

## **Implementing the ASEAN Agreement on Disaster Management and Emergency Response for Better Coordination and Simplification Procedures**

*Heribertus Jaka Triyana, \* Novita Putri Harjono, \*\* Ronan McDermott\*\*\**

\*Department of International Law, Gadjah Mada University,  
*jaka.triyana@mail.ugm.ac.id*

\*\*Faculty of Law Leiden University, The Netherlands  
*s4042867@vuw.leidenuniv.nl*

\*\*\*Department of Global and Local Governance, Campus  
Fryslan, University of Groningen University, The Netherlands  
*r.p.mcdermott@rug.nl*

### **Abstract**

This article aims to critically examine implementation of the ASEAN Agreement on Disaster Management and Emergency Response (AADMER) to cope with humanitarian assistance caused by disasters, complex emergencies and conflicts in South East Asian countries. It focusses on how the ASEAN member States initiate and implement coordination and simplification of procedures on how to deliver humanitarian assistance to victims once those situations are declared as regional concern. The analysis in this paper is mainly construed by normative legal research relied on information of facts and information of legal bases in order to find out legal gaps, ambiguity, overlapping institutions and conflict of norms on coordination and procedures between national and regional regulations, policies, programs and actions. It provides framework for analysis on how constructive engagements under the AADMER generate a distinctive legal feature

for regional concerns dealing with humanitarian issues in South East Asian Countries. This article reveals that effective coordination and simplification of procedures are back bones for the AADMER implementation. Factually, regulatory impacts assessments have been assessed and factually carried out by ASEAN member States in terms of increasing their understanding, allocation of all available resources and reducing potential risks when they create and implement their national rules and regulation on disaster, complex emergency and conflicts. However, at the same time, they tend to be reluctant to take measures on underlying necessity of legitimate reasons, authority as well as their advanced resources. It is necessary to be shared to reduce capacity gaps for better effective coordination and simplification of procedures due to their narrowed understanding of state's sovereignty to shield their unwillingness to cooperate.

**Keywords:** disaster, complex emergency, conflict, humanitarian response and international law

## **A. Introduction**

Disasters, complex emergency and conflicts have marked as regional concerns in South East Asian countries causing immense human sufferings and mobility.<sup>1</sup> They are such as tropical cyclone, earthquake, tsunami, flood, volcano eruption, landslide, internal displaced persons as well as refugee, and Covid-19 outbreak have impacted countries assembled by the Association of the South East Asian Countries (ASEAN) region.<sup>2</sup> Fatalities become unavoidable where, for examples, tropical cyclone has affected 49%, earthquake has affected 57%; flood has affected 23%, volcano has affected 38%, and fire has affected 21% of ASEAN population inducing migration and instability of the region.<sup>3</sup> In particular, Indonesia affirms as the most affected country

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1 Asian Development Bank, 2012, *Addressing Climate Change and Migration in Asia and Pacific Region, Final Report*, Asian Development Bank, p. 2-4.

2 Collins Santhanasamy, Pedro Arcos González, and Rafael Castro Delgado. 2021, "(Un)Natural Disasters in Southeast Asia." *University of Oviedo – Department of Medicine Unit for Research in Emergency and Disaster: Emergency and Disaster Reports Vol 8, Number 2*, 8, p. 10-12; at: <https://doi.org/10.13140/RG.2.2.26315.92963>, accessed on 5 June 2023;

3 Asian Development Bank, *op.cit.*, p. 6-8.

where there were 1,190 disasters in 2021, followed by The Philippines (179 disasters), and Thailand (143 disasters).<sup>4</sup> Recently, Covid-19 outbreaks has also been a challenging moment for all ASEAN member state to recover.<sup>5</sup> In line with Covid-19, assistance for victims coordinated by the ASEAN humanitarian agency is needed through effective coordination, simplification of procedures and communication at tactical, operational and strategic level for meaningful intervention modes as experienced by the Philippines Government when they dealt with Typhoon Rai.<sup>6</sup> Revealed from the aforementioned facts, coordination, cooperation and simplification of procedures are key success to cope with disaster, complex emergencies and conflicts at this region.

The ASEAN Coordinating Centre for Humanitarian Assistance on disaster management (AHA Centre) has played important role in managing risks from the aforementioned disasters, emergencies and conflicts.<sup>7</sup> The AHA Centre is established based on the ASEAN Agreement on Disaster Management and Emergency Response (AADMER). Not only agreed to providing assistance, the parties shall un-

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4 The AHA Center Annual Report 2021, A Year of Transition, at <https://aha-centre.org/publication/annual-report-2021/>, accessed on 11 July 2023 and AHA Center Bulletin 2021, The Column", the AHA Center News Bulletin, Vol. 74, June 2021, p. 8-9.

5 Asian Development Bank, 2022, *Strengthening Domestic Resources Mobilization in Southeast Asia, May 2022*, Asian Development Bank, Manila, p. ix-x.

6 Asian Development Bank, 2021, Six Ways Southeast Asia Strengthened Disaster Risk Management", at <https://www.adb.org/news/features/six-ways-southeast-asia-strengthened-disaster-risk-management>, accessed on July 10th, 2023 and the Guardian, 2021, Typhoon Rai: Rescue Efforts Continue After Strongest Storm to Hit Philippines This Year, at <https://www.theguardian.com/world/2021/dec/18/typhoon-rai-at-least-12-killed-in-philippines-as-clean-up-begins>, accessed on 9 July 2023; and World Bank, 2023, *Crisis and Recovery: Learning from Covid-19 Economic Impacts and Policy Responses in East Asia Report Launch*, July 11<sup>th</sup>, 2023 at <https://www.worldbank.org/en/events/2023/07/11/crisis-and-recovery-learning-from-covid-19-s-economic-impact-and-policy-responses-in-east-asia-report-launch>, accessed on July 12, 2023.

7 Diana Phillips, 2015, "Humanitarian Assistance and the Right to Water: An ASEAN Regime Perspective", in Andrej Zwitter, Christopher K. Lamont and Joost Herman (Eds), 2015, *Humanitarian Action: Global, Regional and Domestic Legal Responses*, Cambridge University Press, UK, p. 302-303.

undertake technical cooperation, coordination and scientific research, as follows: (a). facilitating mobilization of appropriate resources both within and outside the Parties; (b). promoting the standardization of the reporting format of data and information; (c). promoting the exchange of relevant information, expertise, technology, techniques and know-how; (d). providing or make arrangements for relevant training, public awareness and education, in particular, relating to disaster prevention and mitigation; (e). developing and undertake training programs for policy makers, disaster managers and disaster responders at local, national and regional levels; and (f). strengthening and enhance the technical capacity of the parties to implement this agreement. Not only undertaking technical cooperation and coordination, the parties shall individually or jointly, including in cooperation with appropriate international organizations, promote and whenever possible, support scientific and technical research programs related to causes and consequences of disasters and means, methods, techniques, and equipment for disaster risk reduction.<sup>8</sup>

In line with the aforementioned facts, ASEAN has several ASEAN Agreements contributing to the work program, such as the ASEAN Vision 2025 on Disaster Management, ASEAN Declaration on One ASEAN One Response (OAOR), AADMER Work Programs, and ASEAN ICT Roadmap on Disaster Management for 2025 and beyond (AADMER). The AADMER Work Program 2021-2025 has been aligned with a global agreement, e.g., the Sendai Framework for Disaster Risk Reduction 2015-2030 (SFDRR). The main targets on the AADMER Work Program 2021-2025 have been aligned with SFDRR in terms of: (1). substantially reduce global disaster mortality by 2030, aiming to lower average per 100,000 global mortality rates between 2020-2030 compared to 2005-2015; (2). substantially reduce the number of affected people globally by 2030, aiming to lower the

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8 Heribertus Jaka Triyana, 2015, "The Indonesian Compliance and Its Effective Implementation of International Norms on Disaster Response", in in Andrej Zwitter, Christopher K. Lamont and Joost Herman (Eds), 2015, *Humanitarian Action: Global, Regional and Domestic Legal Responses*, Cambridge University Press, UK, p. 335-336.

average global figure per 100,000 between 2020-2030 compared to 2005- 2015; (3). reduce direct disaster economic loss in relation to global gross domestic product (GDP) by 2030; (4). substantially reduce disaster damage to critical infrastructure and disruption of basic services, among them health and educational facilities, including through developing their resilience by 2030; (5). substantially increase the number of countries with national and local disaster risk reduction strategies by 2020; (6). substantially enhance international cooperation to developing countries through adequate and sustainable support to complement their national actions for implementation of this framework by 2030; (7). substantially increase the availability of and access to multi-hazard early warning systems and disaster risk information and assessments to people by 2030. Also, it is directed on how to mitigate disasters by conducting research and development technologies that help parties mitigate those situations for better humanitarian responses. In this scenario, the AHA Centre will periodically make reports for any research and technology founded and applied. With the covid-19 strikes all parties, the AHA Centre has developed ways how to rescue or assist a large group of people when disasters happen with coordination and simplification of procedure among member states.

This research focuses on the AHA Centre roles on assisting States party based on the previous problems, challenges and opportunities dealing with disasters, complex emergencies and conflicts in terms of enhancing effective coordination and simplification of procedure. Accordingly, this paper is aimed to address the aforementioned legal discourses and tries to examine their relevance to current situation in ASEAN member states, with specific attention to Indonesia, the Philippines, and Thailand. First, section B will critically examine area, scope, orientation, and institutionalization of the AADMER as binding legal instrument issued by ASEAN to foster better coordination, cooperation and simplification of procedure. Second, section C will focus on initiation and implementation of the effective coordination and simplification procedure as constructive engagement to factually implement any policies, programs, actions and funds. Section D dis-

cusses role and function of the AHA center as focal point to institutionalized cooperation, coordination and simplification of procedure among ASEAN Member States. Section E will propose analysis for better implementation of the coordination, simplification of procedures and cooperation to be taken into account at strategic, operational and tactical levels of implementation.

## **B. AADMER and Humanitarian Response as Manifestation of the ASEAN Legal Personality**

In its specific mission objective, ASEAN serves as a foundation to achieve economic stability, regional peace, cultural development, education, and beneficial cooperation among the members of the organization.<sup>9</sup> The legal personality of ASEAN is stated in the ASEAN Charter which contained the legal and institutional framework that unites all ASEAN member nations and confers legal status on ASEAN.<sup>10</sup> ASEAN members adopted the following fundamental principles in interacting and cooperating with each other, namely: (1). mutual respect for the independence, sovereignty, equality, territorial integrity, and national identity of all nations; (2). the right of every State to lead its national existence free from external interference, subversion, or coercion; (3). non-interference in the internal affairs of one another; and (4). settlement of differences or disputes in a peaceful manner; renunciation of the threat or use of force; and effective cooperation among themselves. These fundamental principles are contained in The Treaty of Amity and Cooperation in Southeast Asia (TAC) of 1976.<sup>11</sup> ASEAN signed the treaty as its foun-

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9 Abdul Kadir Jailani, 2014, "ASEAN Law", *Presentasi Sosialisasi Komunitas ASEAN*, Kerjasama antara Kemenlu-FH Unair, Hotel JW Marriot, Surabaya 24-25 October 2014, p. 2.

10 Dhezya Satesna. 2022, "Legal Personality of ASEAN as the Subject of International Law: Contemporary Developments," *International Law Discourse in Southeast Asia* 1 (1), p. 65–78 and Mohd. Burhan Tsani, 2008, "Arti Piagam Bagi ASEAN", *Pidato Pengukuhan Jabatan Guru Besar Pada Fakultas Hukum UGM*, UGM, p. 2 and ASEAN, 2010, *Agreement on the Priveleges and Immunities of ASEAN*, 2nd Edition, ASEAN Secretariat.

11 J. Benton, Heath, 2011, "Disaster, Relief and Neglect: The Duty to Accept Humanitarian Assistance and the Work of the International Law Commission", the

dational agreement to establish a code of conduct to regulate interstate interactions in Southeast Asia.<sup>12</sup> ASEAN as one of the regional organizations in the world also has obstacles in its development, one of which is because the countries in Southeast Asia are in a disaster-prone area. The Southeast Asian region is at the confluence of three tectonic plates, namely the Indo-Australian, the Eurasian, and the Philippines plate. In addition, it is traversed by two great oceans, namely the Pacific and Indian Oceans. It makes the Southeast Asian region called a ring of fire which can cause various kinds of disasters, such as earthquakes, tsunamis, floods, landslides, and many more.<sup>13</sup> This also often creates emergencies that can hinder the stability and security of the member states as one of the goals of ASEAN. In response to this matter, in 2005, ASEAN member states committed to implementing the AADMER to build disaster-resilient countries and safer communities.<sup>14</sup> This agreement was made in order to address the concerns mentioned above and to guide regional cooperation in disaster management and response. Since coming into effect, three work programs intended to spur the ASEAN community to take concrete actions in order to unite ASEAN in building a safer community through risk reduction and climate change adaptation initiatives have been developed.<sup>15</sup>

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*International Law and Politics*, Vol. 43: 419, 2011, p. 446; Heike Speiker, 2007, *Standardization Approaches to Disaster Response*, Class Presentation, unpublished; and Hans Joachim Heinze and Anrej Zwitter, 2011, *International Law and Humanitarian Assistance A Crosscut Through Legal Issues Pertaining to Humanitarianisms*, Springer.

12 Thomas M Franck and Arun K. Timmering, 2003, "International Law and Constitutional Making, *Chinese Journal of International Law*, p. 468 and 514; and Gerry J. Simpson, 2000, "The Situation on the International Legal Theory Front: The Power of Rules and the Rules of Power", *The European Journal of International Law*, Vol. 11, No. 2, p. 439-464.

13 Collins Santhanasamy, *Op.Cit.*, no. 2, p. 8.

14 Suwari Sari, 2022, "ASEAN Mechanism in Disaster Management: A Case Study of Disaster Management in Indonesia 2010-2020." *Jurnal Global & Strategis* 16 (1), p. 75-108, at: <https://doi.org/10.20473/jgs.16.1.2022.75-108>, accessed on 4 June 2023.

15 ASEAN, 2006, *ASEAN Agreement on Disaster Management and Emergency Response*, 6th reprint. Jakarta, Indonesia: ASEAN Secretariat.



Since its binding regional agreements were formally developed from 2005 and ratified on 24 December 2009, ASEAN succeeded to manifest legal identity to create and manage the AADMER. It prompted ASEAN to take decisive actions to build a secure and cohesive ASEAN Community, starting with its founding and efforts to reduce disaster risk and to adapt to climate change.<sup>16</sup> The AADMER was adopted by ASEAN Member states in 2005 and it became a binding regional agreement that provides a legislative framework for regional disaster management and emergency response cooperation, coordination, and collaboration.<sup>17</sup> The agreement establishes an institutional framework to aid in the implementation of the accord, including the establishment of the ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management (AHA Centre), which will aid in disaster management and emergency response activities as prove that ASEAN has international legal personality.<sup>18</sup> ASEAN's legal identity has changed through time, according to Singh,<sup>19</sup> ASEAN is now capable of imposing legal responsibilities on its member countries. ASEAN's legal identity is proven by the organization's ability to enter into international treaties like the ASEAN Charter and the AADMER, as well as its power to bring problems before the ASEAN dispute resolution procedures.<sup>20</sup> The AADMER

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16 J. Benton Heath, 2011, "Disaster, Relief, and Neglect: The Duty to Accept Humanitarian Assistance and the Work of the International Law Commission", *the International Law and Politics*, Vol. 43, p. 446; D. Fisher, 2007, "Domestic Regulation of International Humanitarian Relief in Disasters and Armed Conflict: A Comparative Analysis", *the International Review of the Red Cross*, Volume 89 Number 866, June 2007, p. 353-354; and see the United Nations General Assembly Resolution A/Res/46/182 of 1991 and A/Res/57/150 of 2002.

17 ASEAN, 2022, *ASEAN Framework on Anticipatory Actions in Disaster Management*, ASEAN Secretariat, p. 11-13; and Sphere Project, 2011, *The Humanitarian Charter and Minimum Standard in Humanitarian Response*, 2011 edition, Sphere Project Pub, p. 21-22.

18 Simon Chesterman, 2008, "Does ASEAN Exist? The Association of South-east Asian Nations as an International Legal Person", *New York University School of Law Public Law and Legal Theory Research Paper Series*, 8, p. 26.

19 B. Singh, 2013, "ASEAN's Evolving Legal Personality: Some Reflections", *Journal of East Asia and International Law*, Vol. 6, Number 1, p. 53-82.

20 Randall Peerenboom, 2004, "Varieties of Rule of Law: An Introduction and



demonstrates ASEAN's ability to impose legal responsibilities on its member countries and carry those obligations out through the development of institutional structures like the AHA Centre.<sup>21</sup> ASEAN's legal personality is comprehensively described by the AADMER and how it fits into ASEAN's legal framework, emphasizing that the agreement is legally binding and imposes particular obligations on ASEAN member countries in disaster management and emergency response.<sup>22</sup>

ASEAN is not the only international organization having legal framework setting up in case of its member states are subjected to complex emergencies.<sup>23</sup> Similarly, other regional organizations enact and enforce laws in domestic arenas of their member nations.<sup>24</sup> For example, the European Union (EU) has legal personality and has established the EU Civil Protection Mechanism, which serves as a framework for member-state emergency response cooperation.<sup>25</sup> The system will assist participating countries in improving disaster and emergency response coordination, information exchange, and resource allocation. In addition to the Union Civil Protection Mechanism, the European Emergency Response Coordination Centre, and the European Disaster Response Fund, the EU has a number of other legal frameworks and legislation relating to disaster management

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Provisional Conclusion", in Randall Preenboom (Editor), *Asian Discourse of Rule of Law, Theories and Implementation of Rule of Law in Twelve Asian Countries, France and the US*, London, New York, Routledge Curzon, p. 48.

21 S. M. Wu, 2015, "Disaster management in Southeast Asia: ASEAN's Cooperation and Legal Framework, *Journal of East Asia and International Law*, Vol. 8, Number 2, p. 419-447.

22 ASEAN, *op.cit.*, no. 16, p. 6-7 and Alexandra Retno Wulan dan Bantarto Bandoro, 2007, *ASEAN Quest for A Full-Fledged Community*, CSIS, p. iv-ix.

23 Tommy Koh and Rosario G Manalo, 2008, *The Making of the ASEAN Charter*, World Scientific Publishing, 2009, p. 117; and ASEAN, *ASEAN Masterplan 2020*, ASEAN, p. 26.

24 Hiro Katsumata, 2009, *ASEAN's Cooperative Security Enterprise, Norms and Interests in the ASEAN Regional Forum*, Palgrave McMillan, p. 15-17.

25 A Proelss, 2015, "The Legal Personality of the European Union in Matters of External Relations: A Long-Term Perspective", in D. Kochenov and F. Amtenbrink (Eds.), *The European Union's Shaping of the International Legal Order*, Cambridge University Press, p. 55-80.

and emergency response.<sup>26</sup>

Consequently, it is undeniable that institutions and other types of organizations cannot exercise their functions without a legal personality in order to achieve their mission objectives.<sup>27</sup> In the case of ASEAN, each member state is in charge of putting AADMER into their national effects within its own national law, policy, program and action on disaster management highlighting important figures of coordination and simplification of procedures.<sup>28</sup> It follows that the member states' different legal frameworks and policies are used to implement AADMER on a domestic level. As a regional organization, ASEAN aids in and supports the implementation of AADMER but factually it lacks of direct legal capacity to monitor and evaluate at national level.<sup>29</sup> External agreements of the first category, reached solely by ASEAN as an international organization, are not currently binding on Member States.<sup>30</sup> AADMER is unquestionably a very ambitious framework, and AADMER is legally obligatory for member states, but it does not specify any specific goals that members must achieve or provide any means of enforcing the agreement if members break it.<sup>31</sup> This weakens the AADMER as an accord and is prob-

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26 EU Civil Protection and Humanitarian Aid Response, 2023, "EU Civil Protection Mechanisms", at [https://civil-protection-humanitarian-aid.ec.europa.eu/what/civil-protection/eu-civil-protection-mechanism\\_en](https://civil-protection-humanitarian-aid.ec.europa.eu/what/civil-protection/eu-civil-protection-mechanism_en), accessed on 14 July 2023.

27 B.S. Chimi, 2004, "International Institution Today: An Imperial Global State in the Making, *European Journal of International Law*, Vol. 15, No. 1, p. 2-7 and Geuther Teupner, 1983, "Substantive and Reflexive Law, *Society Law Review*, vol. 17, no. 2, p. 247.

28 Li-an Thio, 2014, "Implementing Human Rights in ASEAN Countries: "Promises to Keep Miles to Go Before I Sleep", *Yale Human Rights and Development Journal*, Vol. 2, Issue 1, p. 7, 40 and 41.

29 Michael Wesley, 2003, *The Regional Organization in Asia Pacific*, Exploring Institutional Changes, Palgrave McMillan, and Marie Pangestu, "The Future of ASEAN", *the Indonesian Quarterly*, vol. XXV, No. 4, p. 199.

30 ASEAN Charter, at [www.asean.org/ASEAN-Charter.pdf](http://www.asean.org/ASEAN-Charter.pdf), accessed on 1st, July 2023 and Julian Hermida, 2003, "A Proposal Toward Redefining the Model of Application of International Law in the Domestic Arena", *Singapore Journal of International and Comparative Law*, Vol. 7, p. 489-510.

31 ASEAN Workplan, 2009, *ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Right of Migrant Workers*

ably problematic for member states' capacity-building efforts on how to cope with disaster, complex emergencies and conflicts disrupting ASEAN member states.<sup>32</sup>

AADMER is governed by international law in its implementation. They make no claims of direct effectiveness, but depending on how domestic law is chosen. There is no universal requirement to give AADMER norms immediate impact to national law, rules, policy, program and action.<sup>33</sup> In summary, there are arguments supporting and opposing ASEAN having a legal personality for the implementation of AADMER. Supporters argue that ASEAN possesses legal personality and authority to develop and implement AADMER, citing the ASEAN Charter and the establishment of the AHA Centre as evidence. Chesterman, Singh, and Wu provide supports for ASEAN's legal identity and its ability to impose legal responsibilities on member countries through AADMER.<sup>34</sup> However, opponents also argue that while ASEAN has made progress in developing a legal framework, it lacks enforcement mechanisms and direct legal capacity on a national level.<sup>35</sup> They highlight that member states implement AAD-

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(ACMW), ASEAN.

32 D. Petz, 2014, "In Strengthening Regional and National Capacity for Disaster Risk Reduction: The Case of ASEAN", at <https://www.brookings.edu/wp-content/uploads/2016/06/Strengthening-Regional-and-National-Capacity-for-DRM-Case-of-ASEAN-November-5-2014.pdf>, accessed on 2<sup>nd</sup> May 2023 and Amitav Archarya, 2005, "Do Norms and Identity Matter? Community and Power in South East Asia's Regional Order", *The Pacific Review*, Vol. 18, No. 1 March 2005, p. 95-118.

33 I Venke and L. Thio, 2016, "On the internal effects of ASEAN External Relations", at [https://cil.nus.edu.sg/wp-content/uploads/2016/08/SD\\_Executive-Summary-Venzke-and-Thio-formatted.pdf](https://cil.nus.edu.sg/wp-content/uploads/2016/08/SD_Executive-Summary-Venzke-and-Thio-formatted.pdf), accessed on 3<sup>rd</sup> May 2023 and Jan Klabbbers, 2002, *An Introduction to International Institutional Law*, Cambridge University Press, p. 42-59.

34 Haas, 1974, *Basic Documents of Asian Regional Organizations*, volume 1-9; ASEAN, 1979, *The Asian Report*, 1979, Volume 2; Garnut, 1980, *ASEAN in A Changing Pacific and World Economy*; Broinowski, 1982, *Understanding ASEAN*; ASEAN, 1987, *The First Twenty Years*, 1987; and ASEAN, *ASEAN Masterplan 2020*, ASEAN, p. 26.

35 ASEAN, 2010, *ASEAN Handbook on International Cooperations in Trafficking in Persons*, ASEAN Public Affairs Services; ASEAN, 2008, *ASEAN Masterplan 2020*, ASEAN; ASEAN, 2010, *Agreement on Privileges and Immunities of ASEAN*, ASEAN Secretariat and Camoying Luningning G, 2005, "Establishing an

MER within their own legal frameworks, and the agreement itself does not specify specific goals or means of enforcement.<sup>36</sup> Additionally, agreements reached on a multilateral basis, like AADMER, are governed by international law but may not have immediate impact depending on domestic laws.<sup>37</sup> In comparison with other international organizations, such as the European Union (EU), ASEAN's legal framework for disaster management and emergency response is similar. The EU has established legal mechanisms for member-state cooperation, similar to AADMER. Overall, while ASEAN has taken steps towards a legal identity and the implementation of AADMER, there are still limitations and challenges in its enforcement and direct legal capacity.<sup>38</sup>

The principles of AADMER are aimed at promoting cooperation and collaboration among ASEAN member states in dealing with disasters and emergencies to exercise overall directions, control, coordination, and supervision of the assistance within its territory.<sup>39</sup> Additionally, general obligations have been made along with the above principles in mind which are: (1). Cooperate in developing and implementing measures to reduce disaster losses including identification of disaster risk, development of monitoring, assessment, and early warning systems, standby arrangements for disaster relief

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ASEAN Human Rights Mechanism: Development and Prospects", Insights, Issue No. 1, March 2005.

36 Marie Pangestu, 1997, "The Future of ASEAN", *the Indonesian Quarterly*, vol. XXV, No. 4, p. 362-365; and ASEAN, 2011, *Roadmap for ASEAN Community 2009-2015*, p. 1-5.

37 Jiangyu Wang, 2010, *International Legal Personality of ASEAN and the Legal Nature of the China-ASEAN Free Trade Agreement*, CHINA-ASEAN RELATIONS: ECONOMIC AND LEGAL DIMENSIONS, p. 7-9; John Wong, Zou Keyuan, Zeng Huaquan, eds., Singapore: World Scientific; Dominic McGoldrick (Ed), 2009, "The ASEAN Charter: 'Current Developments: Public International Law'", *International Comparative Law Quarterly*, vol 58, January 2009, Cambridge University, p. 197.

38 ASEAN, *op.cit.*, no. 16, p. 11 and ASEAN, 2009, *The ASEAN Regional Agreement for Disaster Management and Emergency Assistance (AADMER) Work Programme 2009-2015*, ASEAN, p. 3-8; 15-17, and 27.

39 ASEAN Charter, art. 3 and Martha Finnemore, 1996, *National Interests in International Society*, Cornell Studies in International Economy, Cornell University Press.

and emergency response, exchange of information and technology, and the provision of mutual assistance; (2). Immediately respond to a disaster occurring within their territory. When the said disaster is likely to cause possible impacts on the other Member States, respond promptly to a request for relevant information sought by a Member State or States that are or may be affected by such disasters, with a view to minimizing the consequences; (3). Promptly respond to a request for assistance from an affected Party; and (4). Take legislative, administrative, and other measures as necessary to implement their obligations under this Agreement.<sup>40</sup> These principles and obligations have proven to work well, as seen in the incident of typhoon Bopha in the Philippines.<sup>41</sup> Factually, the aids provided by AADMER allowed quicker response which is crucial in disasters.<sup>42</sup>

The relevance between the principles of ASEAN and AADMER is that both principles are interrelated each other in solving and managing complex emergencies, conflicts and disasters among member states.<sup>43</sup> The ASEAN principles can be a guide in applying AADMER as the regional effort to deal with complex problems, such as natural disasters.<sup>44</sup> The AADMER principles are reflection of the ASEAN

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40 ASEAN Charter., art. 4.

41 Noel Morada and Teresa S. Encarnacion Tadem (eds.), 2006, *Philippine Politics and Governance: An Introduction*, Diliman: Department of Political Science, University of the Philippines, p. 539.

42 Rebecca Barber, 2013, "Localizing the Humanitarian Toolkit: Lessons from Recent Philippines Disasters." *Save The Children*, August 2013, at <https://resourcecentre.savethechildren.net/document/localising-humanitarian-toolkit-lessons-recent-philippines-disasters/>, accessed on 10<sup>th</sup> July, 2023,

43 MC Abad Jr, 2003, "The Association of South East Asian Nations: Challenges and Responses", in Micheal Wesley, *The Regional Organizational in Asia-Pacific: Exploring Institutional Changes*, Palgrave Macmillan, p.50. Chapter VI of the AADMER determines that "the role and functions for effective cooperation between international humanitarian institutions and Government with regard to disaster management throughout Article 28 and 30; and effective coordination at mitigation, emergency and reconstruction and rehabilitation are specifically determined in Articles 33. In Article 30, consent and appeal-based cooperation have been determined to foster national and international cooperation of disaster management".

44 HIVOS, 2007, *Disaster Management: Planning and Paradigm in Indonesia*, 11 Juni 2007 and Permana, *Mengubah Paradigma Penanganan Bencana di In-*

principles. For example, in the 6th ASEAN principle, the all parties must be able to work together in a spirit of solidarity to meet needs, capabilities, and situations, in strengthening coordination to achieve the objectives of the agreement.<sup>45</sup> From the start, it has been a concern regarding both the short-term and long-term impacts of disasters, complex emergencies and conflicts within the ASEAN region in a sustainable development.<sup>46</sup> This is why, as found in the first principle of AADMER, the sovereignty, territorial integrity, and national unity of a state is to be respected.<sup>47</sup> From this, it can be gathered that AADMER puts into consideration the need, capabilities, and situations of each state. Additionally, we can see that AADMER's principles align with ASEAN's principles, for example, the first three principles of ASEAN, which match with the first two principles of AADMER, how a state is only allowed to help when the state facing a disaster request it or provides consent, and the state facing disaster will be the one in control over the assisting party in order to maintain territorial integrity and avoid internal interference.<sup>48</sup>

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onesia, Paper, West Java Disaster Reduction Studies Center, Juni 2007, p. 2-6; and Bagian Mukadimah *The ASEAN Agreement for Disaster Management and Emergency Assistance*, ASEAN, 2006; and Pitsuwan, Surin, *The ASEAN Agreement for Disaster Management and Emergency Assistance*, at: <http://www.asean.org/18441.htm>, accessed on 14 September 2011 and J. Friedman, 1992, *Empowerment: The Politics of Alternative Development*, Cambridge MA, Blackwell, p.5-20.

- 45 R.L.P.Hodgson., 1991, "Community Participation in Emergency Technical Assistance Programmes, "Technical Support for Refugees, (Proceedings of the 1991 Conference), ed, R.A. Reed, WEDC.
- 46 ASEAN, 2010, *Agreement on the Priveleges and Immunities of ASEAN*, 2nd Edition, ASEAN Secretariat; and . Fisher, 2007, "Domestic Regulation of International Humanitarian Relief in Disasters and Armed Conflict: A Comparative Analysis", *the International Review of the Red Cross*, Volume 89 Number 866, June 2007, p. 353-354.
- 47 Imelda Abarquez and Murshed, 2005, *Community-based Disaster Risk Management: Field Practitioners' Handbook*, ADPC, p. 14; and A. Maskrey, 1998, *Module on Community-based Disaster Risk Management*, CBDRM-2 Handout, Bangkok; dan S.H., Hoffman, and Oliver-Smith, A., 2002, *Catastrophe & Culture, the Anthropology of Disaster*, Oxford; dan D. Hunter., wt. All, 2001, *International Environmental Law and Policy*, Foundation Press, New York.
- 48 Chapter IX of the AADMER states that "technical assistance in terms of supervision in the making of all policy friendly disaster management in all sustain-

In conclusion, ASEAN as a regional organization has successfully bring changes to the development of the stability and security of the region.<sup>49</sup> ASEAN and AADMER have principles that align with each other providing a comprehensive framework to deal with complex situations within ASEAN member states in a coordinated, efficient, and effective manner all while still keeping in mind the sovereignty, territorial integrity, and national unity of the involved states. Going forward, the aim of ASEAN and AADMER is to further improve their preparedness, risk reduction, responses, recovery measures, co-operation, and collaboration in order to actively prevent any disasters or emergencies that may appear in the future.<sup>50</sup> Nowadays, countries need to interact with other countries in order to survive. ASEAN is an organization that was established as a result of a treaty or other legal agreement that is subject to international law and has its own international identity, in addition to state, other entities in the South-east Asia region. This essay will examine the main research question for the study of how ASEAN is forcing complicated emergencies in terms of disaster, conflict, and tension as its regional problems need regional cooperation and simplification of procedures to cope with. This essay will examine the main research question into two sub-issues: first, ASEAN's regulation to facing complicated emergencies and non-interference issues in Southeast Asia; and second, the implementation of non-interference management by ASEAN in Southeast

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*able development process. Article 71 determines that technical assistance shall be provided in: identification of threat, potential policy making disaster, exploitation activities, usage of goods and services, land use planning, management of natural resources, reclamation and budget-based allocation to disaster management"*

49 Robert McCorquodale, 2009, "International Organizations and International Human Rights Law: One Giant Leap for Humankind", in Kaiyan Homi Kaikobad and Michael Bohlander, *International and Power Perspective on Legal Order and Justice*, Martinus Nijhoff Publishers, p. 154-156.

50 Imelda Abarquez and Murshed, 2005, *Community-based Disaster Risk Management: Field Practitioners' Handbook*, ADPC, p. 14; and A. Maskrey, 1998, *Module on Community-based Disaster Risk Management*, CBDRM-2 Handout, Bangkok; and S.H., Hoffman, and Oliver-Smith, A., 2002, *Catastrophe & Culture, the Anthropology of Disaster*, Oxford; and D. Hunter., wt. All, 2001, *International Environmental Law and Policy*, Foundation Press, New York.



Asia region.<sup>51</sup>

The members of ASEAN have faced intricate emergencies in various fields, such as environmental, political, social, economic issues that beset local regions and/or inter-states relations. One of the most prominent examples can be witnessed through the 1997 Kalimantan and Sumatra forests fires in Indonesia. The massive fires were caused by a combination of numerous factors, namely unsustainable logging techniques and the lack of local rules that prevent forest fires from occurring.<sup>52</sup> As a result more than nine million hectares of land was destroyed in Indonesia and copious levels of haze engulfed other states including Singapore and Malaysia leading to severe health hazards stemming from the air pollution.<sup>53</sup> The severity of the issue did not corroborate a comprehensive prevention and intervention mechanism as another catastrophic fire took place in 2013. To further show the complex issues encountered by ASEAN, the conflict of four ASEAN states-Malaysia, Philippines, Vietnam, and Brunei-with China in regards to the South China Sea and its exploration of oil encapsulates the urgency and significance of regional cooperation between members of ASEAN. It took around twelve years for any substantial improvements to be made as observed through the formation of the Joint ASEAN-China Working Group (JWG) to implement the Declaration on the Conduct of Parties in the South China Sea (DOC), proving that the simplification of procedures is needed to tackle international dispute which involves the unity of ASEAN

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51 R.L.P.Hodgson., 1991, "Community Participation in Emergency Technical Assistance Programmes, Technical Support for Refugees", (Proceedings of the 1991 Conference), ed, R.A. Reed, WEDC; and M.Sakai, 2002, *Konflik Sekitar Devolusi Kekuasaan Ekonomi dan Politik: Suatu Pengantar*, Antropologi Indonesia, Volume 68, p. 13.

52 ASEAN, 2009, *The ASEAN Regional Agreement for Disaster Management and Emergency Assistance (AADMER) Work Programme 2009-2015*, ASEAN, 2009, p. 3-8; and MC Abad Jr, 2003, "The Association of South East Asian Nations: Challenges and Responses", in Micheal Wesley, 2003, *The Regional Organization in Asia-Pacific: Exploring Institutional Changes*, Palgrave Mc-Milan, p.50.

53 Jones, William J, 2014, "Human Security & ASEAN Transboundary Haze: An Idea That Never Came," *Journal of Alternative Perspectives in the Social Sciences* 5, No. 4, p. 603-623.

states.<sup>54</sup>

Moreover, a more recent example that can be taken is that of the humanitarian crisis against the Rohingya<sup>55</sup> and exacerbated by the military coup in 2022. Doctors Without Borders reported that the targeted violence began in 1977 and continues until this day, resulting in more than 6,000 violent deaths and leaving upward of 700,000<sup>56</sup> people displaced. With Myanmar being a member of ASEAN, other states find themselves in a conflicting position due to the principle of non-interference. However, ASEAN leaders have negotiated a Five-Point Consensus on Myanmar in 2021, but acknowledged that barely any progress has been made – further showing the dire need of clear procedures on interference in dealing with such cases and state cooperation to hold other member states accountable.<sup>57</sup> The principle of state sovereignty and non-intervention is at the heart of the ASEAN mechanism which is highly known as ASEAN WAY. Both of these principle is very strongly enforced by ASEAN member countries. The principle of non-interference has existed since the formation of ASEAN in 1967. Non-interference stems from the traditional notion in international relations of equality of the sovereignty of states and the consequent right to exclusive sovereignty. The Zone of Peace, Freedom and Neutrality (ZOPFAN) Declaration of 1971 recognized the right of every state, large or small, to lead its national existence

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54 Carlyle A. Thayer, 2013, “ASEAN, China and the Code of Conduct in the South China Sea” *SAIS Review of International Affairs* 33 (2), p. 75–84, at: <https://doi.org/10.1353/sais.2013.0022>, accessed on 10 July 2023.

55 Chirs Beyrer and Adeeba Kamarulzaman, 2017, “Ethnic Cleansing in Myanmar: The Rohingya Crisis and Human Rights,” *The Lancet* 390, no. 10102, p. 1570-1573.

56 Doctor Without Border, 2020, “Timeline: A Visual History of the Rohingya Refugee Crisis.” n.d. Doctors without Borders - USA. <https://www.doctorswithoutborders.org/latest/timeline-visual-history-rohingya-refugee-crisis#:~:text=Uprooted%20from%20their%20homeland%20by>, accessed on 15 July 2023.

57 Rebecca Barber, 2021, “Can ASEAN Forge a Political Solution in Myanmar? Lowy Institute.” at: [www.lowyinstitute.org](http://www.lowyinstitute.org). Accessed May 8, 2023. <https://www.lowyinstitute.org/the-interpreter/can-asean-forge-political-solution-myanmar#:~:text=In%20April%202021%2C%20ASEAN%20leaders>, accessed on 14 July 2023.

free from outside interference in its internal affairs as this interference would adversely affect its freedom, independence, and integrity, and declared that the neutralization of Southeast Asia is a desirable objective.

The non-interference principle has been a longstanding tenet of ASEAN, but its application in the face of complex emergencies has come under scrutiny in recent years. While the principle serves to uphold the sovereignty of individual member states, its exploitation can also hinder effective regional cooperation in addressing shared challenges.<sup>58</sup> The non-interference principle has hindered effective regional cooperation and prevented ASEAN from intervening effectively in some cases. The principle, which prioritizes the sovereignty of individual member states over regional collective action, can lead to inaction in the face of complex emergencies. According to Acharya (2004), the non-interference principle can prevent ASEAN from taking collective action, as it “undercuts the possibility of common action among members.”<sup>59</sup> One of the most prominent examples of the non-interference principle preventing effective intervention by ASEAN was the 1997 Kalimantan and Sumatra forests fires in Indonesia. The massive fires, caused by unsustainable logging techniques and the lack of local rules to prevent forest fires, destroyed more than nine million hectares of land in Indonesia and caused severe air pollution in neighboring states such as Singapore and Malaysia.<sup>60</sup> However, the non-interference principle prevented ASEAN from intervening effectively in this case, leading to a catastrophic fire occurring again in 2013.<sup>61</sup> Moreover, the non-interference principle can also lead to a lack of transparency and accountability in decision-making,

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58 Amitav Acharya, 2004, “ASEAN and the Problem of Common Action,” *Contemporary Southeast Asia*, vol. 26, no. 3, 2004, p. 469-490.

59 Amitav Acharya, 2004, *How Ideas Spread: Whose Norms Matter? Norm Localization and Institutional Change in Asian Regionalism*. *International Organization*, 58(2), p. 239–275, at: <https://doi.org/10.1017/S0020818304582032>, accessed on 9 July 2023.

60 A Fire, 2018, “Preventing Indonesia’s Forest Fires: Lessons from Kalimantan and Sumatra”, *Journal of Current Southeast Asian Affairs*, 37(3), p. 21–42, at: <https://doi.org/10.1177/186810341803700302>, accessed on 7 July 2023.

61 *Ibid.*

which can further hinder effective regional cooperation.<sup>62</sup> To address complex emergencies and mitigate their effects, ASEAN must strike a balance between upholding the principle of non-interference and taking collective action.<sup>63</sup> ASEAN's comprehensive response to disasters (2017) recognizes the need for coordinated regional action and cooperation to effectively respond to complex emergencies.<sup>64</sup>

Evidently through the previous arguments, ASEAN continues to face complex challenges which call for regional cooperation. To bolster the effectiveness of crisis mitigation, ASEAN further affirms the use of a mechanism that simplifies their procedures to expedite solutions for their problems. As an instance, one prominent cross-border issue that is under the mandate of ASEAN concerns investment, services, and trade. There are several problems often encountered by ASEAN related to the implementation of economic agreements such as tariff measures affecting goods. To address this issue, ASEAN has developed ASSIST (ASEAN Solutions for Investments, Services and Trade).<sup>65</sup> This is further amplified by Article 6 (1) of ASEAN's Agreement on Customs which stipulates that "Member States shall simplify and harmonize customs procedures for efficient and expeditious clearance of products traded in ASEAN."<sup>66</sup> Through said simplifica-

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62 The ASEAN Post, 2020, "Is ASEAN's Non-Interference Principle More Harmful Than Helpful? The ASEAN Post, at: <https://theaseanpost.com/article/aseans-non-interference-principle-more-harmful-helpful>, accessed on 12 July 2023.

63 Amitav Acharya, 2004, "How Ideas Spread: Whose Norms Matter? Norm Localization and Institutional Change in Asian Regionalism", *International Organization*, 58 (2), p. 239–275, at: <https://doi.org/10.1017/S0020818304582032>, accessed on 5 July 2023.

64 ASEAN Secretariat, 2017, ASEAN Comprehensive Response to Disasters: Enhancing ASEAN's Preparedness and Response for a Resilient ASEAN Community, ASEAN Secretariat, at: <https://asean.org/storage/2017/03/ASEAN-Comprehensive-Response-to-Disasters.pdf>, accessed on 10 July 2023.

65 ASEAN, 2016, "Welcome to ASSIST - ASSIST ASEAN - Solutions for Investments, Services and Trade," at: <https://assist.asean.org/en/read/home/24/?m=32#:~:text=The%20ASSIST%20mechanism%20was%20established,the%20European%20Union's%20SOLVIT%20system>, accessed on 11 July 2023.

66 ASEAN, 2107, "ASEAN Simplifies Trade Procedures for Exporters | BIMP-

tion of procedures, further founded on the article, it can be seen that simplifying procedures aid in addressing prevalent concerns simultaneously as it strengthens cooperation between member states. ASEAN needs to find a balance between upholding the non-interference principle and taking collective action to mitigate shared challenges. The non-interference principle should not be an excuse for inaction, but rather a guiding principle for constructive engagement and regional cooperation.<sup>67</sup> ASEAN should prioritize clear and consistent communication and a transparent decision-making process to build a more cohesive and effective regional response to complex emergencies. It should also encourage member states to take proactive measures to address potential crises, such as developing and implementing effective prevention and intervention mechanisms.<sup>68</sup>

### **C. AADMER: Cooperation, Simplification of Procedure and Effective Coordination**

In July 2005, AADMER was established by ASEAN during their meeting in Vientiane, Laos.<sup>69</sup> The purpose of AADMER is to decrease the losses caused by disasters in terms of human lives and various assets such as social, economic, and environmental ones among its member states as part of achieving human rights and ASEAN community.<sup>70</sup> It also seeks to collaborate on a national level for disaster emergency

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EAGA,” at: <https://bimp-eaga.asia/article/asean-simplifies-trade-procedures-exporters>, accessed on 11 July 2023.

67 ASEAN, 2020, “ASEAN and the Non-Interference Principle: How Does It Work?” The ASEAN Post, 21 Aug. 2020, at: <https://theaseanpost.com/article/asean-and-non-interference-principle-how-does-it-work>, accessed 8 May 2023.

68 ASEAN, 2017, “ASEAN Issues Comprehensive Response to Disasters.” ASEAN Secretariat, 13 Dec. 2017, at: <https://asean.org/asean-issues-comprehensive-response-disasters/>, accessed on 8 May 2023.

69 G. Simm, 2016, “Disaster Response in Southeast Asia: The ASEAN Agreement on Disaster Response and Emergency Management,” *Asian Journal of International Law*, p. 2, at: <https://doi.org/10.1017/S2044251316000205>, accessed on 25 June 2023.

70 Heribertus Jaka Triyana, 2011, “Tinjauan Yuridis Tentang Badan HAM ASEAN Dalam Sistem Hukum Nasional Indonesia”, *Jurnal Mimbar Hukum FH UGM*, Volume 23, Nomor 3, October 2011, p. 612-623.

responses while strengthening regional and global cooperations.<sup>71</sup> As a part of AADMER, lots of methods, intervention modes and initiatives have been introduced and used by ASEAN in disaster risks reduction and management.<sup>72</sup> The AADMER offers a comprehensive framework for member states' cooperation that also includes effective coordination and simplification of procedure to guarantee prompt and adequate humanitarian assistance in disasters, conflicts and emergencies. The AADMER provides a basis for regional cooperation that enables quick response measures to be taken during and after crises as excellence national and regional identities.<sup>73</sup> Also, due to the severity of such emergencies, governments are allowed to declare states of emergency to facilitate international humanitarian assistance.<sup>74</sup> Through the 2007 Pisco earthquake in Peru, we could see where international aid was quickly deployed following a state of emergency declaration as good examples on that matter.<sup>75</sup> Therefore, the ASEAN Member States need to understand importance and relevance of effective coordination as well as have simplified procedures under existing legal frameworks so they can provide prompt and adequate responses during and after disaster, complex emergen-

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71 ASEAN Secretariat, *ASEAN Agreement on Disaster Management and Emergency Response, Article 2, Objectives*, December 2010, p.4 and AADMER strengthens effective mechanisms and capabilities to prevent and reduce disaster losses in lives, and in social, economic, and environmental assets of ASEAN Member States and to jointly respond to disaster through concreted national efforts and intensified regional and international cooperations".

72 ICJ dan Libertas, 2012, "Regional Consultation on Security Laws Operating in ASEAN and Possible Advocacy Work Concerning Access to Justice Mechanisms, *Regional Consultation*, 4-6 October 2012, Bangkok, p. 149.

73 Michael Jacobsen and Ole Bruun, 2000, *Human Rights and Asian Values: Contesting National Identities and Cultural Representation in Asia*, Surray, Curson, p. 5-7 and Simon S.C. Tay, 1996, "Human Rights, Culture and Singapore Example", 41 *McGill Law Journal*, p. 743.

74 D. Fisher, 2007, "Domestic Regulation of International Humanitarian Relief in Disasters and Armed Conflict: A Comparative Analysis", *the International Review of the Red Cross*, Volume 89 Number 866, Juni 2007, hlm. 353-354.

75 L. Ceferino, et al., 2020, "Effective Plans for Hospital System Response to Earthquake Emergencies," *Nature Communications*, 11, p. 1, at: <https://doi.org/10.1038/s41467-020-18072-w>, accessed on 12 July 2023.

cies and conflict strike.<sup>76</sup>

According to the AADMER agreement's stated goals, all of its member states must create and carry out disaster management strategies, policies, and plans. If this is carried out, each of the member states will have a more cohesive policy for managing disasters and will be more equipped for any disasters that may arise.<sup>77</sup> A regional structure, including the AHA Center is required to be set up as part of the agreement in order to enable cooperation among member nations. The ASEAN region's disaster preparation and response have both been significantly aided by the AHA Center's contributions. It is the duty of this organization to assist its member nations in the prevention and response to natural disasters, to supervise humanitarian relief operations, and to provide information sharing.<sup>78</sup> Training and programs are offered by the AHA Center in order to improve skills of its member nations in the areas of disaster mitigation and response.<sup>79</sup> As a result, the AADMER encourages the use of established legal frameworks to facilitate regional and international collaboration in disaster management. In order to improve collaboration and coordination during disaster response, the AADMER has collaborated with organizations such as the World Health Organization (WHO), the International Federation of Red Cross and Red Crescent Societies (IFRC), and the United Nations Office for Disaster Risk Reduction

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76 Sphere Project, 2011, *The Humanitarian Charter and Minimum Standard in Humanitarian Response*, edition, Sphere Project Pub, p. 4; G.L. Acciaoli, 2004, "Archipelagic Culture" as An Exclusionary Government Discourse in Indonesia", *The Asia Pacific Journal of Anthropology* 2 (1); and Baiquni, M. and Rijanta, R, 2007, *Konflik Pengelolaan Lingkungan dan Sumber Daya Dalam Era Otonomi dan Transisi Masyarakat*, Paper (unpublished).

77 Liza Ceferino, Kamarulzaman Iskandar, and Son Ngo, 2020, "International Humanitarian Assistance in the Asia-Pacific: Legal Frameworks and Challenges," in Abdul Rahman and Mohd Ismail, *International Law and Humanitarian Assistance: A Cross-Cutting Perspective*, Springer, London, p. 145-165.

78 Shohei Suzuki, 2021, "Interfering via ASEAN? In the Case of Disaster Management," *Journal of Current Southeast Asian Affairs* 40, no. 3 (2021), p. 400-417.

79 Suwarti Sari, 2022, "ASEAN Mechanism in Disaster Management: A Case Study of Disaster Management in Indonesia 2010-2020," *Jurnal Global and Strategis* 16, p. 75-108.



(UNDRR).<sup>80</sup> This is an expression of the realization that natural disasters do not care about national borders and require a collaborative and coordinated response on an international level. Aside from effective coordination, AADMER also promotes simplification of procedures as stipulated in Article 4(c) of the agreement. The article mandates for Parties to promptly respond to a request for assistance from an affected Party, one of which is by simplifying customs and immigration procedures to achieve good coordination.<sup>81</sup> For instance, the UN and IFRC are granted several privileges and immunities in regards to procedures simplifications such as fast immigration process, fast and free granting of visa and work permits, fast customs clearance, as well as ensuring adequate monitoring of the coordination efforts.<sup>82</sup> As a concrete example of the Parties to the agreement, the Philippines' government introduced a 'one-stop-shop' at the airports of Manila and Cebu to provide custom clearances for humanitarian aids and relief operations.<sup>83</sup> In Myanmar, the Tripartite Core Group (TCG) consisting of representatives from ASEAN, the UN, and Myanmar's Government – has also provided a good example for fast-tackling of humanitarian assistance. The group established the Post-Nargis Joint Assessment, a rapid assessment of the affected areas in the Tropical Cyclone Nargis case which happened in 2008, that

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<sup>80</sup> *Ibid.*

<sup>81</sup> Yeo Lay Hwee, Tan Hsien-Li and Joanne Lin, 2005, "Governing Singapore: How, Why and Where are We Heading?", *Civic Exchange*, p. 8-10; and Terrence Chong, 2006, "Embodying Society's Best: Hegel and the Singapore State", 36 *Journal of Contemporary Asia*, p. 283-284.

<sup>82</sup> IFRC/ADB, 2009, *Legal Preparedness for Responding to Disasters and Communicable Disease Emergencies in Lao PDR*; John Funston, 2001, "Malaysia: Developmental State Challenged" in Funston (eds), 2001, *Government and Politics in Southeast Asia*, Singapore: ISEAS, p. 160-161 and Kuong Teilee, 2009, "Human Rights Law in Cambodia and the Art of Linking Continuities to Discontinuities", *Asia Law Quarterly*, Volume 1, No. 1, April 2009, p. 42-43.

<sup>83</sup> Kua Kia Soong, 2005, *The Malaysia Civil Rights Movement*, Kuala Lumpur, Malaysia: Strategic Information Reserach Development, p. 19; and Maria Serena I Diokno, "Once Again, The Asian Value Debate: the Case of the Phillipnes", in Micheal Jacobsen and Ole Bruun, 2000, *Human Rights and Asian Values: Contesting National Identities and Cultural Representation in Asia*, Curzon Press, London, p. 74.

was conducted with full support from the authorities and without interference. Also, in Malaysia, the aforementioned initiative has been initiated to cope with potential conflicts.<sup>84</sup> These two examples are noteworthy precedents of procedure simplifications for humanitarian agencies, as a result of the AADMER.

To also enhance the coordination that mitigates the challenges that might occur in the mitigation of Natural Disaster management that might arise from the existence of AADMER, ASEAN provides a forum to coordinate the implementation that concerns the operation of AADMER and the AHA center in international scope.<sup>85</sup> Such forum includes, ASEAN Defense Minister Meetings, and Consultation Meeting that is stipulated under ASEAN Charter. The implementation of which can also include ASEAN+3, East Asia Forum and ASEAN Regional Forum. This forum is expected to be able to streamline the implementation of its duties in coordination and coherence amongst ASEAN countries to assist a country or a region in mitigating and responding to a natural disaster.<sup>86</sup> As ASEAN is the regional institutionalization of the AADMER, ASEAN must create and implement disaster management strategies. The AHA Centre is responsible to assist member states in disaster prevention and response and provide trainings. The AADMER has collaborated with a number of organizations, including WHO, IFRC, and UNDRR. It can be concluded from this that disasters, complex emergencies and conflicts require a collaborative and coordinated response on an international level. ASEAN as the supranational organization has committed and bound itself to cooperation of the member states. ASEAN in nature, provides a mechanism of enhancing both coordination and conflict settlement in its Charter. Although each states has its own sovereignty, ASEAN is built upon trust and the mechanism on enhancing and

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84 Amanda Whiting, 2003, "Situating SUHAKAM: Human Rights Debates and Malaysia's National Human Rights Commission", 39 *Stanford Journal of International Law*, p. 59-62.

85 M. Arumbinang, 2022, "Problems and Dilemmas: ASEAN Commitments in Disaster Management", *Indonesian Comparative Law Review*, 4 (1), p. 17-25.

86 B. Cipto, 2007, *Hubungan Internasional di Asia Tenggara: Teropong terhadap Dinamika, Realitas dan Masa Depan*, Yogyakarta: Pustaka Pelajar, p. 7-10.

simplifying the procedure is applied within, the technicalities, facility, juridical, and political.<sup>87</sup>

Regarding rules in implementing the AADMER, Thailand has a law similar to it which is called the Disaster Prevention and Mitigation Act.<sup>88</sup> This Law serves as the primary statutory foundation for disaster Risks Management (DRM) and for catastrophe preparation and response.<sup>89</sup> To improve the nation's disaster management system, the Thailand Disaster Prevention and Mitigation Act was approved in 2007 and revised in 2015. The Act, which was enacted in reaction to the 2004 Indian Ocean tsunami that wreaked havoc on Thailand's southern coast, seeks to strengthen the nation's capacity for disaster preparation, response, and recovery.<sup>90</sup> In implementing the AADMER, Thailand implements the Type D DRM System. The system in Thailand places a strong emphasis on the value of community interaction and participation in the healing and rehabilitation process.<sup>91</sup> It supports community-led projects and calls on communities to band together to rebuild their infrastructure, homes, and businesses.<sup>92</sup> It is also very crucial to guarantee that the process of recovery and rehabilitation is sustainable and encourages long-term resilience.<sup>93</sup> At first glance, people may believe that prevention and countermeasures of natural disasters have been highly regulated in Indonesia, as dem-

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87 Hun Sen, 2006, "Statement During Meetings with the ASEAN Working Groups", Siem Reap, Cambodia, 26 September 2006 and The Sunday, 2014, "PM: More Direct Involvement of Society in ASEAN Activities", 8 April 2014, at: <http://www.thesunday.my/news/1010407>, accessed on 12 September 2014.

88 King Bhumipol Adulyadej, 2007, "Disaster Prevention and Mitigation Act," Thailand: Royal Gazette, 2007, p. 1.

89 Nidhirat Srisirojanakorn et al., 2022, "Thailand: Disaster Management Reference Handbook," Center for Excellence in Disaster Management & Humanitarian Assistance, p. 8.

90 King Bhumipol Adulyadej, *op.cit.*, no. 88, p.1.

91 Deputy Prime Minister Chairman of National Disaster Prevention and Mitigation Committee, 2022, "Thailand: National Disaster Risk and Management Plan", Thailand: UNDRR, 2022, p. 2.

92 *Ibid.*

93 Thomas D. Schneid and Larry Collins, 2001, *Disaster Management and Preparedness*, United States: Lewis Publishers, p. 43 - 46.

onstrated by the establishment of the National Agency of Disaster Countermeasure (BNPB) and relevant laws that are indeed obligations derived from the AADMER. Nevertheless, the state cannot be classified as well performing without the assurance that the context and implementation of both are pursuant to the AADMER. Thus, this paper put the two resources into test. The first is the relevant law, as demonstrated by Law No.24 of 2007, Presidential Regulation Number 21, 22, and 23 of 2008, as well as any other legal document made by the BNPB,<sup>94</sup> all of which include the involvement of international aid actors in disaster management and emergency response. Indonesia has moved towards a new perspective, recognizing the need for more comprehensive disaster management, protecting human rights, and the wider community who bears responsibility for disaster management,<sup>95</sup> hence necessitates international collaboration and therefore compatible with the AADMER's goal.

Second, the BNPB agency, which was given authority by the government to command foreign participation during the emergency time.<sup>96</sup> For example, if foreign funds are available, the BNPB will manage them in collaboration with the relevant ministry, for instance foreign affairs<sup>97</sup>. As every international help requires a government authorization, BNPB essentially has standard operation procedures to coordinate with the ministry, however this can be simplified in an emergency. Throughout history, as evidenced by the 2018 earthquake disaster in Central Sulawesi, Indonesia had collaborated with the AHA Center, which then became a facilitator and communicator in coordinating offers of international assistance for Indonesia, and only by this will the humanitarian mission 'one ASEAN, one

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94 National Disaster Management Plan and Perka BNPB No.22 of 2010.

95 *Joint Communique of the 25th ASEAN Ministerial Meeting*, Manila, 21-22 Juli 1992, paragraf 18.

96 What is meant by simplification here is international assistance, which should have been required by the MoU and work plan, but in an emergency situation, the procedure can be skipped and simply provide a list of personnel, logistics, equipment, and field locations pursuant to Art.8 PP 23/2008.

97 IFRC, 2010, "*Analisis Dampak dan Pelaksanaan Kerangka Hukum untuk Bantuan Bencana Internasional di Indonesia*," International Federation of Red Cross and Red Crescent Societies p.19 and Art. 17 (1), PP 23/2008.

response' can be realized.<sup>98</sup> AADMER binds ASEAN member states to promote regional cooperation and collaboration to mitigate disasters by having a joint emergency report to disasters.<sup>99</sup> The Philippines implements the AADMER with its national institutional framework, the Philippine National Disaster Risk Reduction and Management Act 2010 or the Republic Act No. 10121.<sup>100</sup> This rule establishes a complex multi-level risk management system.<sup>101</sup> Though the law does not mention ASEAN or AADMER, it brushes upon regional and international treaty obligations.<sup>102</sup>

Further, the Philippines compliance to the AADMER is also echoed through the Philippine Disaster Preparedness Plan 2015 - 2028. With this plan, there is an intention to routinely update the AHA Centre in regards to the available resources for the regional standby arrangements to handle disaster relief and emergency responses.<sup>103</sup> This implementation is due to their relationship with the AHA-Center during the 2013 and 2014 super typhoons Haiyan and Hagupit.<sup>104</sup> The approach of the Philippines compliance is multi-stakeholder. The National Disaster Risk Reduction and Management Council is inclusive, consisting of government agencies, civil societies, the church sectors, private sector, national Red Cross and aca-

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98 Peter Walker, Colin Rasmussen and Sebastian Molano, 2011, "International Dialogue on Strengthening Partnership in Disaster Response: Bridging national and international support", *Background Paper*, Tuft University, p. 3-7, at: <https://resourcecentre.savethechildren.net/pdf/International-Dialogue-on-Strengthening-Partnership-in-Disaster-Response-bridging-national-and-international-support.pdf/>, accessed on 15 July 2023.

99 D.E. Lucero-Prisno, 2014, "Disasters, resilience, and the ASEAN integration", *Global Health Action*, 7(1), 25134. At: <https://doi.org/10.3402/gha.v7.25134>, accessed on 12 July 2023.

100 Mary Picard and Victoria Bannon, 2017, "ASEAN Disaster Law Mapping, Implementing AADMER: a Regional Stock Take", *Canada: International Federation of Red Cross and Red Crescent Societies*, p. 21

101 *Ibid.*

102 *Ibid.*

103 Lassa, 2017, "Understanding Gaps and Opportunities in ASEAN Humanitarian System", *World Humanitarian Summit: Implication for the Asia Pacific*, p. 10, at: <http://www.jstor.com/stable/resrep05944.4>, accessed on 10 July 2023.

104 *Ibid.*

demia.<sup>105</sup> By this, the rules and regulations present in the Philippines seems to be compatible with the AADMER. As ASEAN is a functional organization,<sup>106</sup> it is responsible for resolving regional issues such as natural catastrophes outlined in the AADMER and the establishment of the AHA Centre. Furthermore, Thailand, Indonesia, and the Philippines have incorporated the notion of international help into their domestic legislation, making it possible for these nations to collaborate with the AHA Centre. These nations have created effective collaboration, as demonstrated by the Philippines' regular reporting to the AHA or AHA center as facilitators in the case of Indonesia. Contextually, the domestic legislation enacted by these nations include mitigation, during, and countermeasure mechanisms,<sup>107</sup> such as those introduced by Thailand, and so comply with AADMER's mandate. Furthermore, the existence of a system undoubtedly produces procedures; for example, Indonesia requires an MoU and a work plan before obtaining foreign aid, but this may be ignored or in other language, simplified. The idea is that when a natural catastrophe comes, the AHA Center can more readily respond, and it is only through this that ASEAN will be able to implement its humanitarian vision and the methods recommended by AADMER. Nevertheless, its implementation is in fact still difficult because ASEAN adheres to the principle of non-interference, which limits AADMER's ability to aid its members.<sup>108</sup> Assistance may only be provided if the country-of-origin requests so. Furthermore, nations are advised to regulate a more specific provision to legalize ASEAN's assistance by employing the value mentioned in Regional Preparedness and Regional Re-

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105 Oxfam International, 2014, *Can't Afford to Wait: Why Disaster Risk Reduction and Climate Change Adaptation Plans in Asia Are Still Failing Millions of People*, p. 4.

106 Biddle And Biddle, 1965, *Community Development: The Rediscovery of Local Initiative*, Holt and Winston, New York, p. 215-218.

107 Carter Nick, 1991, *Disaster management: A Disaster Manager's Handbook*, ADB, Manila, p. 5-9.

108 Suwarti Sari, 2022, "ASEAN Mechanism in Disaster Management: A Case Study of Disaster Management in Indonesia 2010-2020", Cimahi: Jenderal Achmad Yani University, p. 99-100.

sponses.<sup>109</sup>

Effective coordination with regards to international humanitarian assistance refers to the process of achieving cooperation by means of bringing together the resources, effectively achieving the objectives and goals set out<sup>110</sup> in the Charter. Meanwhile, simplification procedures refer to steps made to streamline and simplify administrative and procedural requirements in the convention's implementation. The purpose is to make the convention's implementation easier and more effective while lowering the burden and cost of compliance. In regards to ASEAN's AADMER, it provides a framework for ASEAN members cooperation in disaster management. In this case, it is outlined within the scope of the AADMER Work Programs. ASEAN as a regional-international organization through AADMER Work Programs that is located in areas which tend to be stricken by natural disaster, is considered more flexible in responding to the different principles of humanitarian assistance.<sup>111</sup> The Disaster Monitoring and Response System (DMRS) would be more structured, efficient, effective, and give a direct benefit to the affected area by having these 5 main points.<sup>112</sup>

The scope of effective coordination and simplification procedures in risk assessment and monitoring is the implementation of effective disaster risk reduction (DRR) such as estimating the potential losses and providing a comprehensive risk assessment framework that allows the determination of level of risk and the planning pro-

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109 Mary Picard and Victoria Bannon, 2017, "ASEAN Disaster Law Mapping, Implementing AADMER: a Regional Stock Take", *Canada: International Federation of Red Cross and Red Crescent Societies*, p. 30-31.

110 Arne Disch, 2023, "OECD Report on Aid Coordination and Aid Effectiveness." OECD Development Assistance Committee, 2006. <https://www.oecd.org/derec/norway/35177627.pdf>, accessed on 4 July 2023.

111 NY, Puspita, 2017. "Quo Vadis the ASEAN Role in Natural Disaster Management in Southeast Asia", *Jurnal Dinamika Hukum*, Vol. 17 (2): 163-170.

112 Adis Dwi Magfirah, *et all*, 2022, "Peran ASEAN Agreement on Disaster Management and Emergency Response (AADMER) dalam Penanggulangan Bencana Alam di Indonesia," *Hasanuddin Journal of International Affairs*, at: <https://journal.unhas.ac.id/index.php/hujia/article/view/18656>, accessed on 1<sup>st</sup>, July 2023.



cess. It is also expected for the adjustment, correction, and/or modification of the effort made by DRR as a result. In addition, the AHA center related to DMRS has been conducting training in purpose to upgrade the functions and systems therein such as the use of digital platforms that can reach various communities and facilitate the information dissemination process effectively.<sup>113</sup> The main aim of prevention and mitigation is to reduce the detrimental effect made by disaster, especially in rural areas. The scope of effective coordination and simplification of procedures in prevention and mitigation is to create an effective system and ensure cooperation and coordination between related parties, e.g., national and local governments. Also, this point is very strongly related to cost and nature management during/before any disaster happens and to get prepared for every risk. In addition, the prevention and mitigation process ensure upgrading of infrastructure related to DMRS and counseling/educational systems for related communities.<sup>114</sup>

The scope of effective coordination and simplification procedures in preparedness and response is to make diversified planning for various scenarios in case of any disaster happen, upgrading and enhancing the SOP concerning DMRS, and strengthening the coordination mechanism with parties from the national level to local sector covering everyone included with the main goal of the Sendai Framework for Disaster Risk Reduction 2015-2030 to reduce mortality rate by 2030. The scope of effective coordination and simplification procedures in resilient recovery is to build capacity, share knowledge and expertise, and promote sustainable and inclusive development. The goal is to reduce the negative impact of disasters and enhance their capacity to respond and recover effectively. Structural and non-

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113 AHA Center, 2022, *AADMER: ASEAN DRR Disaster Risk Reduction by Integrating Climate Change Projection*, at: <https://aseandrr.org/about/aadmer>, accessed on 7 July 2023.

114 M. Tumonong, 2016, *Five years of AHA Centre: Experiences, Challenges and Future Outlook*, Hyderabad, India: United Nations/India Workshop on the Use of Earth Observation Data; and M Sabyan, M, Mei 2014, "Kepemerintahan Bencana (Disaster Governance) Asia Tenggara", *Andalas Journal of International Studies*. Vol.3 No.1, p. 58

structural measures are essential to enhance the economic, social, health and cultural resilience of persons, communities, countries and their assets, as well as the environment.<sup>115</sup> The scope of effective coordination and simplification procedures of global leadership is to strengthen regional collaboration and develop leadership skills for effective DRR and management. This includes simplifying processes for cross-border distribution of aid supplies, improving information sharing and coordination, and promoting global leadership in DRR and management. Leadership must also be exercised throughout the organizational structure.<sup>116</sup> The implementation involves creating and implementing policies, strategies, and plans to improve regional cooperation and partnerships and increase capacity for disaster and emergency preparedness, response, and recovery.<sup>117</sup>

The following examples will be regarding AADMER's implementation as effective coordination as well as its simplification procedures. In the 2015 earthquake in Nepal; Indonesia, Malaysia, Singapore and Thailand collectively provided and facilitated assistance and relief supplies to Nepal, including tents, medical supplies and water purification units. ASEAN further deployed a Rapid Assessment and Disaster Response Team (RADTRT) to give Nepal the support in assessing the damage and needs so they can establish and coordinate relief efforts. Within the RADTRT, fields from logistics, medical care and communications were facilitated to provide support to search and rescues, medical care and the distribution of relief supplies. The Typhoon which took place in November 2013, resulted in devastating damages in parts of the Philippines, ASEAN immediately took the

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115 Maria Ela Atienza, Pauline Eadie, and May Tan-Mullins, 2019, *Urban Poverty in the Wake of Environmental Disaster: Rehabilitation, Resilience and Typhoon Haiyan (Yolanda)*, Routledge Humanitarian Studies. Routledge, p. 19-21.

116 William Lester, 2018, "Transforming Disaster Response: Federalism and Leadership", *ASPA Series in Public Administration and Public Policy Ser.* Routledge, p. 7-9, at: <https://doi.org/10.4324/9780429463198>, accessed on 2<sup>nd</sup> July 2023.

117 S Krasner, 1983, *Structural Causes and Regime Consequences: Regimes as Intervening Variables*. International Organization. International Regimes, Itacha, NY: Cornell University Press, p. 11.

initiative to activate the mechanisms of AADMER to coordinate the disaster response efforts.<sup>118</sup> Humanitarian aid, medical teams, search and rescue personnel were facilitated by ASEAN member states, as well as joint assessment teams to assess the damage and identify the needs of the country. The flood consequently affected millions of people, as they lost their homes, their family members and more widespread damage. ASEAN's AHA Center played a vital role in supporting the Thai's government's response efforts as they deployed joint assessment teams, and they coordinated relief supplies distribution. The ASEAN members took the decision to provide support and assistance financially and materially, that includes mobile water treatment units, food and medicine. Lombok's earthquake in August 2018 has caused extensive and substantial irreparable damages and loss of life, ASEAN member states then provided various forms of assistance by facilitating medical personnel, search and rescue teams and relief supplies that includes tents, blankets and food. Just like any other disasters, AADMER's way of responding was also to deploy joint assessment teams to support the Indonesian government to assess the damage and urgent needs.

From these joint efforts, there is a demonstration provided from ASEAN that it is committed to AADMER and regional cooperation in the concern of having proper disaster management agency and emergency response. Further, the implementation of AADMER portrayed the significance and urgency to have a coordinated and timely response management to disasters so they can ensure effective relief efforts and reduce the impact on affected communities.<sup>119</sup> Conclusively, AADMER's implementation played a vital and crucial role in facilitating regional cooperation and disaster coordination, as well as

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118 Kamal, Adelina, et.al., 2014, *ASEAN Secretariat, Weathering the Perfect Storm – Lesson Learnt on the ASEAN's Response to the Aftermath of Typhoon Haiyan*: 11-12. AHA Center, at: <http://ahacentre.org/wp-content/uploads/2016/12/WeatheringThePerfectStormSecondEdition.compressed.pdf>, accessed on 2<sup>nd</sup> July, 2023.

119 Gabrielle Simm, 2018, "Disaster Response in Southeast Asia: The ASEAN Agreement on Disaster Response and Emergency Management." *Asian Journal of International Law* 8, no. 1, p. 116–42.

emergency response efforts. It is in line with the core definition of the collaboration itself: a process involving shared norms and mutually beneficial interactions.<sup>120</sup> These examples as aforementioned demonstrates AADMER's effectiveness and success within the agreement to collectively (with ASEAN members) to respond to national disasters in the region and the countries which require such help.

#### **D. Roles and functions of the AHA Center**

The ASEAN Humanitarian Assistance Center (AHA Centre) does possess roles and functions when it comes to management and coordination of delivering humanitarian assistance when it comes to disasters in member states. This role to prepare and assist at times of disaster is not without limitations, such as the principle of non-interference that base the organization itself. These matters will be further elaborated below. Being a disaster-prone region, ASEAN signed, AADMER, or the "ASEAN Agreement on Disaster Management Emergency Response", to better regional cooperation and emergency response in dealing disasters. Part of it was to have, ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management or the AHA Centre, established in 2011, as an executing body of the aforementioned agreement.<sup>121</sup> With this, the body functions a vital role in ASEAN when it comes to managing and delivering humanitarian assistance in the ASEAN Region. AHA Center plays a crucial role in disaster risk mitigation and response in the ASEAN area. Performing under various critical services, such as early warning & risk assessment, disaster preparation and response planning, and disaster response coordination. The AHA Center categorizes

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120 Thomson, Ann Marie, and James L. Perry, 2006, "Collaboration Processes: Inside the Black Box," *Public Administration Review* 66, No. 1 (December 2006), p. 20–32, at: <https://doi.org/10.1111/j.1540-6210.2006.00663.x>, accessed on 2<sup>nd</sup> July, 2023.

121 Muhammad Rum, 2016, "The Case of Regional Disaster Management Cooperation in ASEAN: A Constructivist Approach to Understanding How International Norms Travel," *Southeast Asian Studies* 5, no. 3 (December 2016): 491–514, at: [https://doi.org/10.20495/seas.5.3\\_491](https://doi.org/10.20495/seas.5.3_491), accessed on 9 July 2023.

these functions as disaster monitoring, preparedness and response, as well as capacity building.<sup>122</sup>

Firstly, a function that AHA Centre aims to provide to member states is by bettering the identification of risks, early warning and monitoring of disasters.<sup>123</sup> As according to the AADMER, member states are obliged in identifying and monitoring disaster risks in accordance, and consolidating such information with the AHA Centre.<sup>124</sup> The AHA Centre is also given the authority to, “where appropriate, conduct analysis on possible regional-level implications”. This monitoring sharing is with each member states’ National Disaster Management Organizations (NDMO) as well as hydro-meteorological and geological agencies. Systems by the center such as Disaster Monitoring and Response System (DMRS) amongst others, help with the said monitoring.<sup>125</sup> When a member state is preparing or responding towards a disaster, the AHA Centre is also playing a role as given by the AADMER to make such a thing a collaborative effort. Such as in its fourth part, whereby member states must report their available resources to the AHA Centre for the voluntary regional standby arrangements.<sup>126</sup> As for the coordination and management itself, it is through in the form of what could be called a “Skeleton Crew” at the AHA Center’s body itself that works with member states. Rather the actualization of efforts is coordinated with each member states’ ND-

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122 AHA Center, 2023, “About Us.” AHA Centre, October 20, 2022, at: <https://ahacentre.org/about-us/>, accessed on 9 July 2023.

123 AHA Center, 2020, “Disaster Information Management,” AHA Centre, November 19, 2020, at: <https://ahacentre.org/disaster-information-management/>, accessed on 2<sup>nd</sup> July 2023.

124 AHA Center 2010, Part II Disaster Risk Identification, Assessment and Monitoring, Essay In AADMER, Jakarta, ASEAN Secretariat, p. 6; at: <https://ahacentre.org/publication/asean-agreement-on-disaster-management-and-emergency-response-aadmer/>, accessed on 3<sup>rd</sup> July 2023.

125 AHA Center, 2020, “Disaster Information Management,” AHA Centre, November 19, 2020, at: <https://ahacentre.org/disaster-information-management/>, accessed on 3<sup>rd</sup> July, 2023.

126 AHA Center, 2020, “Part IV. Disaster Preparedness”, Essay in AADMER, Jakarta, ASEAN Secretariat, p. 7, at <https://ahacentre.org/publication/asean-agreement-on-disaster-management-and-emergency-response-aadmer/>, accessed on 2<sup>nd</sup>, July 2023.

MOs, who all make up the AHA center's governing body known as the ASEAN Committee on Disaster Management (ACDM).<sup>127</sup> Their ability to conduct must be in accordance with strict guidelines as given by the member states. For example, seen in how AHA Centre provided their humanitarian assistance during the 2017 Marawi disaster, for which they conducted tasks acute to the needs as given by the government, and did not provide more than they needed to, such as not deploying the ASEAN Emergency Response and Assessment Team (ASEAN ERAT).<sup>128</sup>

The United Nations Office for Disaster Risk Reduction defines it as “the combination of all the strengths, attributes and resources available within a community, society or organization that can be used to achieve agreed goals”.<sup>129</sup> For ASEAN to achieve this in terms of disaster mitigation, the AHA Center also provides capacity building efforts towards the NDMOs of each member state by cooperating together on risk assessments and training. In particular, the training is much more actualized through programs such as the ACE program (AHA Centre Executive Program) as well as the ASEAN-ERAT. In the ACE program member states' NDMOs both get training for technical skills in terms of disaster risk management as well as soft skills pertaining to member states interconnectivity and coordination. Meanwhile the ASEAN-ERAT is a form of emergency response team that is to be deployed in the early phases of a disaster. They can provide readily available assistance and assessment of oncoming risk in these early phases, yet as well, conduct training and assessment on occasion outside of disaster conditions alongside NDMOS. Overall, the capacity building effort ensures the readiness of all member states to be able to uphold against a disaster occurrence.

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127 Sanae Suzuki, 2021, “Interfering via ASEAN? In the Case of Disaster Management,” *Journal of Current Southeast Asian Affairs* 40, no. 3, p. 400–417, at: <https://doi.org/10.1177/18681034211016865>, accessed on 13 July 2023.

128 A Trias and Gong, 2020, *Governing Human-Induced Disasters in Southeast Asia*, RSIS, p. 15-19.

129 Daniel Petz, 2014, *Strengthening Regional and National Capacity for Disaster Risk Management: The Case of ASEAN*, Washington D.C.: Brookings Institute, p. 21-28.

We believe that AHA Center certainly possesses roles and functions to manage, intervene and deliver humanitarian assistance throughout ASEAN member states. First, AHA Center monitors and assess potential hazards that may impact ASEAN member states. This is done by analyzing the gathered data, followed by arranging precautionary measures in case of possible disasters. Its function and role are also proven through its 4 phases of international disaster management; mitigation, preparedness, response and recovery.<sup>130</sup> This proves that the AHA center provides security throughout ASEAN member states by providing a reliable precautionary measure. Second, AHA Center's interference is present, by observing their preparation for disaster, response planning and efforts to coordinate disaster response. This disaster response and emergency management proves that the interference that AHA Center provides is targeted for the safety and prevention efforts for ASEAN member states from complex disasters that may impose such countries with natural disasters to be prone to struggling from economic fluctuation demands to compensate for the damage or aid the aftermath of a disaster, where multiple organizations may contribute to ensure the efficiency on resources allocation. An example of AHA Center response is the cyclone Nargis in Myanmar, May 2008 and Super-typhoon in Philippines, November 2013. Lastly, the delivery of humanitarian assistance. This is observed by how the AHA Center collaborates with government organizations and humanitarian organizations to help those who are deeply affected by disasters. Especially by having the ability to raise resources and organize relief activities among ASEAN members.

Despite the AHA Centre's important role in administering and delivering humanitarian assistance, its jurisdiction is limited due to ASEAN's non-interference in member states' domestic affairs.<sup>131</sup> Without the agreement of a member state, the AHA Centre cannot

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130 Putri Rahmadewi and Sudirman, 2021, "How ASEAN Perceive Natural Disaster as Part of Security Community Agenda"? *Jurnal Asia Pacific Studies*, 5(2), p. 108-125.

131 ASEAN, 2018, *ASEAN and Non-Interference: Principles and Practice*, Jakarta: ASEAN Secretariat, at: p. 10, <https://asean.org/storage/2018/05/ASEAN-and-Non-Interference.pdf>, accessed on 10 July 2023.



intervene in disaster response efforts. For example, during Typhoon Haiyan in the Philippines in 2013, the AHA Centre was unable to deploy foreign response teams without the agreement of the Philippine government.<sup>132</sup> Another constraint is the AHA Centre's ability to provide support in accordance with the wishes and rules of member states. The AHA Centre's activities during the 2018 Sulawesi earthquake and tsunami in Indonesia were hampered by the Indonesian government's limited reception of international donations.<sup>133</sup>

The idea of non-interference has long been a feature of ASEAN's approach to regional governance and security, according to scholarly sources.<sup>134</sup> While the principle has helped ASEAN achieve regional security, it has also hindered the organization's ability to confront human rights violations and humanitarian crises within its member states.<sup>135</sup> As a result, scholars and policymakers have criticized and debated the AHA Centre's role in disaster response and humanitarian assistance.<sup>136</sup> In conclusion, the AHA Centre plays an important role in managing and distributing humanitarian assistance throughout the ASEAN region. However, its jurisdiction is restricted, and it confronts obstacles such as respecting the sovereignty of member states and adhering to their norms. Despite these restrictions, the AHA Centre's efforts are critical in assisting member countries during disasters.

The AHA Centre, a regional intergovernmental body that organizes disaster management activities in Southeast Asia, known as

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132 AHA Centre, 2014, "AHA Centre Updates on Typhoon Haiyan", at <https://www.ahacentre.org/news/aha-centre-updates-on-typhoon-haiyan/>, accessed on 9 July 2023.

133 AHA Centre, 2018, *AHA Centre Continues Support to the People of Palu and Donggala*, at: <https://www.ahacentre.org/news/aha-centre-continues-support-to-the-people-of-palu-and-donggala/>, accessed on 9 July 2023.

134 R. Emmers, and M. Glasius, M, 2017, "Non-Interference and Regional Security Cooperation in Southeast Asia: Norm, Practice, and Prospects", *Contemporary Southeast Asia*, 39(3), p. 320-341.

135 J. Haacke, 2012, "ASEAN's Non-Interference Policy: Does it Still Matter?" *RSIS Working Paper*, No. 236, p. 49.

136 D.K. Bagchi, 2017, *Understanding ASEAN: Regional Organization and Integration*, New Delhi: Springer, p.36.

ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management. Following a string of devastating natural disasters that hit the region, including the Indian Ocean earthquake and tsunami in 2004, and the earthquake and tsunami in Japan in 2011, it was created by the ASEAN Member States.<sup>137</sup> It provides a forum to share knowledge, skills, and resources related to regional disaster management. Additionally, it facilitates the reduction of redundant efforts and enhances efficiency of disaster response, particularly in the case of major catastrophes that affect numerous nations.<sup>138</sup> The AHA Centre is responsible for coordinating and facilitating cooperation among AMS and external partners in disaster management. It plays a critical role in implementing the AADMER, a legally binding regional framework for disaster management and emergency response.<sup>139</sup> The AHA Centre's functions include activities as follows:<sup>140</sup> coordinating disaster management efforts through ASEAN Emergency Response and Assessment Team (ERAT) and ASEAN Joint Task Force on Disaster Response (AJTF); Mobilizing and deploying regional response assets such as ASEAN Emergency Rapid Assessment Team (ASEAN-ERAT) and Satellite Warehouse; Enhancing regional disaster management capacity through training, knowledge management, and exchange of best practices; and Strengthening partnerships and collaboration with external partners such as the

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137 Muhammad Wafiy Ramli, Nor Eliza Alias, Zulkifli bin Yusop, and Shazwin Mat Taib, 2022, "Disaster Risk Management: An Overview of Disaster Risk Assessment in ASEAN Countries." *Sustainability Management Strategies and Impact in Developing Countries*, p.15–27, at: <https://doi.org/10.1108/s2040-726220220000026002>, accessed on 11 July 2023.

138 Mely Caballero-Anthony, 2022, "The ASEAN Way and the Changing Security Environment: Navigating Challenges to Informality and Centrality," *International Politics*, at: <https://doi.org/10.1057/s41311-022-00400-0>, accessed on 10 July 2023.

139 Gabrielle Simm, 2016, "Disaster Response in Southeast Asia: The ASEAN Agreement on Disaster Response and Emergency Management," *Asian Journal of International Law* 8, No. 1, p. 116–42, at: <https://doi.org/10.1017/s2044251316000205>, accessed on 11 July 20223.

140 Sanae Suzuki, 2021, "Interfering via ASEAN? In the Case of Disaster Management." *Journal of Current Southeast Asian Affairs* 40, no. 3, p. 400–417, at: <https://doi.org/10.1177/18681034211016865>, accessed on 9 July 2023.

UN, World Bank, and other organizations in support of regional disaster management efforts.

The AHA Center's main responsibility is to support AMS in creating and implementing disaster preparedness and response plans. This includes offering instruction and technical support, promoting information exchange and coordination, and assistance in mobilization of resources during emergencies. An example is Typhoon Haiyan in 2013, the center provided technical support, coordinated deployment of relief supplies and people, and ensured that aid was given in a timely and transparent manner, all of which were crucial in aiding Philippines government with response and recovery operations.<sup>141</sup> Another important part in the area is the AADMER, offering an agreed-upon set of principles and directives for AMS' disaster risk reduction, readiness, response, and recovery.<sup>142</sup> Members of AADMER are urged to improve their institutions and systems for disaster management and collaborate to tackle shared regional issues. The agreement specifies how catastrophe information would be shared, how joint emergency plans will be created, and how mutual aid will be given in times of need. Few AMS have their own disaster management programs. For instance, Singapore's Civil Defense Force, in charge of handling crises and catastrophes inside Singapore.<sup>143</sup> Indonesia also has a disaster management system that includes early warning systems, emergency response teams, and disaster relief aid.<sup>144</sup>

Looking deeper on AHA Center's roles, we can check its function in the AMS. In relation to AADMER, its role is to assist AMS that are affected by disasters.<sup>145</sup> Consequently, AHA Center follows

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141 Kwan Men Yon, and William Shea, 2017, "Coordinating Regional Disaster Emergency Response," Essay, in AHA Center, 2017, *Books of the AHA Centre*, Series 6, Jakarta, Indonesia: AHA Centre.

142 Simm, *op.cit.*, no. 139, p. 116-142.

143 Michael Rider, Gabrielle Emery, and Allan Tan, 2021, *Singapore (Assisting State) Disaster Management Reference Handbook*, Hawaii, USA: Center for Excellence in Disaster Management & Humanitarian Assistance, p. 7-9.

144 Ganesh Navaratnam, Padmini Nayagam, and Robert Glasser, 2021, *Indonesia Disaster Management Reference Handbook*. Hawaii, USA: Center for Excellence in Disaster Management and Humanitarian Assistance, p. 7-10.

145 *ASEAN Agreement on Disaster Management and emergency response: Work*

Standard Operating Procedure for Regional Standby Arrangements and Coordination of Joint Disaster Relief and Emergency Response Operations (SASOP) when it comes to monitoring, exchanging information, and assisting ASEAN's response. Affected AMS may request assistance from AHA center, which may include deployment of ASEAN ERAT and provision of relief materials under the Disaster Emergency Logistics System for ASEAN (DELSA), which is further to be managed by AHA Centre.<sup>146</sup> Additionally, the AHA center may also propose aid to provide for the affected nation by other AMS. The process of communication is facilitated by the use of SASOP forms.<sup>147</sup> The AHA Centre will work as a forum for discussion and clearinghouse to share experience and best practices, and might play a more significant role in promoting capacity building to raise AMS' standard. According to the vision statement, it may also serve as a network of coordinators for regional centers of excellence for training and leadership. Therefore, the roles of AHA center in promoting and assisting AMS are seen to be crucial. Although AHA Centre's role is further specified in AADMER Work Program and AHA Centre Work Plan, the organization broadly categorizes its operations of intervention models as disaster response, capacity building, advocacy, and research and development.<sup>148</sup> First, AHA Centre is responsible for coordinating disaster response among AMS. This includes facilitating communication and cooperation among member nations and providing disaster-stricken nations with technical assistance and support. However, the receiver is only obligated to accept support and technical assistance if the requester specifically requests it or if the offer has the receiver's consent. Second, the AHA Centre takes

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*programme for 2010-2015*, Jakarta, Indonesia: ASEAN Secretariat, 2013, at: <https://ahacentre.org/wp-content/uploads/2017/05/AADMER.pdf>, accessed on 9 July 2023.

146 Ryan Easton, Ryan, 2015, "Humanitarian Assistance and Disaster Relief Policies in the Association of Southeast Asian Nations," Thesis, Naval Postgraduate School, Monterey, California, 2015, p. 13–25, at: <https://apps.dtic.mil/sti/pdfs/ADA632347.pdf>, accessed on 11 July 2023.

147 *Ibid.*

148 Association of Southeast Asian Nations, 2020, *Disaster Management & Humanitarian Assistance*, Jakarta, Indonesia, p. 14-16.

responsibility to enhance disaster preparedness and response capabilities of NDMA across AMS through its capacity building efforts. It entails furnishing disaster management practitioners with training and educational initiatives, while also advocating establishment of disaster management policies and strategies, nationally and regionally. The AMS disaster-resilient region is enhanced by the ASEAN ERAT and ACE Program.<sup>149</sup> Third, AHA Centre serves as an advocate for policies and regulations that promote streamlined disaster management across the AMS. This involves promoting policies that facilitate readiness for disasters or ensuring that disaster response efforts are effectively coordinated. Fourth, AHA Centre is involved in research and development activities related to disaster management. Statement above pertains to acknowledgement of effective strategies in disaster management to develop innovative tools and technologies that enhance disaster response efforts.<sup>150</sup>

Various intervention methods and strategies of AHA Centre may result in ambiguity due to its overlapping methods. It's illustrated by capacity-building initiatives that may encompass research endeavors aimed at identifying optimal strategies for disaster management. Conversely, disaster response endeavors may involve lobbying policy modifications that enhance the efficacy of disaster response efforts. Overlapping institutionalizations might become a problem as it works to coordinate disaster efforts among AMS. The tendency for members to prioritize their own interest over regional coordination effort is quite high.<sup>151</sup> Consequently, it could result in lack of

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149 Lisa Somerville, Annette Davis, Andrea L. Elliott, Desiree Terrill, Nicole Austin, and Kathleen Philip, 2015, "Building Allied Health Workforce Capacity: A Strategic Approach to Workforce Innovation," *Australian Health Review* 39, No. 3, p. 264, at: <https://doi.org/10.1071/ah14211>, accessed on 11 July 2023.

150 Brooke Coe, and Kilian Spandler, 2022, "Beyond Effectiveness," *Global Governance: A Review of Multilateralism and International Organizations* 28, No. 3, p. 355–81, at: <https://doi.org/10.1163/19426720-02803002>, accessed on 9 July 2023.

151 Giulia Tercovich, 2019, "The EU Inter-Regional Influence in Comparison: The Case of the Institutionalization of ASEAN Disaster Management," *Thesis*, The University of Warwick, 2019, p. 13-19.

coordination and duplication of efforts. Moreover, it's possible for normative conflicts to emerge in scenarios where actions taken by AHA Centre are in conflict with other entities or stakeholders functioning within the same geographical area.<sup>152</sup> This is exemplified by the promotion of policies that prioritize effective disaster management, which may come into conflict with interests of industries that prioritize economic growth over disaster readiness. The AHA Centre is faced with the challenge of reconciling conflicting norms in order to effectively achieve disaster management in the ASEAN region.

There are several ways to resolve intervention conflicts. Cooperating and communicating bilaterally across nations may reduce overlapping AMS intervention, leading to decreased effectiveness and insufficiency in meeting demands of affected nations. The AHA Center absolves the affected nations of coordinating and communicating with a wide range of stakeholders. Additionally, by gathering, examining, and transmitting data and information to AMS, the AHA Center can guarantee the accuracy of information for coordination. Since coordinating regional response was always AHA Center's purpose, it's its capacity to carry out communication and coordination in this scenario. As a result, the AHA Center is essential to advancing good disaster management in the ASEAN area. Through its numerous tasks and responsibilities, it promotes regional capacity building, supports disaster preparedness and response, and fosters coordination and collaboration among AMS and foreign partners. While the AHA Centre may encounter obstacles including conflicting norms and overlapping institutionalizations, these may be solved by constructive communication and engagement with stakeholders as well as a dedication to placing regional coordinating efforts ahead of national concerns.

## **E. Conclusion**

This article believes that humanitarian assistance is one of the most

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152 DB., Allistar Cook, 2021, "Humanitarian Diplomacy in ASEAN," *Asian Journal of Comparative Politics* 6, No. 3 (2021), p.188–201, at: <https://doi.org/10.1177/20578911211019247>, accessed on 9 July 2023.

important pillars to reach ASEAN Community where disaster, complex emergency and conflict are perceived as common regional problems. Consequently, deeper cross-sectoral coordination will be required to effectively implement a comprehensive disaster management strategy. In order to fully involve in implementing AADMER and to work with other sectors responsible for covering, responding to, and mitigating different kinds of risks having regional repercussions, the ASEAN Secretariat shall manage specialized forums for cross-sectoral collaboration, cooperation and coordination reaching out at tactical level of implementation on country-based. This would substantially improve the region's ability to identify needs and offer protection amid emergencies with networks built by all national humanitarian agencies among ASEAN member States. However, there are some factors that need to be taken into consideration especially by the AHA Center as the leader of coordination, cooperation and simplification procedure in providing humanitarian assistance. It should be taken into account by contextualizing, mapping and addressing all available resources to reach regional status of mission agreement, status of deployment and rules of intervention at strategic, operational and tactical levels across member states territories and/or jurisdiction.

ASEAN has a vision to further improve its performance in the upcoming years regarding its existing coordination and applicable coordination mechanism during and after disaster, emergency and conflict management on the AADMER strategical elements.<sup>153</sup> The first being institutionalization and communication where cross-sectoral governance approach is communicated. It is meant to drive the ASEAN community in developing disaster management on more than just regional and global levels, reaching national and sub-national levels. The second is mobilization of existing finance and resource, which requires further contribution of the nations as members of ASEAN with any forms of funding and other methods of supports.

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153 ASEAN, 2015, *Review of ASEAN Vision 2025 on Disaster Management*, ASEAN, p. 5-6, at: [https://asean.org/wp-content/uploads/2021/01/fa-220416\\_DM2025\\_email.pdf](https://asean.org/wp-content/uploads/2021/01/fa-220416_DM2025_email.pdf), accessed on 12 July 2023.



This determines enterprise, insurance pooling and capital markets can give affordable ASEAN resources to increase capacity of coordination and simplification of national procedure in terms of tax, immigration and customs when aids and humanitarian personnel are deployed. The third and last strategic element is on partnership and innovation where AADMER through the AHA center can possibly find partnership in non-traditional party regarding the needs of disaster management and emergency response. In this strategy, it meant to maximize the use of all sectors, whether it be public or private sectors.

From further elaborations regarding the progressions and obstacles of ASEAN in succession to the humanitarian assistance and response to emergency circumstances facilitated by the AADMER through the AHA center, there are some insights that could be taken into consideration as possible recommendations for the improvement, i.e. enhancing the simplification of committees' objectives; calling for actions on non-governmental organizations or non-state actors to affiliate with ASEAN; creating an integrated system for member states' for coordinating technicalities to minimize misunderstandings; and maintaining the already existing actions, such as recommendations or ratification in past discussions and draft resolutions, for example the United Nations Development Program on sustainable development goals where disaster, complex emergency and conflict have been perceived as integral situation on the development process.

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