

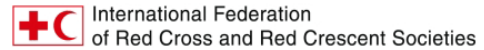
Law and Policy for Disaster Risk Management in South Sudan

Workshop Report



Hosted by the Ministry for Humanitarian Affairs and Disaster Risk Management, the South Sudan Red Cross Society (SSRC) and the International Federation of Red Cross and Red Crescent Societies (IFRC) in Juba on 21 and 22 March 2017.

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Why talk about law and policy for disasters?

Disaster law encompasses all laws that have an effect on the way we prepare for and respond to disasters. This includes national disaster management laws and policies, domestic and international legal instruments pertaining to border crossing disaster cooperation (such as customs treaties, import regulations and VAT laws), legislation related to the Red Cross and Red Crescent National Societies and, finally, laws that strengthen disaster risk reduction, such as building codes and land planning policies.



African communities have always been resourceful when adapting to their environment and today's threats are forcing them to become ever more resilient. In addition to the threats of ongoing violence in South Sudan, the risks posed by natural and human made hazards have a profound impact on the lives and livelihoods of many South Sudanese. These disaster risks may be mitigated through planning and preparation. While preparedness has many facets, legal preparedness is critical, both for setting an enabling

environment and for instituting a rule base that facilitates and rewards the necessary behaviours. In other words, in order to establish a firm foundation for these efforts, African countries need strong disaster laws.

This workshop intends to analyse the problems experienced in this matter in South Sudan and to develop tools and strategies to facilitate the management international humanitarian assistance in South Sudan while ensuring the smooth entry of high quality relief into the country. Secondly, the workshop explored the details of developing an inclusive, effective and accountable DRM institutional mechanism that is present at the cross-sectoral and decentralised levels of government. This workshop was meant to contribute to the ongoing efforts of the government of South Sudan to strengthen its legal preparedness for disasters.

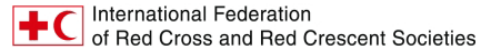
Workshop objectives

- Advanced training in DL issues as relevant for South Sudan, especially related to International Disaster Response Law (IDRL) and Laws relating to DRR;
- Presentation by the Ministry of the near-final draft of the national DRM Policy as it will be presented to Cabinet;
- Highlight the role of Red Cross National Societies as auxiliary to government in humanitarian response and as the 'community voice' in national law and policy making processes;
- Present progress of the drafting procedures at the country level: strengths, gaps and support required.

DAY 1 – 21 march 2017

Opening Ceremony

Master of Ceremony: Veronica Kenyi, programme coordinator of South Sudan Red Cross



John Lobor, Secretary General of the South Sudan Red Cross welcomed the participants and sketched the history of the SSRC in advocating for stronger disaster laws since the national workshop on IDRL in 2012, but indicated that the developments have been stalled due to the conflict that interfered with many of South Sudan's developments since 2013. However, the ongoing crisis has led to many vulnerable IDPs and a great many humanitarian operations in the country, which calls for better risk management and a system that accommodates and regulates the international operational reality. Mr Lobor emphasised the close

working relationship between SSRC and the MHADM in ensuring that a strong legal system becomes a reality so that collectively we are able to assist our own communities.

Dr. Michael Adekunle Charles, Country Representative for South Sudan for the IFRC explained that normal rules and laws don't work in extraordinary situations. The import of relief items and monitoring the quality of aid has proven to be a problem in several large-scale disaster response operations, for example after the Tsunami in South East Asia, the food security crisis in East Africa in 2011 and the relief efforts after the earthquake in Haiti in 2010. The IFRC has been working together with Red Cross and Red Crescent Societies for over 10 years to support governments in strengthening their domestic legal frameworks to solve this problem. To date, 24 countries have adopted legislation drawing on the IFRC's IDRL Guidelines and the Model Act. Another 20 countries are currently considering draft laws to regulate international humanitarian response assistance. This workshop wants to answer the question on how best to prepare for the worst in South Sudan.



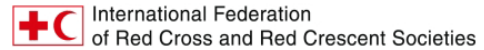
Dr Banak Dei Wal, Director General of the Department for Humanitarian Affairs and Disaster Management, welcomed the participants on behalf of the authorities and introduced *Mr Peter Dut, Executive Director of the Relief and Rehabilitation Commission.* Mr. Dut observed that the workshop came at an opportune moment, considering the very challenging humanitarian crisis South Sudan is facing, emphasising the need for timely humanitarian support. He stressed that IDRL related legislation complements the functioning of government institutions, supporting access, quality and curbing diversion of aid.

Introduction to Disaster Law: legislating for fast and efficient international relief

Ms Sanne Boswijk, Disaster Law Coordinator for Africa at the IFRC presented an interactive introduction to the common regulatory problems in international disaster response operations. On the one hand, these include barriers to the entry and operation of international relief providers. On the other, there are problems of coordination, quality and complementarity of the assistance provided. These problems are linked to each other – if there is more bureaucracy, it is often because of justified concerns about a disorganized international response. The result is reduced humanitarian access, higher costs for delivering aid, and poorer quality assistance to communities in need. Since 2007, the IFRC has supported National Societies to assist their governments in using the “Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance” (also known as the “IDRL Guidelines”)¹ to examine and strengthen their laws and procedures for international disaster response.



¹ <http://www.ifrc.org/en/what-we-do/idrl/idrl-guidelines/>.



In 2013, IFRC, OHCA and the IPU launched a model IDRL act², which is intended to serve as a reference tool and example to law-makers as they develop legislation on managing outside aid in a manner appropriate to their national circumstances.

The context of South Sudan: humanitarian situation and presentation of the draft DRM Policy

Dr Banak Dei Wal, Director General of the Department for Humanitarian Affairs and Disaster Management, introduced the disaster profile of South Sudan, which ranges from health crises like malaria and measles to flooding, earthquakes, drought. Inspired by the Sendai Framework for Action, the flagship global instrument in the field of disaster risk reduction, and the African Disaster Risk Reduction Strategy, the government of South Sudan has been preparing institutions, plans and mechanisms to increase their capacities for disaster management. The Directorate of Disaster Management of the Ministry of Humanitarian Affairs and Disaster Management is in the final stages of drafting a National Disaster Risk Management Policy for South Sudan. This draft Policy sets up an institutional framework for humanitarian assistance and disaster risk management, including promotion of a culture of disaster risk reduction for community resilience and building the capacity for disaster risk management at all levels.

Table top exercise

The participants then engaged in a table top exercise consisting of a fictional disaster scenario in which a fictional Government has launched an official appeal for assistance, leading to several legal and regulatory problems once the humanitarian assistance arrives.

Panel of experts: the Red Cross and Red Crescent in humanitarian response

A panel of experts presented on different elements of the role of the Red Cross and Red Crescent in humanitarian programming in South Sudan. The panel consisted of John Lobor, Secretary General, SSRC; Bayram Vakiyev, International Committee of the Red Cross (ICRC); Dr. Arvind Das, Netherlands Red Cross and Dr. Michael Charles, Country Representative for South Sudan, IFRC.

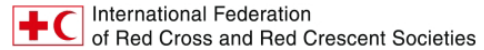
When it comes to the Red Cross and Red Crescent Movement, the public not always clear on the distinction between the different organisations involved. The SSRC, for example, is a national body, established by parliamentary act as an auxiliary to the government that provides humanitarian relief based on independence and on the basis of need only. The SSRC has presence in the entire territory of the country. At the moment, SSRC consists of 10 branches, both in government and opposition controlled areas. It is a voluntary organisation, and anybody can become a member. How do we get our funding? As act of government, we should be supported by government for basic setup. But as it's not a reality, we rely on ICRC (which has a mandate for situations of armed conflict and violence), IFRC (a membership organisation with a mandate to alleviate suffering in disasters) and Partner National Societies from other countries (PNS). SSRCs in turn host these sister organisations in South Sudan, which is a mix of situations that overlap all mandates at this table

The SSRC has developed an expertise in the field of Disaster Law and has collaborated before with the IFRC's Disaster Law Programme, which - based on dozens of domestic and international research projects and documentation of international good practice of domestic and international disaster law instruments - has been supporting NS and governments all over the globe engaging in legal advocacy and drafting support to enhance the domestic legal preparedness for disasters.

DAY 2 – 22 march 2017

Introduction to the Sendai Framework for Disaster Risk Reduction

²<http://www.ifrc.org/what-we-do/disaster-law/about-disaster-law/international-disaster-response-laws-rules-and-principles/model-act-on-idrl/>.



Ms Betty Scopas, @@ of the Department for Humanitarian Affairs and Disaster Management, provide the participants with an overview of the main elements of the Sendia Framework for Disaster Risk reduction. The importance of strong legislation for DRR was highlighted as an aspect of “priority one” of the Hyogo Framework of Action relating to “making DRR a national and local priority” and has been emphasized even more in the Sendai Framework for DRR of 2015, as part of “priority 2” on strengthening Disaster Risk



Governance to manage disaster risk. The framework emphasises that disaster risk governance at the national, regional and global levels is vital to the management of disaster risk reduction in all sectors and ensuring the coherence of national and local frameworks of laws, regulations and public policies that, by defining roles and responsibilities, guide, encourage and incentivize the public and private sectors to take action and address disaster risk.

Introduction to the South Sudan Red Cross

Veronica Kanyi, Programme Coordinator, SSRC

South Sudan Red Cross (SSRC) is a volunteer-based humanitarian institution, auxiliary to the public authorities in the humanitarian field. It was established through an Act of Parliament on 9th March 2012. The SSRC Bill was passed by Parliament and endorsed into law upon signature of the President of the Republic of South Sudan. Volunteers are the backbone of the South Sudan Red Cross, a voluntary relief movement not prompted in any manner by desire for gain. There are trained and active volunteers in all our local branches. There are ten South Sudan Red Cross branches across the country, which means that it has representation in every State.

Interactive introduction: using law to make DRR work at the community level

Sanne Boswijk, Disaster Law Coordinator for Africa, IFRC

Laws and regulations serve as a foundation for building community resilience. They are essential to reducing existing risks posed by natural hazards, preventing new risks from arising and making people safer. In 2005, the Hyogo Framework for Action, Building the Resilience of Nations and Communities to Disasters 2005 – 2015 highlighted the important role legislation plays in supporting disaster risk reduction (DRR), and this emphasis was reiterated this March in the Sendai Framework for Disaster Risk Reduction 2015-2030 (the Sendai Framework), which calls for a renewed focus on reviewing and strengthening legal frameworks. In light of this international guidance, many countries have sought to strengthen their laws and regulations for DRR. In doing so, they have asked: What should good legislation say about disaster risk reduction?

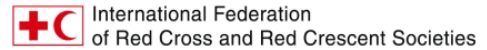
The Checklist on law and disaster risk reduction provides a prioritized and succinct list of ten key questions that lawmakers, implementing officials, and those supporting them need to consider in order to ensure that their laws provide the best support for disaster risk reduction. It is designed to serve as an assessment tool to guide a review process of national and local level laws and regulations that can enhance disaster risk reduction. The Checklist is accompanied by a more detailed Handbook for DRR and Law.

The introduction was followed by a roleplay that challenged participants to draft a legal argument for better DRR at the community level.

Concluding roundtable

Facilitation: John Lobor, Secretary General, SSRC

Mr Lobor led the participants in a roundtable discussion on the meaning of disaster law for South Sudan and the ways forward in this field. The participants agreed on the following conclusions and recommendations:



1. The humanitarian situation in South Sudan demands a strong legal and regulatory framework to address the risks and hazards at community level and to regulate and facilitate international humanitarian assistance. As hazards are a continuous threat, the development and implementation of this framework is a matter of priority.
2. The Ministry of Humanitarian Affairs and Disaster Management is in the final stages of drafting a National Disaster Risk Management Policy, which will be followed by further policies as relevant and a law – all these instruments can benefit from the DRR Checklist and the IDRL Guidelines.
3. Considering the many international humanitarian partners of the government of South Sudan, there is a need to develop a legal instrument that regulates and facilitates international humanitarian assistance, inspired by the IDRL Guidelines.
4. More training in the field of (implementation of) disaster law is necessary in South Sudan, especially involving cross-sectoral ministries, parliament, decentralized governance, traditional and religious leaders, civil society and other South Sudanese actors. Also, we could benefit from engaging Academia.
5. At this stage, it is especially important to secure the engagement of cross-sectoral ministries, as each has an important role to play in the reduction of risks in South Sudan. For example, the Ministry of Education should ensure inclusion of DRR awareness and knowledge in the school curriculum and the Ministry of Environment should be engaged on Climate Change Adaptation in DRR programming.
6. Support is welcomed from SSRC and other partners in the areas of legal drafting, capacity building and implementation at the decentralized levels, risk assessments, awareness raising on risk and reduction strategies, development of effective early warning systems at the grassroots level.

Closing remarks

John Lobar, Secretary General, SSRC, congratulates the government of South Sudan on its continued efforts in DRM and pledged the support of SSRC to address the needs of the vulnerable communities of South Sudan.

Dr. Michael Charles, Country Representative for South Sudan, IFRC, stated that the protracted crisis and continuing needs in South Sudan call for a collective effort of the national authorities, the Red Cross and Red Crescent Movement and other humanitarian actors: if we fail to plan we plan to fail.

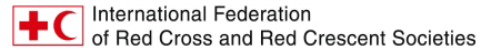
Dr Banak Dei Wal, Director General of the Department for Humanitarian Affairs and Disaster Management appreciated the contents of the training, which will be an inspiration to the drafters in the population of the DRM framework. The government of South Sudan is fully committed to design and implement an efficient and effective legal framework and welcomes the support of its partners in the process.

Gatwech Peter Kulang, Under Secretary Ministry for Humanitarian Affairs and Disaster Risk Management

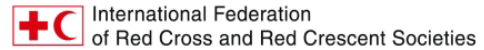


While the government is the prime actor and responsible for the best possible Disaster Risk Management system in South Sudan, it is grateful to all partners investing time and energy in the strengthening of DRR in this country. Special thanks in this regard were extended to the Director of the RRC, the Director General of the Department of HADM and to the South Sudan Red Cross and the IFRC for facilitating this important training with the Ministry.

Disaster Law is designed to enhance mitigation of risks and response to emergencies, aiming for more resilient South Sudanese communities. If governmental instruments are not well defined, we will lack quality control and risk delays in the delivery of support to people in urgent need of humanitarian assistance. We should take advantage of the vast network of grassroots volunteers of SSRC and the experience of the IFRC in this field.



My expectation is that the knowledge and skill gained here today will be translated into real effects in the alleviation of the suffering of the vulnerable in South Sudan.



Annex: List of Participants

List of Participant for IDRL Training in Juba				
Venue: Juba Grand Hotel				
Date 22-03-2017				
#	Name	Sex	Title	Organisation
1	Rehard Okerruk	M	Senior Inspector	MOEF (Ministry of Environment & Forestry)
2	Amb Dhano Obongo	M	Director	MFA & IC (Ministry of Foreign Affairs & International Cooperation)
3	Zaabi Dominic	M	OD Manager	SSRC
4	Betty Scopas	F	Director	MHADM (Ministry of Humanitarian Affairs and Disaster Management)
5	Joseph Akwoc Kir	M	Legal Advisor	MOH (Ministry of Health)
6	Carcles Pacido	M	Director	MHADM
7	Anthony Wani	M	HOSS	SSRC
8	Tabu Grace Laki	F	PSS Manager	SSRC
9	Anite Ciciline	F	SERA Coordinator	SSRC
10	Mukasa Charles Wani	M	Logictic Coordinator	SSRC
11	Mitu David	M	WASH Manager	SSRC
12	Alision Yokwe Jackson	M	ICT Coordinator	SSRC
13	Taban Geoffrey	M	Health Manager	SSRC
14	Taban Sabir	M	Ops Coordinator	SSRC
15	Deng Akok Aguer	M	Field Officer	MHADM
16	Venasion Amum Deng	M	Director	MHADM
17	Louis Baptist Agrab	M	Director SLA	MPA (Ministry of Parliamentary Affairs)
18	Amb Luke Bidong Nyuat	M	Under Secretary	MPA
19	Yuggu Edward Lado	M	Legal Counsel	Ministry of Justice
20	Otheri Ker Banang	M	Legal Counsel	Ministry of Justice
21	Maurice Rhan Deng	M	Director General	Ministry of Justice
22	Jeff Woods	M	DM Delegate	Danish Red Cross/Canadian Red Cross
23	Peter Dut Kedhekia	M	Executive Director	RRC
24	Mladen Milicevic	M	Country Rep	Canadian Red Cross
25	Bauram Valisyer	M	Coop EPR Delegate	ICRC
26	Rod Mena	M	Researcher	Iss, EUR
27	Florence Gire Natana	F	Director General	Office of the President
28	Obeid Emmanuel	M	Radio Bakhita	Journalist
29	Christine KARLO	F	Radio Bakhita	Journalist
30	Benat Joshua	M	Director General	MHADM
31	Abraham Madit	M	Patrol	Security
32	John Lobor	M	Secretary General	SSRC
33	Veronica Kenyi	F	Head Of Program	SSRC
34	Naha Agib	M	RFL Coordinator	SSRC
35	Jerath Y.Yoa	M	D.G of PCM & E	MHADM
36	Marisal Mayom	M	Comms Manager	SSRC
37	Viola Elias	F	Reporter	Eye Radio
38	Jackson Tito	M	Driver	SSRC
39	Sanne Bosweik	F	IFRC Delegate	IFRC
40	Michael Charles	M	HOCO	IFRC