example when considering the topic of inclusivity. Point 5(g) states the committee should provide guidance and supervision. The general feeling from interviews was that the committee is not

yet at a stage to do this. It is itself building its own capacity through working with regional and international agencies such as ADPC, UNDP, UN-Habitat, the DRR working group and the DiPECHO Consortium.

Recommendations

1. **NDMC should equip itself with the necessary knowledge and tools to be able to offer advice and comprehensive supervision.**

This supervision must include advice on inclusive practises hence regional and UN agencies offering technical capacity building must ensure their training has a strong inclusive perspective, from an inter-dependent dimension. If these agencies mainstream inclusion across the board of their work with the NDMC (and especially in DRR work and cross-sector dealings) then the message of inclusion should/could become a mantra repeated by all thereby deepening awareness and understanding of the issues and supporting mainstreaming of the topic across all sectors. If it is seen by respected regional and international agencies as being of key importance then it is legitimised further and pushed higher up the political agenda.

Chapter 4: Formation, Duties and Responsibilities of Natural Disaster Management Bodies

The regional/state DMCs are responsible for creating local bodies at Township, Ward and Village Tract levels and in this chapter there is specific mention of the need for these bodies to link with local civil society organisations. The absence of any reference to how the formation and duties of the committees can address the specific needs of women, children, aged persons and people with disability means there is significant exclusion, be it deliberate or inadvertent.

This research found that DMCs from central to most township levels were either already, or in the process of being established and those involved generally knew the procedure, and chain of command and communication. This is a good step forward as this was underway before the law was passed. ADPC, UNDP and UN-Habitat are working to build the capacity at this level from a systems approach as well as members of the DiPECHO consortium giving input from each of their areas of expertise. Beyond township level, committee establishment is minimal and sporadic. The Law gives no mention of the need for these committees to be representative of all groups in society and does not stipulate inclusion of specific groups in the formation of DMCs. By omitting groups here the implementation of DM at all levels is not comprehensive and gaps will remain, meaning groups continue to experience vulnerabilities.

There is also a notable gap between township and village level in terms of information sharing and DM leadership which must be addressed. This research found KIs know little about ward level work. There could be hundreds of villages in one Township and how these can realistically come together under the TDMC is not clear as yet. This undermines and weakens the entire system. Too much of this knowledge and recent increase in capacity for

mitigating disasters is still held centrally meaning this is where the power, capacity, knowledge and resilience reside. This exacerbates the power imbalance rather than addressing it. Currently the only Village or Ward level DMCs are those initiated by civil society, INGOs or the communities themselves. Attention must now focus on this gap and a bridge built between Township and Village and Ward level. The Government of the Union of Myanmar must take responsibility for this in overseeing establishment of Village and Ward DMCs and/or monitoring the departments who the task is delegated to.

Recommendations

1. Ensure DMCs at sub regional and local level are inclusive in their approaches

Sub-DMCs should include members from all vulnerable groups. The Help Age model which uses a quota system is a solid and successful initiative which can and should be replicated. It must be ensured that members taking up place on the committees are active participants and not simply there to satisfy a numbers game. Having a quota as a starting point forces those responsible with implementation to continually use an inclusive perspective. It also offers continuity of this perspective throughout all aspects of the committee's work fusing through both DRR and emergency planning and response. All sub-DMCs from Village to state/regional level are regularly required to provide DM plans detailing how they are preparing for disaster, working to reduce the risk and how they plan to respond if disaster strikes. It should be mandatory for these plans to use a global inclusive angle. Stipulating this explicitly in the rules and regulations procedures, local governance policy or future revisions of the DM law would raise the profile of inclusion and put it firmly on the risk reduction agenda.

2. Ensure establishment of DMCs at ward and village tract level

The top down approach used in establishing DMCs is commendable but now needs to be combined with a committed focus at the bottom end. Union level government are ultimately responsible for establishment of all DMCs, regardless of who they delegate the task to and they must acknowledge this accountability with appropriate action such as comprehensive monitoring systems. It cannot be left to local or international organisations to ensure these DMCs exist.

For effective implementation of safety related rules and regulations at local levels, effective partnerships need to exist between local government and communities. Civil society organisations can support this by facilitating meetings and incubating this new relationship, however responsibility and accountability for this must reside with local governments to ensure ownership and sustainability. We know from numerous studies that is the smaller, rural and impoverished communities who lack the resilience needed to overcome potential hazards and it is these communities who suffer most in times of disaster, hence establishing committees at this level should be seen as a matter of urgency. Communities and local governments will need technical assistance and awareness raising how to be inclusive of vulnerable groups. This should form a central part of any support.

3. Close the gap between VDMCs and TDMCs

Due to the uneven presence of VDMCs and the current top down approach of establishing TDMCs, lines of communication and information sharing between village and township are largely untested. A system of collating VDMC plans together in wards and feeding it up towards township level needs to be established. Townships then need to provide guidance on the plans and use them to inform their own planning both logistical and budgetary. As above, plans should be evaluated for their inclusiveness.

Chapter 5: Declaring a Natural Disaster Affected Area

This chapter of the Law refers predominantly to preparation and response with little to no mention of longer term DRR responsibilities or actions. Some points refer to prevention and protection activities regarding healthcare and potential communicable diseases but this in itself is not sufficient to address reducing risk. There is no mention of risk reduction initiatives in sectors outside health.

This chapter marks the end of any acknowledgement of longer term mitigation of disaster by reducing vulnerability and building resilience. The general understanding amongst KIs regarding inclusion of DRR in the DM cycle is high. Whilst almost all have cited risk reduction as part of the cycle, few can adequately describe any long term initiatives either in existence or planned. The MAPDRR addresses structural risk reduction for infrastructure but only relating to schools and hospitals. By focusing only on preparedness and response the law is neglecting the key agents which can move the country forward in developing safer, more resilient, communities.

Recommendations

1. Knowledge of DRR as part of the DM cycle must now translate in to practical application through DM law, rules and regulation formation and sub-national plans

Some countries have developed specific risk reduction legislation in addition to disaster management laws. Others (Philippines) have stated this in the name of their law. This could be a possibility in future revisions of Myanmar's legislation, or could be tackled through the decentralisation process. The size, scale and variety of hazards in Myanmar make it difficult for one piece of central legislation to comprehensively and sufficiently detail activities for all eventualities. Creation of specific State/Regional level legislation on risk reduction and associated DM resulting from local needs assessments is one way to ensure risk reduction activities are locally context specific. This local government risk reduction legislation could link with other sectors such as health, education, environmental development etc to ensure activities were holistic and knowledge of hazardous activities was well known. As a by-product local governments would be empowered to take greater ownership over the implementation of these laws. With the results of the 2014 census they can use specific disaggregated data to inform. To achieve this, a budget must be made available for this and be incorporated annually in budget negotiations.

Whilst Natural Disaster Management bodies will differ at various levels and should differ in terms of their specific responsibilities towards practical DM activities (the dry zone won't share the same hazards as the delta region for example) but they must share common goals. They should all operate through an inclusive lens, they should be representative of the society they stand for and they should seek opportunities to consult with CSOs and communities in the work that they do.

Chapter 6: Natural Disaster Management

This chapter details the jobs to be carried out by whomever is assigned the role of managing the DM cycle in a particular State/Region. Points 14-16 describe prevention and preparedness activities though no mention of the private sector or responsible development is made. A cursory mention of the needs of women, children, persons with disabilities and aged populations needing priority when carrying out DM tasks and duties is given here. Despite a high level of knowledge regarding DRR in the DM cycle this chapter devotes only five points to risk reduction priorities and twice as many points to the emergency preparedness and response activities. Section 18 referring to rehabilitation and reconstruction efforts should be specific in stating the type of provision of temporary health and education facilities (as stipulated in international emergency standards) until more permanent solutions can be found. It is worthy to note this section also acknowledges the trafficking of persons post disaster and highlights measures against this which should be taken, but lacks detail of what measures.

One key aspect absent from the DM law is early recovery, particularly ,how to restore livelihoods for women, aged or persons with disabilities. This needs to be addressed in the rules and regulations drafting. Woman headed households or elderly persons at risk of losing family and community support networks have their vulnerability to hazards increased enormously by the lack of equal rights to men. This issue is not covered sufficiently in either this section or in Chapter 9 which deals with compensation.

Recommendations

1. **Give greater detail about preventative measures in areas prone to disaster**

This list (point 16) could certainly be more detailed and should make mention of linking with private and government sector development to ensure responsible and safe development such as in the extractives industries and agribusiness, especially in zones subject to flooding, landslides and earthquakes. In the wake of disaster children can often be sent to work to support the family income and if the fields and practises they go to work in are largely un-regulated then their existing vulnerability is compounded. Migration to work in these industries can swell populations to a capacity unsupported by the infrastructure. Large groups of men moving to work in an area could have an effect on the number of women and/or children sex workers. Detail of national social protection strategies could accompany this section of the law to ensure the needs of vulnerable groups are addressed in a preventative manner.

2. Specific mention of international minimum standards should be made when describing temporary efforts

Section 18 should be more explicit in what it deems temporary education and health facilities. The standards of provision should link with internationally agreed standards such as the Inter Network on Education in Emergencies (INEE) and the SPHERE Standards as well as relevant Inter Agency Standing Committee (IASC) recommendations.

More emphasis needs to be placed on vulnerable groups by explicitly expressing how their needs will be met.

The way in which 'vulnerable groups' have been included in this section speaks volumes about the precedence the issue is given in law. Whilst it is welcome that the phrase has been included in the law much greater efforts need to be made to mainstream these groups throughout the law in any future revisions. In the short term it must be addressed in the construction of the rules and regulations. Discussion of how livelihoods and social wellbeing of disaster-affected communities should be protected needs to be explicit in describing the needs of vulnerable groups, how they are affected and what can be done to reduce the risk of them experiencing more profound vulnerability to risk. The most common issue raised through interviews was women's right to access land ownership. This law should, in consultation with the relevant ministries looking at land reform laws tackle this issue as a matter of urgency, taking in to account customary laws in existence and prioritising women's right to access, exercise and control over and own land.

Chapter 7: Natural Disaster Management Fund

This chapter describes the need for DM fund bodies at central and State/Regional level and describes where monies will come from. There is no mention of what proportion of the country's budget will be spent on DM activities and strong mention of monies coming from external sources such as INGOs or in-kind donations. Currently, the majority of the DM budget is held centrally. State/Regions have some access to a budget for basic emergency preparedness and response (for example storm shelters, radios etc) but this is insufficient to be able to recognise the longer term aims of DM and specifically risk reduction. Existing funds are spent on general preparedness items leaving those with special physical needs for example, potentially unable to access relief stations or evacuations. In addition no mention is made of how rapidly funds can be released to deal with response and recovery efforts in the immediate aftermath of a hazard, who funds can be released to (HFA recommends inclusion of civil society funding in both preparation and planning) or how funds are to be replenished.

Recommendations

1. Create decentralised budgets for regional powers annually in the budget allocation.

Financial management capacity at township level needs to be built as well as trust between State/Region and township in order to decentralise funding and allow for rapid responses. Some channels exist to expedite funds but processes for this are not well-organised. More

importantly a percentage of budgets should be earmarked for longer term DRR initiatives. The law stipulates the DM fund will comprise of allocations from (1) the union budget, (2) contributions and donations from other countries, international organisations and regional organisations, and loans from within the country and abroad, (3) contributions and donations from the union government, regional organisations, non-government organisations and well-wishers (4) interest gained and other income from the fund. There appears to be a strong reliance on points two and three which makes this funding stream tenuous. By relying on donations the nation cannot predict what its budget will be and so cannot plan long term activities. The Union government's DM would benefit greatly from exploring how a regular per cent of government budgets can be allocated.

Availability of adequate funding for both planning and operations is essential for a well functioning DM system. Institutionalised funding mechanisms for risk management and disaster management need to be developed. The HFA[43] clearly states 'These mechanisms should not be limited to emergency funds that are accessible during times of disasters (e.g. through the proclamation of an emergency declaration) but should be permanent and applicable to preparedness, recovery and rehabilitation activities as well.' Pre-positioning resources in sectors likely to be impacted allows finances to be available in a consistent and timely manner. By including details of how civil society can access DM funding specific mention can be made to groups tackling issued pertinent to vulnerable groups.

Chapter 8 Offenses and Penalties (no relevant information here for DM)

Chapter 9 Miscellaneous

This chapter includes any other information about the DM cycle not included previously and there is a slant given here on the role of the government to protect. Point 37 mentions compensation regulations. There is no detail of how this should be calculated or the mechanism by which one can access compensation. Vulnerable groups by their nature are challenged to access normal avenues of support structures (perhaps by physical access, culturally in terms of gender roles, literacy and auditory hearing levels etc). This is a missed opportunity for clarification on how the needs of the most vulnerable will be protected before, during and after disaster.

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[43] See note 13 Union of Myanmar (2009) 'Hazard Profile of Myanmar', Yangon

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