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IDRL Projects take form in Sierra Leone and Uganda

Sierra Leone

Seven years after the end of a catastrophic civil conflict, Sierra Leone is working to rebuild its critical state institutions and systems, including procedures for facing future disasters. After developing a national disaster policy and plan last year, the government is now turning to a new legislative framework for disaster response. In this context, it has invited the Sierra Leone Red Cross Society (SLRCS) and the Federation to provide it with support on IDRL, in the first such project to be undertaken in Africa.

In December, the Federation’s IDRL Delegate for Africa, Eilif Torma, visited Freetown for initial discussions about the project with key stakeholders. Mr. John Vandy Rogers, Acting Director of the Disaster Management Department of the Office of National Security, convened the heads of key governmental departments, SLRCS, as well as UN agencies and other major international relief agencies to talk about the importance of integrating legal preparedness for international disaster assistance into the new legislation.

“We have made important strides in ensuring that Sierra Leone is a disaster-resilient country,” Rogers noted, including through “the development of hazard profiles, disaster policies and contingency plans.” However, “the development of a disaster management law is now a priority for the National Disaster Programme.”

SLRCS Secretary-General Emmanuel Hindovei Tommy likewise underlined the importance of a well-prepared legal framework and the willingness of the Red Cross to support the government, noting that “we are ready to take this project forward.”

A task force for the domestic implementation of the ID RL Guidelines in Sierra Leone has been formed and a prominent barrister, Ms. Cosmotina Jarrett, has been engaged to support the task force and perform the necessary legal research.

Uganda

In February 2009, Torma visited Kampala to explore the possibilities of developing a similar project in Uganda. He had the opportunity to meet with senior officials of the Uganda Red Cross Society, the Office of the Prime Minister, and other partners in the humanitarian and donor communities.

The concept for the project was warmly received, in particular in light of ongoing discussions in the country on the need to modernize its disaster management legislation as well as its laws governing non-governmental organizations. A follow-up visit is now being planned to create a task force and agree to project methodology.
Over the last year, the Spanish Red Cross and the Complutense University of Madrid have been collaborating on a study of the regulation and coordination of Spanish actors involved in international humanitarian assistance. As part of this process, on February 9th, they convened a workshop of governmental and non-governmental agencies to discuss both domestic and international systems of humanitarian coordination.

The domestic mosaic of actors

It was pointed out that Spanish governmental agencies with a statutory role in foreign relief include not only the Spanish Agency for International Cooperation and Development (AECID), but also the armed forces and the governments of each of the autonomous communities (which, collectively, dispose of many times the resources available to the AECID), leading to certain complexities of coordination. According to a 2001 law, the AECID has an overall coordination mandate for all Spanish actors providing assistance abroad, as well as to ensure “coherence” of Spanish efforts with those of the United Nations and European Union.

Some participants raised questions about the adequacy of this mandate and about the potential pressures on the non-governmental sector. Others debated the appropriateness of the statutory role of the armed forces in humanitarian assistance. However, there was also substantial praise for the high level of cooperation across all sectors.

Interactions with the international system

Participants also debated the merits of the various international mechanisms for coordination of humanitarian assistance, including those of the United Nations and the International Red Cross and Red Crescent Movement. In this connection, IDRL Programme Coordinator David Fisher was asked to speak about the Federation’s efforts to improve the regulation of disaster relief, in particular through the IDRL Guidelines.

“This workshop was an important means for us to open a dialogue with our key partners in the government and among NGOs on these regulatory issues,” explained Mercedes Babé, Director of International Cooperation at the Spanish Red Cross. “We need to work together on this, both in Spain and internationally.”

The joint study of the Spanish Red Cross and Complutense University is due to be completed this spring.
Cambodia IDRL project gets down to brass tacks

Since November 2008, the IDRL Programme has been collaborating with the Cambodian Red Cross Society and the World Health Organization with support from the Asian Development Bank to assist the Government of Cambodia on legal preparedness for international disaster assistance and the control of epidemics. On January 21st, the project took an important step forward, when the Cambodian National Committee for Disaster Management (CNCDM) convened a high-level consultative workshop on this topic in Phnom Penh.

Forty-three participants from a dozen governmental departments joined representatives from UN agencies, the Red Cross and international and local NGOs to learn about existing international standards in this sector and to comment on the initial findings of the legal preparedness project.

CNCDM Secretary-General, H.E. Peou Samy, opened the workshop, observing that while Cambodia has not yet experienced disasters as severe as those of neighbouring countries, it still needs to undertake legal preparedness measures in case future situations exceed capacities. He emphasized that participants’ input would be “very important” in the ongoing preparation of a draft disaster management law.

Ms. Veasna Chea, legal consultant for the Legal Preparedness Project, presented the project’s initial findings, noting that it had uncovered a number of gaps in existing Cambodian law. She concluded that “efforts to develop new comprehensive disaster management and communicable disease control legislation need to be fast-tracked.”

Participants examined in detail how existing Cambodian law addresses the main issue areas covered by the IDRL Guidelines and the International Health Regulations, in the light of recent operational experiences.

“Everyone is responsible for implementing new DM laws, and they must be effective -- not just a piece of paper.”

H.E. Pum Chantinie, Secretary-General, Cambodian Red Cross

The workshop concluded with a plenary session where participants agreed to a number of recommendations on reform, which will be reflected in the project’s final report, which will completed in the first quarter of 2009. In closing, Cambodian Red Cross Society Secretary General Pum Chantinie noted that “everyone is responsible for implementing new DM and CDC laws, and they must be effective -- not just a piece of paper.”
Greater Mekong governments embrace legal reform

"Diseases do not stop at the border. We share the challenges, and so we must share the solutions", said Dr Ah Sian Tee, Director of Combating Communicable Diseases for the World Health Organisation's Western Pacific Regional Office.

Dr Tee was addressing participants during the opening of the Asian Development Bank Greater Mekong Subregion (GMS) Public Health Forum in Guilin, China, 23-24 February.

The two-day Forum brought together representatives from the governments of Cambodia, China, Laos, Myanmar, Thailand and Vietnam, and a number of development partners from UN and academic research institutes, as well as the IFRC. Its aim was to enhance regional cooperation in health security and health care in border areas in the GMS.

A session was also devoted to the strengthening of regional communicable disease control, considered particularly important in light of the threat of pandemic influenza. IDRL Asia Pacific Coordinator Victoria Bannon presented information on the joint Legal Preparedness Projects commencing in Laos and Vietnam and shared some preliminary findings from the Cambodia Legal Preparedness Project (see the preceding article).

During the discussions, the Deputy Director-General of the Ministry of Health from Cambodia stated he was very proud of Cambodia’s progress with the project, highlighting the critical role of Cambodian Red Cross in being able to bring together different ministries and organisations to discuss legal arrangements and preparations for international assistance.

Indeed, the challenge of bringing together both disaster management and health practitioners for pandemic planning was highlighted by others and the central role of legal preparedness was a recurrent theme throughout. In the provisional “Concluding Statement” participants “noted the importance of the development of comprehensive national legal frameworks for the management of disasters and communicable disease emergencies, including for situations when international cooperation is required.”

They also insisted that “priority should be given to the implementation of key international instruments such as the International Health Regulations (IHR), the Asia Pacific Strategy on Emerging Diseases (APSED), and the Guidelines on the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance (IDRL Guidelines). The Legal Preparedness Projects of IFRC and ADB were seen as making important contributions in this regard.”
Indonesia reflects on lessons from the 2004 tsunami

On 13 – 14 February 2009, IDRL Asia-Pacific Programme Officer Aishah Amin was in Jakarta to introduce the IDRL Guidelines at the Co-ordination Forum for Aceh and Nias (CFAN). The forum focused on lessons learned from the tsunami response in Indonesia, and provided a platform for knowledge- and experience-sharing activities.

The Forum coincided with the end of the four-year mandate of the Tsunami Rehabilitation and Reconstruction Bureau (BRR) for Aceh and Nias Island. BRR’s rehabilitation and reconstruction efforts will be taken over by relevant ministries and local governments, with the Reconstruction Continuation of Aceh and Nias Body (BKRAN) in charge of coordination for a one-year period.

Speaking at the event, Indonesian President Susilo Bambang Yudhoyono praised the BRR’s work in coordinat-ing international and national assistance. He also pointed out the importance of international cooperation, assistance and solidarity in any disaster operation, and highlighted how acceptance of such assistance can save lives.

Jerry Talbot, Head of the IFRC Tsunami Unit (Geneva), stressed that the biggest lessons learned in Indonesia related to preparedness for large-scale emergencies, and facilitation and coordination of assistance, including through strengthened legal mechanisms.

UN Nargis evaluation calls for regulatory balance

In October 2008, the United Nations commissioned a team of humanitarian response experts to undertake an “Inter-Agency Real Time Evaluation” of the response to Cyclone Nargis in Myanmar. The report of its findings was published on December 17th.

Among the topics of the team’s report was humanitarian access. It concludes that “it is safe to assume” that restrictions the authorities placed on the entry of international humanitarian actors prolonged the suffering in some communities. On the other hand, it also notes that necessity had helped to build local capacity and leadership among civil society actors and that they had been able to make an impressive impact on the massive humanitarian needs generated by the cyclone.

The team thus called for “a balance that provides adequate, and timely, access to professional responders but does not open the doors to all.” It held up the IDRL Guidelines as an example of how this balance could be formulated, with states on the one hand being exhorted to seek international assistance where a disaster “exceeds national coping capacities”, while on the other hand retaining the “sovereign right to coordinate, regulate and monitor disaster relief and recovery assistance” in a manner consistent with international law.
UN General Assembly touts IDRL Guidelines

In December, the 63rd session of the United Nations General Assembly greeted the IDRL Guidelines enthusiastically, adopting three separate resolutions encouraging states to make use of them.

In both Resolutions 63/139 on “strengthening of the coordination of emergency humanitarian assistance of the United Nations,” and 63/141 on “international cooperation on humanitarian assistance in the field of natural disasters, from relief to development,” the General Assembly:

“encourage[d] Member States and, where applicable, regional organizations to strengthen operational and legal frameworks for international disaster relief, taking into account, as appropriate, the Guidelines for Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance, adopted at the thirtieth International Conference of the Red Cross and the Red Crescent held in Geneva in November 2007”.

Similar language was used in Resolution 63/137 on “strengthening emergency relief, rehabilitation, reconstruction and prevention in the aftermath of the Indian Ocean tsunami disaster,” in which the General Assembly welcomed legal reforms completed thus far in the affected region and encouraged governments to continue to strengthen their legal and institutional frameworks, making use of the IDRL Guidelines.

Special thanks

The IDRL Programme would like to express its gratitude to

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* The IFRC New York office for its assistance at the General Assembly and the Red Cross EU office for hosting a recent EU IDRL steering committee meeting.

* The Red Cross Societies and Governments of Cambodia, Sierra Leone and Uganda for their generous assistance and participation in recent IDRL missions.

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Finally, we would like to bid a fond farewell to consultant Veasna Chea, who finishes this month after six months of hard work in Cambodia, and intern Deborah Casalin, who has been the driving force behind this newsletter and many other IDRL projects since August.
IDRL programme donors 2008-2009

Governmental

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About the Federation’s IDRL Programme

The International Federation of Red Cross and Red Crescent Societies’ IDRL Programme seeks to reduce human vulnerability by promoting legal preparedness for disasters through advocacy, technical assistance, training and research. For more information, please see our website at www.ifrc.org/idrl.


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