

Natural Disaster Management Law
(The Pyidaungsu Hluttaw Law No. 21,2013)
The 9th waning of Waso,1375, M.E.
(31st July, 2013)

The Pyidaungsu Hluttaw hereby enacts this Law.

Chapter I

Title and Definition

1. This Law shall be called the **Natural Disaster Management** Law.
2. The following expressions contained in this Law shall have the meanings given hereunder:
 - (a) **State** means the Republic of the Union of Myanmar.
 - (b) **Natural disaster** means the destructions to the life and property, livelihood, infrastructures, safety education and health of the public or to the environment due to natural or man-made accidents or negligence such as fire, landslides, storms, floods, thunderbolts, droughts, earthquakes, sunamis, avalanches, heat or cold waves, volcanic eruptions, erosion of banks and shores and maritime accidents; or damage to crops caused by pests or plant diseases, starvation and outbreak of contagious diseases of human or animals; or violence and armed insurgencies; or **dangers caused by industrial, chemical or nuclear accidents**, oil spills or leakage of natural gas. This expression shall also include any other danger specified as a natural disaster by the National Natural Disaster Management Committee;
 - (c) **Natural disaster management** means natural disaster risk reduction activities including preparedness and prevention before the natural disaster strikes in order to minimize the potential losses; emergency response activities including search and rescue during the natural disaster and rehabilitation and reconstruction activities after the natural disaster and activities incorporating natural disaster risk reduction measures in national development programme;

- (d) **Natural disaster risk reduction** means measures to reduce short-term and long-term natural disaster risks for the preparedness and prevention against potential natural disasters or for the reduction of natural disaster risk and effective response during any natural disaster;
- (e) **Resource** means movable and immovable properties including human resources, any kind of energy, livestock, any kind of vehicle, equipments, communication devices, buildings, warehouses, food and relief items, rehabilitation materials, accommodation and cash needed for victims;
- (f) **National Committee** means the National Natural Disaster Management Committee formed under this Law;
- (g) **Local Body** means any Natural Disaster Management Body of the Region or State, Self-administered Division or Self-administered Zone, District, Township and Ward or Village Tract formed under this Law;
- (h) **International Organizations** mean the United Nations and its agencies, inter-governmental organizations and non-government organizations in other countries;
- (i) **Foreign Regional Organizations** mean the Association of South East Asia Nations and the Associations formed among Asia and other Regions in which the State is a member;
- (j) **Victims** mean the persons affected by the natural disasters.

Chapter II

Objectives

3. The objectives of this Law are as follows:
 - (a) to implement natural disaster management programmes systematically and expeditiously in order to reduce disaster risks;
 - (b) to form the National Committee and Local Bodies in order to implement natural disaster management programmes systematically and expeditiously;
 - (c) to coordinate with national and international government departments and organizations, social organizations, other non-government

organizations or international organizations and regional organizations in carrying out natural disaster management activities;

- (d) to conserve and restore the environment affected by natural disasters;
- (e) to provide health, education, social and livelihood programmes in order to bring about better living conditions for victims.

Chapter III

Formation of National Natural Disaster Management Committee and its Duties and Powers

Formation

- 4. The Union Government:
 - (a) shall, in order to implement the provisions of this Law effectively and successfully, form the National Natural Disaster Management Committee comprising a Vice-president as the chairman together with suitable persons;
 - (b) may re-form the National Committee formed under sub-section (a) as necessary.

Duties and Powers

- 5. The duties and powers of the National Committee are as follows:
 - (a) laying down the policies for natural disaster management and issuing guidelines in accord with those policies;
 - (b) forming Natural Disaster Management Work Committee, Search and Rescue Work Committee and other necessary Committees and determining duties and powers thereof;
 - (c) leading to implement the projects for compiling records of natural disasters around the world and experiences, drawing preparedness plans against potential natural disasters, rescuing and supporting to be carried out during the natural disasters and rehabilitation and reconstruction after the natural disasters;

- (d) allocating main responsibility of natural disaster management Committee or Region or State Natural Disaster Management depending on the severity of the natural disaster and the extent of damage and losses;
- (e) forming temporary local body comprising suitable persons from nearby areas when the members of any local body are among the victims and are unable to fulfill the duties of the natural disaster management and assigning duties thereof;
- (f) submitting report to the President to declare the affected area as the disaster affected area mentioning the situation in this area;
- (g) assigning functions and duties of the relevant Ministries, departments and government organizations and guiding and supervising to ensure effective and expeditious implementation of disaster risk reduction;
- (h) establishing a Natural Disaster Management Centre for monitoring and screening information relating to disasters and prompt dissemination of early warnings;
- (i) coordinating relevant local authorities and local organizations for timely evacuation of the local population in areas that may be affected by natural disasters when early warning is received;
- (j) cooperating, if necessary, with foreign countries, international organizations and regional organizations in order to implement disaster risk reduction more expeditiously;
- (k) screening and supervising international organizations, regional organizations, foreign countries, local non-government organizations and volunteers who wish to participate in any natural disaster management;
- (l) guiding, supervising and causing the local body to supervise for implementation of programmes organized to use readily of human resources and materials necessary for search, rescue, assistance and supporting activities;
- (m) identifying areas for assistance in order to implement search rescue and assistance support activities expeditiously, guiding and supervising and

causing the local body to supervise in respect of mobilized use of human resources and materials by departmental organizations, social organizations and other non-government organizations according to the area;

- (n) providing fees for the use of necessary resources and guiding for temporary use and relocating the victims;
- (o) requiring assistance from the Myanmar Police Force, Fire Brigade, Red Cross, Social organization and other non-government organizations and, if necessary, of the Defence Service in order to provide assistance to the victims when the natural disaster strikes;
- (p) requiring the strength of the Myanmar Police Force and, if necessary, of the Defence Service in order to provide security in the natural disaster affected area;
- (q) reporting the Union Government the situation of emergency measures for natural disaster management and supervising the press release on the news of the natural disaster and natural disaster risk reduction measures to the national and international public;
- (r) guiding and causing the relevant Government departments, organizations and local bodies to supervise in providing food and relief items which are urgently required and rehabilitation materials and in preventing the outbreak of contagious diseases in the disaster affected area;
- (s) leading for the systematic implementation of rehabilitation and reconstruction works by indentifying the steps in order to resume agricultural, economic and livelihood activities to get drinking water, to restore transportation, electricity supply and communication facilities and to improve health, education and social needs;
- (t) educating and motivating the public in order to get wide knowledge and to participate more in natural disaster management and guiding to conduct seminars, conferences and talks;

- (u) causing to compile accounts and records of utilizing of relief items and spending of cash provided by national and international sources and activities of organizations participating in disaster risk reduction and guiding to ensure transparency to well-wishers and the public concerning those activities and supervising those activities;
- (v) tendering advice to the Union Government of the disaster risk reduction plan to be included in the implementation of State development programme;
- (w) establishing base stations in the disaster prone area or in the disaster affected area or nearby area if direct supervision of the National Committee on the natural disaster management is necessary;
- (x) taking necessary measures for emergency response including search and rescue, for rehabilitation and reconstruction and for long-term protection against natural disaster in respect of unforeseen natural disaster;
- (y) delegating any function and duty of the National Committee to the relevant Ministry, non-government organization or person;
- (z) spending and managing the National Natural Disaster Management Fund in compliance with the financial regulations of the natural disaster management prepared in coordination with the Union Auditor General's Office;
- (aa) recommending to the Union Government of the necessary contribution to the Natural Disaster Management Fund by the foreign regional organizations;
- (bb) providing appropriate humanitarian assistance with the approval of the Union Government when it is known that the disaster strikes in foreign countries especially any member State of the foreign regional organizations and causes high level of damage and losses;

- (cc) permitting with the approval of the Union Government in respect of transit through the state of food and relief items and rehabilitation material provided by a foreign country to another country;
 - (dd) guiding and supervising the relevant Ministries, government departments and organizations, social organizations and other non-government organizations to undertake prevention, protection and healthcare in order not to spread the outbreak of contagious diseases caused by natural disaster from the State to neighboring countries and those from neighboring countries to the State;
 - (ee) performing other functions and duties of natural disaster management assigned by the Union Government.
6. The Ministry of Social Welfare, Relief and Resettlement shall undertake the office works relating to the functions and duties of the National Committee.

Chapter IV

Formation of Natural Disaster Management Bodies and its Duties and Powers

Formation

7. The Union Government-
- (a) shall, in order to provide close supervision for effective implementation of natural disaster management in Region and States, form Region or State Natural Disaster Management Bodies comprising the Chief Minister of the relevant Region or State as the chairperson together with suitable persons;
 - (b) may re-form the Region or State Natural Disaster Management Bodies formed under sub-section (a) as necessary.
8. The Region or State Government-
- (a) shall, in order to provide close supervision for effective implementation of natural disaster management in Self-administered Division or Self-administered Zone, district, township, ward and village tract within the Region or State, form Natural Disaster Management Bodies comprising suitable persons and assign duties and powers thereof;

- (b) may re-form Local Bodies formed under sub-section (a) as necessary.

Duties and Powers

9. The duties and powers of the National Disaster Management Bodies of the Region or State are as follows:

- (a) implementing natural disaster management expeditiously under the guidance of the Nation Committee in coordination with the relevant government departments and organizations, internal and external well-wishers, social organizations and other non-government organizations;
- (b) monitoring continuously the potential for natural disasters in various regions within the country and submitting the information on imminent natural disaster to the National Committee promptly;
- (c) implementing emergency responses including search and rescue activities promptly as soon as the natural disasters occur in order to reduce damage and losses;
- (d) ensuring systematic and timely delivery of food and relief items and rehabilitation materials to the victims in the disaster affected area;
- (e) requesting cooperation and accepting volunteer services of civil services personnel, members of the Fire Brigade, members of the Red Cross, well-wishers and members of social organizations and other non-government organizations within disaster affected regions to participate in appropriate roles in disaster management activities;
- (f) providing fees for the use of necessary resources and guiding for use and locating the victims temporarily;
- (g) requesting necessary assistance from other Region or State Government or local bodies in order to reduce damage and losses caused by natural disasters;
- (h) providing necessary assistance and support upon request by the Region or State Government or local body in order to reduce damage and losses caused by the natural disaster when the natural disaster strikes in other Region or State;

- (i) directing the local population to leave areas and building at risk of natural disasters and making necessary arrangements for evacuation when the natural disaster strikes or there is a potential to strike;
- (j) directing the local body in the area which is affected or has the potential to be affected by the natural disaster to have the disturbance pulled down or moved to a safe area or to make to use or to modify any building or object in order to reduce damage and losses caused by the natural disaster and carrying out with the permission of the National Committee if the natural disaster can spread to other areas in doing so;
- (k) undertaking and supervising the prevention, protection and healthcare in order not to spread the outbreak of contagious diseases caused by natural disasters to other Region or State or neighbouring countries and those from other Region or State or neighbouring counties to the region in coordination with relevant Ministries, Government departments and organizations, social organizations and other non-government organizations;
- (l) prohibiting unauthorized access to buildings or specified areas apportioned to natural disaster management or to the natural disaster affected areas and nearby areas or directing the relevant persons to leave such buildings and areas;
- (m) arranging security and the rule of law in disaster affected areas;
- (n) delegating any duty to the appropriate government, government organizations or non-government organizations and any individual for affective implementation;
- (o) collecting data on damage and losses caused by the natural disaster and compiling and keeping the record;
- (p) spending and managing the Region or State Natural Disaster Management Fund in accord with the financial regulations prepared by the guidance of the National Committee.

- (q) performing other duties assigned by the Union Government and the National Committee.

10. In undertaking the disaster management activities, relevant Region or State Relief and Resettlement Offices shall undertake under the supervision of the Region or State Natural Disaster Management Body.

Chapter V

Declaration of Being a Natural Disaster Affected Area

11. The President may, if it is known by the report of the National Committee or by other means that there has been a severe natural disaster which causes extensive loss of life and property and damage to the environment in the whole or part of the State and it is believed that there may be difficulties in a rapid restoration of normality, declare such area as a natural disaster affected area by specifying the period and area.

12. The President may, after declaration being a natural disaster affected area, extend and alter the specified period and the area as may be necessary.

Chapter VI

Natural Disaster Management

13. The department, organization or person that has been assigned responsibility under this Law:

- (a) shall undertake the following functions after laying down the plan in accord with the natural disaster management plans in order to reduce damage and losses that are likely to be caused by natural disaster;
 - (i) preparatory and preventive measures for natural disaster risk reduction in pre-disaster period;
 - (ii) emergency responses including search and rescue during natural disaster;
 - (iii) rehabilitation and reconstruction activities for improving better living standard in post disaster period and conservation of the environment that has been affected by natural disaster;

- (b) shall give priority and protect infants, the elderly, the disabled and women (especially pregnant women or mothers and suckling mother) in carrying out the functions contained in sub-section (a);
- (c) shall refrain from the act that causes injuring human dignity in supporting the victims.

14. Preparatory measures for natural disaster risk reduction before natural disaster include the following:

- (a) prioritization of the natural disaster risk reduction by the National Committee and the Local Body respectively;
- (b) carrying out better improvement on early warning system of natural disaster;
- (c) applying knowledge and innovation to be a habit of safety and resilience at every level from the National Level to the ward or village tract level;
- (d) carrying out together with the measures of natural disaster risk reduction in development plans of the State;
- (e) establishing sound preparations to resolve the natural disaster at every level from the National Level to the ward or village tract level.

15. Preparatory measures to be organized before natural disaster in the area where is likely to strike natural disaster include the following:

- (a) identifying the area where is likely to strike natural disaster and preparing the natural disaster risk assessment and planning emergency management;
- (b) giving public awareness of knowledge of the natural disaster, keeping the early warning systems, training for search and rescue and making rehearsal;
- (c) enhancement of the capacity of the public for emergence of a disaster resilient community in compatible with climate change for reduction of damage and losses due to unforeseen disaster risk caused by climate change;

- (d) guidance, motivation and implementation of active participation from the community including volunteers in the community-based natural disaster management activities and disaster reduction activities by the National Committee and Local Body;
- (e) issuing early warning information to the public to enable to evacuate in time and move their properties and cattle to the safety area;
- (f) stockpiling to enable ready to provide the minimum requirement of food and relief items and rehabilitation materials according to the type of natural disaster;
- (g) taking measures to enable to get assistance of the Defence Services, the Myanmar Police Force, the Fire Brigade, the Red Cross, volunteers organizations, civil societies and other non-government organizations for search, rescue and support functions expeditiously;
- (h) communications network for giving necessary assistance by foreign countries, international organizations and external regional organizations in case of serious damage and heavy losses caused by natural disaster;
- (i) taking preparatory measures for rehabilitation and reconstruction activities of health, education, social and other sectors for improving better living standard after disaster;
- (j) performing other duties assigned by this Law in respect of the preparatory measures.

16. Preventive measures to be carried out in the area where is likely to strike natural disaster before the natural disaster include the following:

- (a) building cyclone shelters and life-saving hillock-sanctuaries in the area where is not easy to evacuate;
- (b) constructing embankments along the coast and in the flooded area;
- (c) preservation of mangroves along the coast and planting fast-growing trees;
- (d) taking preventive measures according to the type of natural disaster;

- (e) performing other duties assigned by this Law in respect of the preventive measures.

17. When the natural disaster strikes, emergency responses including search and rescue include the following:

- (a) emergency search and rescue of missing persons due to natural disaster;
- (b) evacuation of the victims to the safety area and providing accommodation in temporary shelters;
- (c) emergency supporting of food and relief items;
- (d) clearance of damage and collecting preliminary data on losses and making examinations for necessities to provide;
- (e) opening an emergency management centre and closely supervised the natural disaster;
- (f) providing emergency health care to the local people and prevention of the outbreak of contagious diseases by forming mobile healthcare teams;
- (g) providing medical treatment to the injured and the sick by opening temporary clinics and hospitals;
- (h) conducting emergency responses including search and rescue according to the type of natural disaster;
- (i) performing other duties assigned by this Law in respect of emergency responses including search and rescue.

18. Rehabilitation and reconstruction activities to be carried out after disaster include the following:

- (a) data collection and confirmation of damage and losses due to natural disaster;
- (b) providing the continuation of sufficient food, relief and rehabilitation items, appropriate and financial assistance from the allotted funds to the victims;
- (c) laying down the plan for rehabilitation and reconstruction on the situation of damage and losses;
- (d) reconstruction of buildings and houses damaged by the natural disaster in an appropriate area as disaster-resilient buildings;

- (e) rehabilitation in order to restore agriculture, livestock breedings and other vocations required for victims;
- (f) establishment of reintegration into society by uplifting to the mental affected person due to natural disaster;
- (g) providing medical treatment to the victims and taking preventive measures against the contagious disease that is likely to cause as supplementary;
- (h) taking measures for the continuation of students' studies out of the victims and reconstruction of schools;
- (i) taking measures for the safety of the victims and rule of law in the disaster affected area;
- (j) coordination with the relevant body of the prevention against human trafficking for the prevention against human trafficking to the victims;
- (k) performing other duties assigned by this Law in respect of rehabilitation and reconstruction activities.

Chapter VII

Natural Disaster Management Fund

19. The National Committee shall establish the Natural Disaster Management Fund with the following receipts to carry out natural disaster management activities:
- (a) allocation from the Union budget fund;
 - (b) contribution and donation from foreign countries, international organizations and external regional organizations, loans from local and foreign and other official receipts;
 - (c) contributions and donations of local bodies, well-wishers in local and foreign, civil societies and other non-government organizations;
 - (d) official accrued money received from fund.
20. The Region or State Natural Disaster Management Bodies shall establish the Region or State Natural Disaster Management Fund with the following receipts under the permission of the National Committee:

- (a) allocation from the Region or State Government's budget fund;
 - (b) contributions and donations from foreign countries, international organizations and external regional organizations and other official receipts;
 - (c) contributions and donations of well-wishers in local and foreign, civil societies and other non-government organizations.
 - (d) official accrued money received from fund.
21. The National Committee shall draft the Financial Regulations on Natural Disaster Management in coordination with the Union Auditor General's Office.
22. The Region or State Natural Disaster Management Bodies shall draft the Financial Regulations on Natural Disaster Management in accord with the guidance of the National Committee.
23. The National Committee may, if necessary, allocate funds from the National Natural Disaster Management fund to the Region or State Natural Disaster Management fund.
24. The National Committee shall submit an audit report in respect of spending and management of the National Natural Disaster Management fund and the Region or State Natural Disaster Management fund in accord with the financial regulations.

Chapter VIII

Offence and Penalties

25. Whoever, if the natural disaster causes or is likely to be caused by any negligent act without examination or by wilful action which is known that a disaster is likely to strike, shall be punished with imprisonment for a term not exceeding three years and may also be liable to fine.
26. Whoever interferes, prevents, prohibits, assaults or coerces any natural disaster management to the department, organization or person assigned by this Law shall, on conviction, be punished with imprisonment for a term not exceeding two years or with fine or with both.

27. Whoever misinforms about the natural disaster for the purpose of dread to the public shall, on conviction, be punished with imprisonment for a term not exceeding one year or with fine or with both.

28. Any department, organization or person assigned by this Law commits any of the following acts or omissions shall, on conviction, be punished with imprisonment for a term not exceeding one year or with fine or with both:

(a) falsification of data on damage and losses caused by natural disasters dishonestly;

(b) wilful failure to perform assigned responsibility.

29. Whoever violates any prohibition contained in rules, notifications and orders issued under this Law shall, on conviction, be punished with imprisonment for a term not exceeding one year or with fine or with both.

30. Whoever commits any of the following acts or omissions shall, on conviction, be punished with imprisonment for a term not exceeding one year or with fine or with both:

(a) wilful failure to comply with any of the directives of the department, organization or person assigned by this Law to perform any of the natural disaster management;

(b) entering into the area or building affected by natural disaster without permission;

(c) utilizing, trading, preventing or destroying food, relief items and rehabilitation materials provided for victims dishonestly;

(d) making a false application for food, relief items and rehabilitation materials or cash assistance to the department, organization or person assigned by this Law as it is affected by natural disaster.

31. Whoever fails wilfully to comply with the direction of remove or evacuation from an area or building at risk natural disaster to the public in such place for the purpose of reduction of damage and losses when the natural disaster strikes or it will be a natural disaster and for the purpose of no obstruction to the prevention and reduction activities of the natural disaster shall, on conviction, be punished with imprisonment for a term not exceeding one month or with fine or with both.

Chapter IX

Miscellaneous

32. Food, relief items and rehabilitation materials imported into the State for protection of natural disaster shall be exempted from paying tax under the relevant existing law.
33. The full expenditure of the function and duty of the National Committee shall be incurred from the budget of the Ministry of Social Welfare, Relief and Resettlement.
34. The National Committee may permit internal and international department, organization or person to wear the prescribed uniform with a badge on it according to the relevant department and organization while performing any duty of natural disaster management.
35. No suit or criminal proceeding shall lie against the department, organization or person assigned by this Law which any of the disaster management is done in good faith.
36. The department, organization or person assigned by this Law shall, if necessary to evacuate to the public in an at-risk area before the occurrence of natural disaster, undertake in accord with their consent.
37. Aggrieved person who has been directly affected in any of the private own properties and has been loss of life or has been affected to the member due to any of the disaster risk reduction activities is entitled to compensation in accord with the stipulations.
38. The consent of the Regional Commander-in-chief shall be obtained in order to carry out any of the disaster risk reduction activities in any of the cantonment areas and to use in respect of any property belonging to the Defence Services as such.
39. The procedures, notifications, orders and directives issued in respect of the natural disaster before this Law comes into force shall remain in force in so far as they are not contrary to the provisions in this Law.
40. The offences in this Law are determined as cognizable offences.

41. Any offence in this Law shall be sued only with the prior approval of the relevant Region or State Natural Disaster Management Body.
42. The offences in this Law shall be taken action only under this Law.
43. In implementation of the provisions of this Law:
- (a) the Ministry of Social Welfare, Relief and Resettlement may issue the necessary rules, regulations and bye-laws with the approval of the Union Government;
 - (b) the National Committee and relevant Union Ministries may issue the necessary notifications, orders, directives and procedures or the Department of Relief and Resettlement may issue the necessary orders and directives;
 - (c) the Region or State Government may issue notifications, orders and directives.
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I hereby sign under the Constitution of the Republic of the Union of Myanmar.

Sd/ Thein Sein

The President

The Republic of the Union of Myanmar