

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

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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, it also discusses the Disaster Law, and Myanmar's 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.

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, Cyclone 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.