

**CO-CHAIR'S SUMMARY REPORT
OF THE 2ND ARF SEMINAR ON LAWS AND REGULATIONS ON THE
PARTICIPATION IN INTERNATIONAL DISASTER RELIEF BY ARMED FORCES**

30 – 31 August 2010, Beijing
The People's Republic of China

Introduction

1. The success of the 1st ASEAN Regional Forum (ARF) Seminar on Laws and Regulations on the Participation in International Disaster Relief by Armed Forces, co-hosted by the Ministry of National Defence of the People's Republic of China and the Ministry of Defence of Singapore in April 2009 has set an important foundation for the developments of laws and regulations in supporting the military operation on Humanitarian Assistance and Disaster Relief. In order to carry forward the momentum created during the 1st meeting, the 2nd ARF Seminar on Laws and Regulations on the Participation in International Disaster Relief (IDR) by Armed Forces was co-hosted by the Ministry of National Defence, the People's Republic of China and the Ministry of Defence, the Kingdom of Thailand. The theme of the seminar is Legal Consensus and Cooperation on the Participation in International Disaster Relief of the Armed Forces of ARF Members.

2. The seminar was attended by ARF members from Australia, Brunei Darussalam, Cambodia, China, India, Indonesia, Japan, the Democratic People's Republic of Korea, the Republic of Korea, Lao PDR, Malaysia, Mongolia, the Philippines, Russia, Singapore, Sri Lanka, Thailand, the United States and Vietnam.

Item 1: Opening Ceremony

3. The Seminar is officially opened by Rear Admiral Guan Youfei, Deputy Director, Foreign Affairs Office, Ministry of Defence, and co-chaired by Major General Zhu Chenghu, Director-General, Academic Department of Strategic Studies, PLA National Defence University, PRC, and Major General Piya Krutvecho, Director, Office of Policy and Strategy, Office of Policy and Planning, Ministry of Defence, the Kingdom of Thailand.

Item 2: Adoption of Agenda

4. The Seminar discussed and adopted the Agenda.

Item 3: The latest Development on the Laws and Regulations in HADR Operations by ARF Militaries

5. The seminar noted that, as there are increasing urgent needs for deeper and wider cooperation among ARF members in this area, some countries have the following relevant laws on disaster management: the emergency response laws, law on protection against and mitigation of earthquake disasters, law on water and soil conservation, flood control law, laws on desertification prevention and transformation, meteorology law, forestry law and other relevant regulations on environment. More importantly, the international community provided mutual support and aid in coping with major natural disaster: in the wake of Indian Ocean earthquake tsunami, South Asian earthquake, earthquake in Si Chuan, China, tropical storm "Nargis" in Myanmar and other natural disasters.

6. The seminar added that the national laws and regulations were amended in order to enhance the directive function and the usability, make them more substantial basis on IDR operations by armed forces. The laws and regulations on IDR by armed forces should touch upon six aspects: legal norms of conduct on the subject, activity, procedure, legal liability, coordination issues and safety and security of the troops involved in IDR operation.

7. The seminar recognised that regulations be supposed to hold some basic points, such as tasks and duties, organization of command and control post, entry and exit of personnel and equipment, conduct of operations, principles to handle the disaster, measures to meet the emergencies, specialised training including the management of joint military exercise and training, IDR operation. Additionally, the legal system development should be focused on three aspects: providing the basis for the armed forces to fulfill diversified military missions which cover the IDR operations, stipulating the types of non-war operations, and awarding special medals to the military personnel who participated in UN peacekeeping operations and humanitarian assistance.

8. The seminar acknowledged that the HADR faced identification of assistance required, large numbers of players, interoperability, lack of knowledge of deployment areas, joint planning and reporting, resource sharing, communication, different concepts of operations, diplomatic clearances and over-flight clearance. The legal challenges are also faced by armed forces-privileges. However, the legitimate requirement can facilitate deployment of military assets for HADR operations by assisting states. The assistance should be provided only at the request by affected states, and the types of aid and duration be decided by affected states.

9. The seminar recognised that many ARF members developed on the national and international laws and regulations in HADR operations until they have maintained its readiness with self-sufficient capability. ARF members should formulate their regulations with consideration of the regional guidelines, such as ARF strategic guidance, ASEAN Agreement on Disaster Management and Emergency Response (AADMER), and ASEAN SASOP, etc.

10. The participants recognized that there are many cooperative legal frameworks governing cooperation as well as the use of military and civil defence assets in HADR at regional and sub-regional levels. Then the proliferation of different agreements and frameworks at multiple levels could lead to confusion and diminish the effectiveness of HADR operations by increasing the time needed to coordinate, cooperate and respond to natural disaster. There should be room for flexibility in developing norms of behavior in the conduct of international HADR operations.

11. The seminar recognised that ARF Voluntary Model Arrangement for the Use of Foreign Military and Civil Defence Assets (MCDA) in Disaster Relief reflects the ARF characteristics of voluntarism, non-binding principles, and flexibility. Yet there is much room for discussion.

Item 4: The Legal Basis of the HADR Operations by ARF Militaries

12. The seminar noted that process of performing duties need a series of efforts on application phase such as plan of action when disaster happened, policy making and informing, carrying out a plan and dispatch preparation, arriving at the capital of disaster country, and disaster site, starting disaster relief operation, ending operation and withdrawal.

13. The seminar noted that the military play different roles in disaster relief operations in different manner. In some countries, militaries are the main contribution while in some countries it is the civil agencies that take lead while militaries play a supporting role.

14. The seminar noted that as the large-scale disasters have occurred, the affected states have developed the legal basis for the government at the top, strategic and local levels for pre-disaster, during disaster, and after disaster as the main parts of the National Master Plan. The participants realized that future cooperation between the civil society organisations and militaries of ARF members on humanitarian assistance and disaster relief is very important.

Item 5: The Cooperation Regime for the development of the Laws and Regulations on HADR Operations by ARF Militaries

15. The seminar noticed that there is a wide gap between the urgent need for increasing cooperation among ARF members in IDR and the insufficiency of laws and regulations on the participation in IDR by armed forces. The delegates from different countries believe this sort of seminar will help to narrow the gap.

16. The seminar noted that the civil society and non-governmental organisations and military forces have fundamentally different cultures and approaches, characterised by different channels of command and organisational structures. The international law can assist these different actors to carry out their work properly and legitimately. The seminar also acknowledged the significance of AADMER which is to provide effective mechanisms to achieve substantial reduction of disaster losses and enhance the cooperation between the civilian and military organizations within ASEAN.

17. The seminar recommended that the international and regional meetings should be regularly arranged. The systematic and dynamic legal subjects should be discussed. The joint-training or joint exercises on international disaster relief will help to increase mutual confidence and strengthen communication within the related internet websites. In the future, the ARF members can improve and complete the ASEAN Regional Forum strategic guidance for humanitarian assistance related with the civil-military cooperation to strengthen national and regional disaster response capabilities among ARF members, and improve the speed and effectiveness of ARF multinational disaster relief responses.

18. In order to enhance cooperation among ARF member states on HADR, several activities have been arranged in 2010 and upcoming year, such as ASEAN defence establishments and civil society organisations cooperation on disaster management co-hosted by Brunei Darussalam, the Philippines and the Kingdom of Thailand, Geospatial Mapping Service for HADR presented by Australia and Singapore, ASEAN HADR Table-top exercise, to be co-hosted by Singapore and Indonesia, and ASEAN Regional Forum Disaster Relief Exercise 2011, to be co-hosted by Japan and Indonesia.

19. The seminar suggested that as the successive approach of this kind of seminar, it is advisable to include some table exercises or decision-making games in the future. A certain kind of channel could be established to share information of the latest development in laws and regulations on IDR among ARF member states.

Items 6: Closing Remarks

20. The Co-Chairs, Major General Zhu Chenghu and Major General Piya Krutvecho, expressed their appreciation to the participants for their active discussion and exchange of views on the topics in the seminar, which have contributed a lot to the fruitful seminar. The Co-Chairs also anticipated that the result of this seminar will facilitate a more effective assistance and support for the operations in IDR and promote the development of disaster prevention cooperation amongst the ARF members in tackling the increasingly destructive disasters.

21. The delegates expressed their sincere thanks to the government of the People's Republic of China for the warmest hospitality and the outstanding arrangements for them.

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