

OUR EXPERIENCE

Local Legal Framework

How to legalize Tsunami Early Warning locally

BACKGROUND

Drafting and enacting regulations to provide protection for people in their territory is an obligation of the local government, as stated in Law No. 32/2004. With the enactment of Law No. 24/2007 that gives a clear mandate and authority to the local government to coordinate disaster management activities, developing regulations to provide a legitimate basis for disaster risk reduction implementation, including a tsunami early warning system (TEWS), becomes an obligation of the local government.

In drafting a regulation, including one for tsunami early warning, Law No. 10/2004 requires the local government to state a clear objective and identify responsible institutions. The content must also be compatible with the type of regulation, feasibility, have clear definitions and instructions, and not be ambiguous. There are several issues to consider in developing local regulations for tsunami early warning:

TYPES OF REGULATIONS

There are two types of regulations at the local level:

REGULATIVE DECISION, known as Peraturan (Regulation), that serves as an implementation guide of the laws (Undang-undang). There are two different categories:

- PERDA (Regional Regulation), the highest legal instrument at the local level, which is produced by the Regional Parliament (DPRD) together with the Governor (for provincial level) or Mayor/Bupati (for district level) and is binding for the public
- Governor/Mayor/Bupati's Regulation, which is developed by the responsible institution with the Governor or Mayor/Bupati and is binding only for the institution

STIPULATIVE DECISION, or Keputusan (Decree), that is produced by an authority in an institution to determine a policy that exclusively binds a particular group of officials in the institution.

THE PROCESS

Each type of legal instrument requires different steps in the drafting process, however, basically it must reflect eight principles of good governance. For example, to develop a new PERDA, the legal drafters must complete six steps:

Step 1: The identification of the problem. The drafters start developing the legal instrument by analyzing problems scientifically together with experts, to identify hazards and risks, the affected community, the impact, the actions needed, and the priorities.

Step 2: The identification of the legal baseline. In this step, the drafters identify relevant legal instruments and analyze the capacity of the government to enforce the law, the budget, and supervise the responsible institutions in the implementation of the regulation.

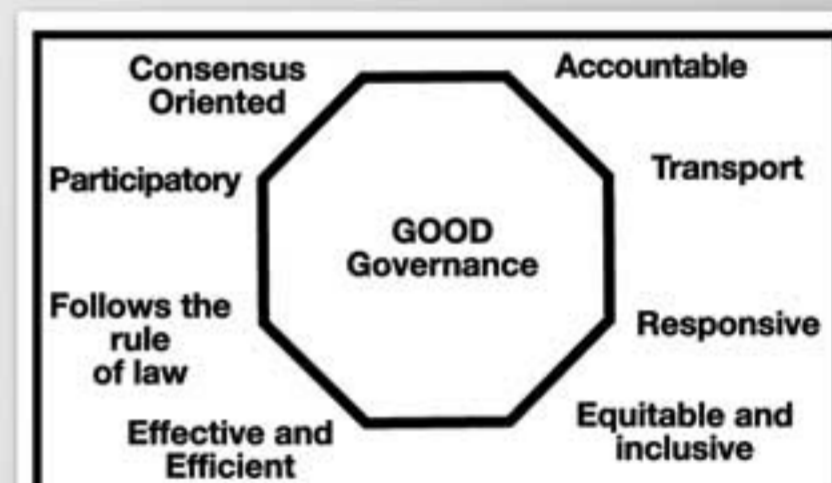
Step 3: The composition of the academic white paper. This step is to produce the draft, which contains results from the previous steps: vision, mission, scientific justification, legal and institutional framework, and explanation of three substantial matters: why a new PERDA is needed, the main components and scope of the regulation, and the drafting and issuing process of the PERDA.



Discussion on PERWAKO in Padang



Budget Planning in Padang



Source: Konrad Adenauer Foundation (KAF)



Coordination Meeting between Bali Authorities and National Level

Step 4: Public consultancy. The drafters present the draft in panels and focus group discussions with the public to get their responses and feedback. This consultancy also serves as a way to socialize the draft to the mass media, stakeholders and general public.

Step 5: The legislative discussion. This is the decision-making process between the members of parliament, Governor, Bupati or Mayor, and the interest groups, such as associations, universities, and the affected community.

Step 6: The authorization of the local regulation. This is the final drafting step and the first step of the implementation. Public socialization is needed before the regulation is fully enacted.

THE TOPICS

A good local regulation on TEWS should comprise:

- Risk analysis (tsunami hazard and vulnerability)
- Warning timeline
- Warning chain (the flow of warning and information from the BMKG to the community)
- Policies for warning dissemination and evacuation decision-making
- Roles and responsibilities of stakeholders in decision-making and dissemination of warning and guidance
- Policies on evacuation planning
- Socialization and awareness raising on tsunami early warning
- Arrangements in the case of system failure or violation

In general, all related SOPs should be attached as annexes as they must be regularly evaluated and revised to ensure their effectiveness and efficiency based on the local conditions and needs.

EXAMPLES OF LOCAL REGULATIONS

In the GITEWS Pilot Areas, the local governments have developed the following local regulations:

In **Padang** the city government issued PERDA No. 03/2008 concerning disaster management. Article 6 mentions the local government's responsibility to establish early warning mechanism. The PERWAKO No. 14/2010 elaborates about a tsunami early warning system for the city of Padang.

The government of **Bali** Province issued Governor's Regulations, No. 30 and 31 in 2009, about PUSDALOPS (*Pusat Pengendalian Operasi, Center for Operation Control*), which is responsible for providing TEW services to the community and includes issues related to a tsunami hazard map, budget allocation, personnel capacity building, and the related SOPs.

In the Pilot Area of **Java**, the head of the Cilacap District issued the Decree No.360/298/14/2007 to establish a working group to manage the implementation of a tsunami early warning system at the district level.



Training of Quick Response Team on Guidelines



Training of BPBD Denpasar Staff



TEWS Coordination Meeting in Bali



Development of Regional Action Plan in PA Java

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