

Report: Botswana Disaster Law and Legislative Advocacy Workshop
23rd – 25th November 2021

1. Introduction

From 23rd – 25th November 2021 the International Federation of Red Cross and Red Crescent Societies (IFRC) and the Botswana Red Cross Society (BRCS) organised an in-person disaster law and legislative advocacy workshop (the workshop) at Protea Hotel Masa Square in Gaborone. The workshop was aimed at enhancing the capacity of BRCS on disaster law and legislative advocacy and was held as part of an ongoing project in support of strengthening the disaster risk management legal framework in the country and the review of the Botswana Red Cross Society Act (BRCS Act). The workshop found its relevance by the Government of Botswana having initiated, in 2020, a legal review process of disaster related laws which included the review of the BRCS Act, and the development of the Disaster Risk Management Act (DRM Act) and policy. The workshop was consequently aimed at supporting the BRCS's advocacy efforts for a strong BRCS Act that facilitates its work in Botswana.

The workshop took place over 3 days. Day 1 and 2 focused on the BRCS staff receiving training on the auxiliary role, legislative advocacy, and key disaster law areas and tools developed by IFRC Disaster Law that are available to guide their technical support to the government authorities in the development of the DRM Bill and review of the RC Act. These sessions were facilitated by the IFRC Disaster Law Africa Team as well as National Society Development colleagues. The third day of the workshop was facilitated predominantly by BRCS. The third day was attended by both National Society staff, the IFRC and ICRC, as well as representatives from key government ministries, including representatives from the National Disaster Management Office (NDMO), the Ministry of Employment, the Ministry of Health, and the Ministry of Multilateral Affairs and Cooperation. Participants were invited to engage with the BRCS staff and create a roadmap of the next steps of engagement within the review processes, while gaining a deeper understanding of the BRCS auxiliary status. The auxiliary role of the BRCS has been recognised during the COVID – 19 pandemic through its inclusion in the National Emergency Operations Centre, and this day provided an opportunity for the National Society to further engage with public authorities on the enhancement of the auxiliary role.

2. Day 1

The workshop was officially opened by the BRCS programme manager, Tshepo Garethata. Following the opening remarks by Ms. Garethata, Shadrack Musyoka, IFRC National Society Development delegate facilitated a session on the auxiliary role of National Societies, which was followed by a presentation on IFRC Disaster Law and international disaster response laws, rules and principles,

facilitated by Stella Ngugi, IFRC Disaster Law Coordinator for Africa, a.i.. The final presentation for the day was on Law and Disaster Risk Reduction (DRR) facilitated by Jeanique Serradinho.

Summaries of the opening remarks made by BRCS as well as the key lessons showcased in the presentations on Day 1 are set out below.

2.1 Opening remarks by Tshepo Garethata, Programmes Manager, BRCS

Ms. Garethata welcomed the participants to the workshop. She commenced by recognising the several natural hazards experienced by Botswana, as well as their catastrophic impacts on livelihoods, property, and the environment. In addition, it was acknowledged that climate change is increasing both the frequency and intensity of these crises.

Ms. Garethata stated that to appropriately respond to natural disasters, it is crucial to have comprehensive and effective disaster laws, policies, and plans. It is equally important for these domestic laws and policies to provide clear rules and procedures to facilitate international disaster assistance in the event that a disaster exceeds a country's domestic capacity to cope. Ms. Garethata pointed out that BRCS has over the past year, made strides in the BRCS Act review process, in identifying areas which can be strengthened to better facilitate its work, and developing and embarking on an advocacy strategy. Notably, the BRCS is well placed to support governmental efforts to develop, disseminate, and implement climate smart, comprehensive DRM laws and policies that ensure clear roles and responsibilities for domestic preparedness and response efforts.

In conclusion, Ms. Garethata recognised that this workshop aims to build the capacity of the BRCS in disaster law and legislative advocacy, as well as to gain momentum and plan for the next steps regarding the BRCS Act revision through enhancing the recognition of the auxiliary status of BRCS. The workshop was declared officially open.

2.2 Introduction to the Auxiliary Role of National Societies, facilitated by Shadrack Musyoka, IFRC National Society Development Delegate

In this session the facilitator, Mr. Musyoka provided a background and history of the term "the auxiliary role". Mr. Musyoka posed the question; "What does the auxiliary role mean to you as the BRCS?". In hearing the responses provided by the BRCS staff, he explained the nature of a well-recognised auxiliary role and how the BRCS can support its national governmental efforts. Mr. Musyoka emphasised the understanding that the auxiliary role is not a new concept to Red Cross and Red Crescent National Societies, in fact, it has been a principle of the organisation since its inception. He highlighted that a well-recognised auxiliary role enables the National Society to work efficiently and comprehensively across all aspects in providing humanitarian aid/assistance. Mr. Musyoka expressed that having a metaphorical "seat at the table" enables a National Society to both

be aware of developments in the humanitarian space which may impact the work of the National Society, and to have a voice in decision making bodies. This, in turn, enables transparency and clarifies roles and responsibilities for both the government and the National Society. Mr Musyoka defined the ideal auxiliary relationship between a government and its National Society as a special partnership, embodying mutual responsibilities and benefits which are recognised within its national law. The participants were afforded an opportunity to discuss and express the various challenges faced by the BRCS in areas such as, politics, governmental relations, and the practical application of the auxiliary role.

2.3 Key legal issues in DRM: International Disaster Response Law facilitated by Stella Ngugi, IFRC Disaster Law Coordinator for Africa, a.i.

In this session the facilitator, Ms. Ngugi, provided a detailed background and history of IFRC Disaster Law as well as an introduction to international disaster response law (IDRL). Ms. Ngugi provided an introduction on the key legal issues and norms contained in international disaster response by explaining that often, operative issues arise between recipient authorities and sending actors often because of a lack of comprehensive regulation of international disaster assistance, resulting in gaps in communication and coordination. In addition, operational issues may arise in disaster affected states trying to balance the need to facilitate speedy procedures for international disaster relief, with the need to manage the influx of assistance and the need to respect specific standards. These issues were illustrated through an exercise in which Ms. Ngugi provided practical examples of items provided by international assisting actors in real-life examples and presented the participants with an opportunity to provide their opinion on whether these items were appropriate, under the given the circumstances.

Ms. Ngugi then provided an overview of international and regional agreements which regulate elements of IDRL and showcased the suite of IDRL tools developed by IFRC Disaster Law, including the IDRL Guidelines, IDRL Model Act and the IDRL Checklist and how they can be used to support the development of DRM laws and policies that effectively and comprehensively regulate international disaster assistance. Importantly, the participants were reminded that the core ideas of the IDRL Guidelines are that:

- domestic actors have the primary role, meaning that it is first and foremost the responsibility of the government of the affected state to address the humanitarian needs caused by a disaster within its borders;
- international actors have responsibilities, and should be held responsible for abiding by certain minimum humanitarian standards;
- international actors need facilities to enable them to conduct operations efficiently and effectively; and
- that some facilities are conditional and should only be granted to eligible assisting actors e.g. those who have demonstrated a commitment to comply with minimum standards in

humanitarian disaster relief and domestic laws, as well as who adhere to fundamental humanitarian principles and possess adequate technical competences and capacity.

Lastly, Ms. Ngugi also presented on the IFRC Disaster Law pre-disaster agreement and defined it as a combination of the provisions from the IFRC`s principles and rules, findings of the study on IDRL, as well as provisions found in legal status agreements and provisions on the auxiliary role. She explained that its purpose is essentially 3-fold, firstly, it is aimed at supporting greater awareness and acceptance of the Movements principles and rules and ways of working; secondly, to facilitate an enabling environment which ensures sustained humanitarian access; and thirdly, it ensures that the roles and responsibilities of each party in humanitarian preparedness and response is well understood.

Following the presentation, the participants took part in a group exercise wherein they were presented with a fictional disaster scenario in which issues relating to international disaster assistance had arisen and were tasked with identifying and the applying the principles from the IFRC Disaster Law tools which had been presented in the session, e.g., the IDRL Guidelines, IDRL Model Act, and IDRL Checklist to solve them.

2.4 Key legal issues in DRM: Law and Disaster Risk Reduction (DRR) facilitated by Jeanique Serradinho, IFRC Disaster Law Senior Officer

In this session the facilitator, Ms. Serradinho introduced the concept of DRR and examined what this concept entails. It was explained that the concept includes the reduction of exposure to hazards, lessening the vulnerability of people and property, and improving preparedness for adverse events. Ms. Serradinho expressed the important role of legislation in providing the legal and institutional basis on which to undertake all aspects of DRR, and which can:

- empower communities to take an active role;
- promote full implementation of incentives;
- prioritize resources for community level work; and
- encourage accountability.

The participants were encouraged comprehend that everyone has a role to play in reducing risks and preventing new ones and that a well drafted law can clarify roles and responsibilities for all aspects of DRR.

Ms. Serradinho drew attention to the Sendai Framework how Priority 2: Strengthening disaster risk governance to manage disaster risk calls for a focus on assigning clear roles and tasks to community representatives within disaster risk management institutions and decision-making through relevant legal frameworks. In addition, the presentation canvassed additional relevant international instruments relating to DRR, this included treaties on preventing man-made disasters, such as nuclear accidents and oil spills, climate change treaties, and human rights law instruments as well as

resolutions of the International Conference of the Red Cross and Red Crescent Movement. Ms. Serradinho also explained the impact and importance of regional agreements on DRR.

Thereafter, the participants were referred to the global study on the effectiveness of law and DRR, a study undertaken by the IFRC and UNDP which researched 31 countries with the aim to support legislators, public administrators, and development practitioners to prepare and implement legal frameworks that effectively regulate DRR. The laws analysed for this study included DRM laws, sectoral and local government laws, cross-cutting laws (constitutions, human rights, legal liability, insurance), and other relevant laws. The study found that comprehensive sectoral laws are the pillars of DRR, and that the key gaps and challenges related to DRR include:

- decentralised implementation;
- a lack of funding;
- a lack of accountability mechanisms; and
- a lack of comprehensive early warning and risk mapping.

The relevant lessons learned through the report as well as the opportunities identified, include:

- that many DRM laws now include DRR, but that there is a need for more integration of DRR into sectoral planning and climate change laws;
- there is a need for comprehensive policies and plans to engage communities and civil society in DRR; and
- that there is a need for accountability mechanisms with regards to laws regulating DRR.

Ms. Serradinho then provided a detailed overview of the Checklist on Law and DRR and its complimentary Handbook on Law and DRR, tools developed by IFRC and UNDP to support the development of comprehensive laws and policies for DRR.

Following the presentation, the participants took part in a group exercise wherein they were presented with a fictional disaster scenario in which issues relating to DRR had arisen and were tasked with identifying and the applying the principles from the IFRC Disaster Law tools which had been presented in the session, e.g., the Law and DRR Checklist and the Law and DRR Handbook.

3. Day 2:

The second day of the workshop consisted of 3 sessions which followed the same format as Day 1. The presentations consisted of a brief presentation on Law and Disaster Preparedness and Response (DPR) facilitated by Ms. Serradinho, the Role of Law in Public Health Emergency Management (PHE) facilitated by Mr. Da Costa and lastly, a session on Legislative Advocacy for Law and Policy development and Reform facilitated by Ms. Ngugi and Ms. Serradinho.

Summaries of the key lessons showcased in the presentations on Day 2 are set out below.

3.1 Key legal issues in DRM: Law and DPR, facilitated by Jeanique Serradinho, IFRC

In this session the facilitator, Ms. Serradinho, presented on Law and DPR, she began by introducing the key legal issues and norms in DPR and canvassed the IFRC's Law and DPR Synthesis Report. Explaining that the report is a result of a review of key international guidance and standards as well as 20 countries domestic legal frameworks from around the world. Ms. Serradinho explained that the report summarises the findings of these reviews and makes recommendations as to how laws and policies can be strengthened to support DPR. The key recommendations identified in the report include that:

- disaster laws require more detail and clearer provisions;
- sectoral laws that are applicable in disaster settings need to be tailored to specific needs;
- institutional arrangements from local to national level need clearer allocation of responsibilities and resources; and
- human rights, humanitarian principles and protection measures need specific application, rather than just statements of intent.

Ms. Serradinho explained that the findings of the Law and DPR Synthesis Report informed the development of a Checklist on Law and DPR, which is designed to provide clarity on a number of key legislative issues impacting the timeliness and effectiveness of DPR activities; serve as an assessment tool to guide a review process of national and local level laws and policies for enhancing DPR; and provide guidance on how to improve national legal and policy frameworks and bring them in line with existing international standards. The Law and DPR Checklist provides a list of ten key questions each covering a specific theme that relevant lawmakers and officials should consider in order to ensure that laws provide the best possible support for DPR. The facilitator then provided a brief overview of how laws and policies can be strengthened with respect to each theme, namely:

- legal and institutional frameworks;
- disaster risk finance;
- contingency planning, education and drill;
- early warning, early action;
- states of emergency and states of disaster;
- legal facilities;
- disaster-related human mobility;
- emergency shelter and housing, land, and property rights; and
- protection and inclusion of marginalised groups.

Following the presentation, the participants took part in a group exercise wherein they were presented with a fictional disaster scenario in which issues relating to disaster preparedness and response had arisen and were tasked with identifying and the applying the relevant principles from the Law and DPR Checklist to solve.

3.2 The role of law in PHE Management, facilitated by Reece da Costa, IFRC Disaster Law Officer

In this session the facilitator, Mr. Da Costa presented on the role of law in Public Health Emergency (PHE) preparedness and response. Mr. Da Costa provided a brief background into the recent research conducted in this field by IFRC Disaster Law which resulted in the publication of the report, Law and Public Health Emergency Preparedness and Response: Lessons from the COVID-19 Pandemic. In presentation of this report, the participants were informed of the key findings and recommendations derived from the research. The overview of the main findings and recommendations focused on seven key topics, namely:

- legal and institutional recommendations;
- integration between DRM and PHE;
- implementation of the world health regulations;
- preparedness: contingency planning and early warning, early action programmes;
- human mobility and migration;
- protection of vulnerable groups; and
- legal facilities for humanitarian actors.

Each topic was canvassed by the facilitator in depth. The participants were thereafter equipped with a wholistic view of law and PHE and were able to discuss the various areas in where they identify legislative review processes in Botswana would be most applicable within this topic.

3.3 Legislative advocacy for law and policy development, facilitated by Stella Ngugi, IFRC and Jeanique Serradinho, IFRC

This session was divided into two parts, in the first part of this this session the facilitator, Ms. Ngugi, presented on the topic of legislative advocacy and began by explaining the language of advocacy, its definitions, and the advocacy spectrum. The goal of this session was to understand how the BRCS can get involved in legislative advocacy. Ms. Ngugi simplified the concept of advocacy into three basic components which she stated as: the identification of a clear problem and solution, knowing who has the power to make a change and what influences them, and having the objective to see legal, policy or practical change.

In addition, Ms. Ngugi explained the “but why” technique and encouraged participants to adopt the strategy of constant curiosity as a tool when trying to get to the root of an issue. The participants were taught that an effective advocacy message has three components: a problem, a solution and a request. Participants were then taught how to develop a clear and concise advocacy message using the three stage approach through capturing the interest of the target in describing the problem,, providing a tangible solution, and making a request of the target. Furthermore, the participants were taught that the golden rule in advocacy is to start small when requesting something for the first time, similarly the request can grow as the relationship is built up over time. Lastly, the

participants were taught how to develop an elevator pitch, which essentially equipped the participants with the ability to present a short advocacy message centred around the fundamental principles of identifying a problem, providing a solution, and making a request.

The participants were then afforded the opportunity to apply the skills taught in the first part of the session through a group activity in which the participants were tasked with developing an advocacy message and elevator pitch with respect to various advocacy issues.

In the second part of this session, the facilitator, Ms. Serradinho presented on credibility and risk. It was explained how credibility can provide National Societies confidence to advocate on issues of concern and could arise from operational experience or other experiences which provide first-hand knowledge on issues. On the other hand, understanding risk equates to advocates owning the potential risks arising from their advocacy as an integral part of an advocacy plan. Ms. Serradinho explained that in developing an advocacy strategy, it is important to include a risk register in the strategy and for this risk register to be reviewed and updated regularly to reflect the most relevant risks. A risk register should include the identification of a risk in advocating on an issue and the identification of action to be taken to reduce such risks.

Ms. Serradinho expressed the importance of understanding who you are advocating to and showcased how a tool known as the influence tree can act as a roadmap in the advocacy journey, to identify the advocacy target and different routes to contact them, should it not be possible to reach the target directly. In addition, Ms. Serradinho explained the importance of developing an “opposition matrix” as a tool to identify the best arguments to use in advocacy efforts. This matrix was described as a process of listing all the arguments against an advocacy issue and comparing that against the arguments in support of an advocacy issue. Ms. Serradinho then canvassed the essential elements to cover during a meeting with law and policy makers and expressed the importance of actively following – up and ensuring on-going communication whilst maintaining confidentiality.

In conclusion, the participants were taught that advocacy is all about momentum to see the desired change. Momentum is achieved through big and small steps which make up a theory of change for advocacy. The participants were also taught that it is equally important to have a plan for success once the advocacy goal has been achieved, and to constantly review the advocacy strategy and progress made.

4. Day 3:

The third day of the workshop was attended by BRCS staff and the Botswana government counterparts, including representatives from the NDMO, the Ministry of Employment, the Ministry of Health, and the Ministry of Multilateral Affairs and Cooperation, the IFRC and the ICRC. The aim of

this day was for the BRCS key staff and the Botswana government counterparts to engage and create a roadmap of the next steps of engagement within the review process of the BRCS Act and the DRM Policy. The third day consisted of presentations on understanding the auxiliary role, disaster law, the role of BRCS in Botswana, the BRCS Act review process, and a plenary discussion showcasing the development of a road map for engagement on the BRCS Act review.

Summaries of the opening remarks made by BRCS as well as the key lessons showcased in the presentations on Day 3 are set out below.

4.1 Welcome and round of introductions

The day began with an opening by Chawa Masole, legal consultant for BRCS, who welcomed the attendees and provided the participants with an opportunity to introduce themselves. Thereafter, Ms. Masole, welcomed the Director of the NDMO, Mr M.O Baleseng, to provide the opening remarks for day 3 of the workshop.

4.2 Opening remarks by the Director of the NDMO, Mr. Balaseng

Mr. Balaseng expressed his honour in welcoming participants to the workshop. Mr. Balaseng stated that the impact of disasters has been a threat to Botswana, particularly of recent years. In addition, it was recognised that the COVID-19 pandemic has had significant impacts on Botswana, as well as the rest of the world. Mr. Balaseng stated that the impacts referred to relate to the impacts on our laws and policies as we relied heavily on these to respond to the COVID-19 pandemic.

Mr. Balaseng recognised that the current laws regulating disasters in Botswana have proven to be inadequate and that in late 2020, the review of the BRCS Act began. He acknowledged that the draft BRCS Act should cover the shortcomings of the current Act. Mr. Balaseng confirmed that the BRCS is recognised as auxiliary to the government of Botswana and is a key player in responding to COVID-19 and therefore the review of the BRCS Act is imminent.

Furthermore, it was confirmed that the recently revised DRM policy, to which the BRCS had provided comments, had recently been approved by Cabinet. Cabinet has also instructed that the development of the DRM Bill be expedited, Mr. Balaseng confirmed that the BRCS will be a key stakeholder in the development of the DRM Bill. In conclusion, Mr. Balaseng thanked the coordinators for organising the workshop and declared the third day officially open.

4.3 Expectations of the third day of the workshop, facilitated by Reginah Nfila, BRCS

Ms. Nfila commenced her presentation by allowing each table in attendance to write down their expectations for the third day of the workshop. It was identified that the following expectations were had by the participants:

- to identify gaps in the current BRCS Act;
- to better understand the roles and responsibilities of the key stakeholders in attendance (being the BRCS staff and the Botswana government counterparts);
- to better understand how the BRCS can better support and collaborate with other stakeholders;
- to better understand how the auxiliary role of the BRCS can be strengthened;
- to be able to lobby for support from the present delegation; and
- how the new BRCS Act is going to facilitate compensation for people working in disasters.

4.4 Introduction to IFRC Disaster Law, facilitated by Stella Ngugi, IFRC

In this session the facilitator, Ms. Ngugi, provided a detailed background and history into IFRC Disaster Law and its mandate. Ms. Ngugi explained that IFRC Disaster Law is actively engaged in projects in over 100 countries and has supported the development of disaster laws in over 30 countries as well as the development of three regional treaties. Ms. Ngugi presented on the various thematic areas covered by IFRC disaster law and explained the way in which the team works and how it supports Red Cross and Red Crescent National Societies and governments through legislative advocacy, capacity building and technical support. Ms. Ngugi gave a brief overview of the tools developed by IFRC Disaster Law, including:

- the IDRL Guidelines;
- the IDRL Model Act;
- the IDRL Model Emergency Decree;
- the IDRL Checklist;
- the Checklist on Law and DRR;
- the Handbook on law and DRR;
- the Law and DPR Checklist; and
- the Pilot Law and PHE Guidance.

In addition, Ms. Ngugi presented the IFRC's Pre - Disaster Agreement (the agreement) and explained the purpose of the agreement, the scope of the agreement, who it is meant to be used by and what it is comprised of.

4.5 The Auxiliary Role, facilitated by Joseph Onkemetse, BRCS Disaster Management Coordinator

In this session the facilitator, Mr. Onkemetse, provided an introduction into the auxiliary role and the history behind its commencement. He explained that in 1859, a Swiss national, Henry Dunant visited wounded soldiers after the Battle of Solferino and was shocked by the lack of facilities and aid available to support the soldiers. As a result, Mr. Dunant created a permanent relief agency for

humanitarian aid, which has become what we understand today as the Red Cross and Red Crescent Movement. Mr Onkemetse explained that Resolution 2 of the 30th international conference of the Red Cross and Red Crescent Societies defined the specific nature and the role of the national societies as auxiliary to the public authorities in the humanitarian field. In addition, Mr. Onkemetse stated that this means that the BRCS is entrusted to support and supplement the public authorities in their humanitarian tasks, through close coordination. It is therefore a mutually beneficial relationship and finds its importance by guaranteeing the BRCS a seat at the table which in turn supports the BRCS in providing the most comprehensive services to the most vulnerable.

4.6 The Role of the BRCS in Botswana, facilitated by Chanana Ntsomeng, BRCS Marketing and Communications Coordinator, and Tshepo Garethata, BRCS

In this session the facilitators, Ms. Ntsomeng and Ms. Garethata explained that the BRCS was established in 1948 and was initially a branch of the British Red Cross. The main mission of the BRCS is to alleviate human suffering through the various programmes it possesses, such as health and care, disaster management, and youth. The highlights of the areas in which the BRCS has been able to support, include PHE, national disasters, orphans, and vulnerable children, mentoring programmes, care and support for refugees and asylum seekers, and rehabilitation services. Ms. Garethata explained that it was crucial in the COVID-19 response for the Secretary General of the BRCS to have a seat at the table during the formulation stages of policies in response to the pandemic. This enabled the BRCS to be informed of its various roles and responsibilities and to be better equipped in delivering services to the most vulnerable affected by the pandemic.

4.7 The process of reviewing the BRCS Act: Presentation of preliminary key issues identified in the existing BRCS Act, facilitated by Dr Mokobi, BRCS Legal Consultant

In this session the facilitator, Dr. Mokobi explained that the current BRCS Act is outdated and unapplicable to the current context in Botswana. The gaps identified in the current BRCS Act include a lack of:

- clarity of the legal status of the BRCS;
- a clear statement of the capacity of the BRCS;
- a defined role of the BRCS in DRM through legal facilities made available to Red Cross actors;
- comprehensive provisions relating to emblem protection and misuse;
- provisions on volunteerism and citizen stewardship of the youth;
- provisions on the role of the BRCS in promoting International Humanitarian Law (IHL) during peace time; and
- provisions on the role of the BRCS in DRM and crises.

Dr. Mokobi emphasised that the review of the current Act presents an opportunity to clarify the roles, responsibilities, processes, and coordination mechanisms in the event of a disaster and recalled that the role of the BRCS is already articulated in the existing Botswana DRM Policy. In

addition, this review will create greater efficiency and speed in humanitarian operations by optimising internal management arrangements.

In answering the question of what will be achieved by the review of the BRCS Act, Dr. Mokobi stated that a new BRCS Act will be better tuned to the local circumstances and provide greater clarity with respect to the status and role of the BRCS. Dr. Mokobi noted that with respect to timelines, the government of Botswana has already indicated its desire to have the BRCS Act reviewed, the BRCS has been invited to assist government in this process and has prepared a legal brief for government outlining the necessary amendments to the law. Dr. Mokobi concluded by stating that it is with sincere hope that all departments will support the speedy review of the BRCS Act.

4.8 Plenary: Next Steps- Development of Road map for engagement on BRCS Act Revision

In this session, the participants were provided a platform for discussion on the ongoing review of the BRCS Act. In plenary, the participants were divided into groups comprising of BRCS staff and stakeholders and were tasked with answering four separate questions by identifying experiences and challenges faced in relation to each question. The key highlights of these discussions and the answer to each question is described below:

Question 1: What does the auxiliary role of the Botswana Red Cross Society mean to you in the Botswana context?

In answering this question, the participants stated that the auxiliary role of the BRCS is currently not clarified in the Botswana context, although it is understood that the auxiliary role equates to the ability to provide technical support to the government in humanitarian issues. When the BRCS can support the government in this way, it compliments governmental efforts in socio-economic development and is seen as a privileged partner of the government. The participants also expressed that the BRCS acts as an advocate for the population on humanitarian issues, which includes the provision of shelter and meeting basic needs. In disaster settings, the participants stated that the auxiliary role entails augmenting national efforts in disaster response.

Question 2: How do we work with the National Society?

In answering this question, the participants noted that the ICRC used to have many projects with Botswana, however, this has scaled down over recent years. Despite the aforementioned, from an IHL perspective, support is still needed and therefore the BRCS should have an IHL focal point and a seat at the table in the Botswana government as this will promote collaboration. It was also noted that the current work of the BRCS is limited by the old act, and that consequently there are no legal provisions which require entities to involve the BRCS. Hence the auxiliary role of the BRCS should be defined in law. This will provide legal recognition and certification of the support already provided by the BRCS, recalling that the BRCS is a member of various national, district and community groups,

and assists the population through advocacy, capacity building, technical support, and resource mobilisation.

Question 3: How do we see ourselves working with the National Society in the future?

In answering this question, the participants noted that by establishing an IHL committee, the BRCS should have a seat at the table, in doing so, it increases IHL capacity building and strengthens military relations with the BRCS. The participants also stated that there should be an increase in the advocacy and publicity for the BRCS with international organisations. In addition, the participants noted that it is important for the BRCS to be permitted to provide aid in geographically isolated areas, and to assist government in social and healthcare areas that lack available resources, for e.g., ambulance services and specialised hospitals. Lastly, the participants stated that it is also important for the future that the BRCS be actively involved in generating data, conducting research in all levels of planning and policy formulation across all sectors.

Question 4: What is the role of government in facilitating the work of the National Society?

In answering this question, the participants stated that the legal review of the BRCS Act should be comprehensive enough to cover certain legal facilities which include tax exemptions, visa exemptions, the importation of stock, and other operational permits. The participants noted that there is a clear need to actively involve the BRCS in decision making bodies as well as increasing the available funding for the BRCS, particularly in operations like disaster response.

4.8 Closing remarks facilitated by Stanley Ndhlovu, IFRC Disaster Preparedness Coordinator

Upon the conclusion of the plenary session, the three-day workshop drew to an end. Mr. Ndhlovu made closed the workshop by thanking the organisers and attendees of the workshop, including the BRCS staff, governmental counterparts, IFRC and ICRC. He recognised the importance of education and awareness raising on the topic of disaster law, and the need to constantly review applicable laws, particularly against the backdrop of the review of the BRCS Act. Mr. Ndhlovu acknowledged that the review of the BRCS Act creates an opportunity for practical engagement and legislative advocacy on behalf of all parties in attendance. In conclusion, all of the participants were encouraged to remain committed to the goals and plans that lay ahead despite the long journey that it will require.

Concept Note**Botswana Disaster Law and Legislative Advocacy Workshop****23-25 November 2021****Background:**

As auxiliary to its public authorities, National Societies have an essential role in the humanitarian field within their countries. The auxiliary status is permanent and forms part of the legal foundation of every National Society. As such it is necessary that the auxiliary role is well incorporated within the national legal framework to ensure effective continued support in the response to disaster and public health emergencies. A guarantee of humanitarian access is one of the key enablers for a National Society to provide this support, as National Societies require access to vulnerable and affected populations and areas movement at all times, including during disasters or emergencies.

The Government of Botswana, in late 2020, initiated a legal review process of disaster related laws. This will include the review of the Red Cross Society of Botswana Act (BRCS Act), which has not been reviewed since its adoption in 1968, and the development of a DRM Act and Policy as well. This represents an important opportunity for BRCS to advocate for a strong RC Law that facilitates its work in Botswana effectively by, *inter alia*, securing humanitarian access for the National Society, to ensure unhindered access to vulnerable and affected populations and areas at all times. It is also envisioned that BRCS will support the Government in the development of the DRM Act and Policy as well. Therefore, as part of the proposed Disaster Law Project in Botswana, IFRC Disaster Law will conduct a capacity building session for the National Society staff on the auxiliary role, legislative advocacy, and key Disaster Law themes. The session is expected to provide BRCS staff with tools to support the development and implementation of their legislative advocacy strategy during the RC Act review and DRM Bill development processes.

The session will be conducted over the course of three days. During the first two days, participants will receive training on the auxiliary role, legislative advocacy for law and policy development and reform, and the disaster law tools that are available to guide their technical support to the government authorities in the development of the DRM Bill and review of the RC Act. On the third day, government counterparts involved in the legal review processes will be invited to engage with the NS and create a roadmap of the next steps of engagement within the review processes, while gaining a deeper understanding of the RC auxiliary status.



Participants:

Day 1 and 2: Botswana Red Cross staff

Day 3: Botswana Red Cross staff, a SADC representative as well as Government representatives (e.g. NDMO staff; Office of the Attorney General legal drafting staff and other government representatives).

Length: 3 days

Dates: Tuesday, 23 November 2021-Thursday, 25 November 2021

Venue: Protea Hotel Marriot Masa Square, Gaborone, Botswana.

Objectives :

- Build capacity on the auxiliary role and the mechanisms to exercise it through humanitarian diplomacy on the area of disaster law.
- Build Capacity of BRCS Staff in the development of and implementation of a Legislative Advocacy strategy
- Train BRCS staff on the Disaster Law thematic areas, tools and resources.

Expected results:

- Development of an interagency roadmap for engagement in the review of the Red Cross Act
- Development of a NS Legislative Advocacy Strategy with respect to review of the RC Act and BRCS involvement in the DRM bill development process

AGENDA

Botswana Disaster Law and Legislative Advocacy Workshop

23 – 25 November 2021

Master of Ceremony : Chawa Masole, Botswana Red Cross

Day 1

- 08:00** **Registration**
- 08:30** **Welcoming remarks, Round of introductions and expectations - BRCS representative**
- 09:00** **Introduction to the Auxiliary role of National Societies**
Presentation and Q&A
Facilitated by **Shadrack Musyoka**
- 09:45** **Auxiliary Role Group Exercise and plenary presentation – Shadrack Musyoka**
- 10:30** **Group Photo**
- 10:40** **Coffee break**
- 11:00** **Key legal issues in disaster risk management**
Disaster law themes part 1: International Disaster Response Law (IDRL)
- *Introduction to key legal issues and norms in international disaster response*
- *Introduction to the IDRL Guidelines, IDRL Model Act and IDRL Checklist*
- *Brief on Pre-Disaster Agreement*
Presentation and Q&A
Facilitated by **Stella Ngugi**
- 12:00** **Group Exercise: IDRL exercise (scenario-based exercise) Stella Ngugi**
- 13:00** **Lunch**
- 14:00** **Icebreaker Chawa Masole**
- 14:10** **Plenary presentation: IDRL exercise Stella Ngugi**
- 14:30** **Disaster law themes part 2: Law and Disaster Risk Reduction**
- *Introduction to key legal issues and norms in disaster risk reduction*
- *Introduction to the DRR Law checklist and handbook*
- *Presentation and Q&A*
Facilitated by **Jeanique Serradinho**
- 15:30** **Group exercise on Law and DRR (Checklist on Law and DRR) Jeanique Serradinho**
- 16:00** **Coffee Break**
- 16:30** **Plenary: Group exercise on Law and DRR (Checklist on Law and DRR) Reece Da Costa**
- 17:00** **End of Day One**

Day 2

- 08:30** Welcome and recap **Reece Da Costa**
- 08:50** Icebreaker **Chawa Masole**
- 09:00** **Disaster law themes part 3: Law and Disaster Preparedness and Response**
- *Introduction to key legal issues and norms in Disaster Preparedness and Response*
 - *Introduction to the DPR Law checklist and handbook*
 - *Presentation and Q&A*
- Facilitated by **Jeanique Serradinho**.
- 09:45** **Group exercise and plenary on Law and Disaster Preparedness and Response**
Facilitated by **Jeanique Serradinho**.
- 10:30** **Coffee break**
- 11:00** **The Role of Law in PHE management: Presentation of PHE Report and Pilot**
Guidance
Facilitated by **Reece Da Costa** .
- 12:00** **Legislative Advocacy for law and policy development and reform Part 1**
- *Defining Advocacy & Capitalizing on the Auxiliary Role*
 - *Defining your Issue; The external environment.*
 - *Evidence for advocacy ; Developing your advocacy message; Elevator Pitch.*
- Facilitated by **Stella Ngugi**.
- 13:00** **Lunch**
- 14:00** **Ice breaker** **Chawa Masole**
- 14:10** **Group Exercise and plenary: Developing an Advocacy Message & Elevator Pitch**
Reece Da Costa
- 15:00** **Legislative Advocacy for law and policy development and reform Part 2**
- *Credibility and risk; Using the opposition; Target audience.*
 - *Theory of Change and Planning for Success*
 - *Developing Advocacy Strategy*
- Facilitated by **Jeanique Serradinho**.
- 15:40** **Coffee break**
- 16:00** **Plenary: Next steps – Presentation of Legislative Advocacy Strategy**
Facilitated by **Botswana Red Cross– Sharing plan and prep of participants for Day 3**
- 17:00** **End of day 2**

Day 3

- 08:30** Welcoming remarks, round of introductions and expectations – BRCS and NDMO
- 09:00** **Introduction to IFRC Disaster Law**
Overview of DL team and brief overview of key DL tools, including the IDRL mappings and overview of PHE report and Pilot Guidance
Facilitated by Stella Ngugi
- 09:45** **Understanding the Auxiliary Role**
Facilitated by BRCS
- 10:30** *Group photo and coffee break*
- 11:00** **The role of BRCS in Botswana, including in the COVID 19 response**
Facilitated by Botswana Red Cross
Presentation and Q&A
- 12:00** **The process of Reviewing the Red Cross Act: Presentation of preliminary key issues identified in existing Red Cross Act and steps taken so far**
Facilitated by Botswana Red Cross –Chawa Masole /Dr Mokobi
Presentation and Q&A
- 13:00** *Lunch*
- 14:00** *Ice breaker Chawa Masole*
- 14:10** **Plenary: Next steps – Development of Road map for engagement on Red Cross Act revision**
Facilitated by Govt authority supported by Botswana Red Cross
- 15:00** **Coffee break**
- 15:30** **Context of Botswana and Developing the DRM Policy and DRM Bill: Presentation of preliminary key issues identified in to be addressed in draft DRM Policy and DRM Bill and next steps for engagement**
Facilitated by NDMO/Botswana Red Cross (TBC)
Presentation and Q&A
- 16:15** **Evaluation of the workshop and closing remarks**
(IFRC / NS / Government Authorities)