

Understanding the Legitimacy & Mandate of Malaysian Red Crescent Society (MRCS)

CONCEPT NOTE

Background

MRCS had undergone the Organizational Capacity Assessment & Certification (OCAC) in 2015 and it had positively identified gaps on matters pertaining to policies, the absence of review on regulatory mechanisms, enhance understanding of the legality and the mechanic of administration of the Society at various levels.

MRCS had also completed the organization-wide Branch Organizational Capacity Assessment (BOCA) in 2016 and the trend indicated that there are still some room of improvements on matters pertaining to Emblems, State (Branch) Planning and policies.

Arising from the two assessment, MRCS had organized a Policy Development workshop to formulate policies that were considered as necessary and pertinent to the Society. Since then, the policies had been endorsed by the National Council of the MRCS. Along with this, another bold step was taken to review the MRCS Corporation Rules.

The output of the Policy Development and Review of the MRCS Corporation Rules had been put into effect. Nonetheless, it is unclear how well the contents are understood at state and district level for effective implementation.

On this basis, MRCS is proposing to organize a workshop to provide a better understanding of the legal base and current policies so that officials at all level understand their obligation, roles and responsibilities to function efficiently and effectively as how a humanitarian organization is expected. This is also followed by understanding some of the basic principles of law which would assist the MRCS at state and district level to administer in accordance to the general principles of law, thus ensuring that the principle of humanity is safeguarded.

Workshop: “Understanding the Legitimacy and Mandates of MRCS”

Workshop Objectives:

1. To provide officials at governance and senior management at State and District level with a greater understanding of the domestic legal foundation, regulatory mechanism on operational context and other Movement Statutes & Guidance.
2. To give greater insight on the Red Cross Red Crescent Emblem, including the Third Additional Protocol vis-à-vis the consequences for National Society.
3. To strongly emphasize and caution on some areas of Conduct in MRCS context.

Proposed Venue: Sky Hotel, Lorong Kemajuan Karamuning, 88000, Kota Kinabalu, Sabah.

Tel: +60154 8761941.

www.skyhotelkk.com

Hosting State: MRCS Sabah State

Date: 16 – 17 December 2017

Target Participants from East Malaysian Zone: Diverse composition of the following:-

- Members at governance level: Chairman, Deputy Chairman/Vice Chairman
- Members at Management level: Director, Branch Secretary, Hon Secretaries & Officer-in-charges
- Senior staff

Participant Distribution: Total not exceeding 22 pax

Sabah State – 10
 Sarawak State – 10
 WP Labuan - 2

Workshop Structure & Content

1. Understanding the Legitimacy and Mandate of MRCS
 - a. Domestic Legal Foundation
 - i. Geneva Convention Act – Issues affecting NS
 - ii. MRCS Incorporation Act – Corporation Objects & Purposes
 - iii. MRCS Change of Name Act
 - b. Regulatory Mechanism on Operational Context
 - i. MRCS Incorporation Rules (with latest amendment)
 - ii. MRCS Policies
 - iii. MRCS Handbooks – Overview
 1. Administration & Management
 2. Financial Regulations
 - c. Other Statutes & Guidance
 - i. Statutes of the International Red Cross & Red Crescent Movement (particular reference to Art 3 & Art 4)
 - ii. Resolution of International RCRC Conference & General Assembly – implementation in MRCS
 - iii. RC Fundamental Principles – Principles in Action
 - iv. NS Auxiliary Status – what does it mean vis-à-vis Objects & Purposes of Corporation

Issues & Discussion:

1. What is MRCS Mandate?
2. How do we fulfil our mandate and auxiliary roles in our current programs and services vis-à-vis the Objects and Purposes of the Corporation and Geneva Act at the national and local level?

2. Emblem & Logo
 - a. RCRC Emblems – protective & indicative use: dos and don'ts
 - b. Procedural actions on wrongful use of the emblem
 - c. The additional emblems – Consequence for NS
 - d. MRCS logo

Issues & Discussion:

1. How do volunteers and staff have a good understanding of the emblem and how emblem can be used?

2. How does the Branch actively promote correct use of the emblem
3. Does we need an emblem law? Why?

3. Conduct in MRCS context
 - a. Anti-Harassment Guidelines & Child Protection Policy
 - b. What constitutes “Criminal Breach of Trust” or “Theft”?
 - c. What is “Misrepresentation” according to the law?
 - d. The application of the doctrine of “Natural Justice” in decision making.

A 2-day program shall be designed to cover all the topics, including plenary session, discussion and work group presentation

Facilitators

- Mr. John Lam, Director of Training, MRCS Sarawak.
- National Headquarters – Mr. Saiful Izzan bin Nordin, Manager, International Humanitarian Law, Legal and International Relations. MRCS National Headquarters
- ICRC - TBC
- IFRC – Mr Peter (Piwi) Ophoff. Head of Policy, Strategy & Knowledge. IFRC, Asia Pacific Zone Office. Kuala Lumpur.

Expected outcome & benefits

1. Enhance understanding of the MRCS legal structure , core capacity to exist and function well as an auxiliary to the public authorities in the humanitarian field
2. Better understanding of the operational context within the framework of regulatory mechanism for better compliance to rules and regulations
3. Staff as focal persons for referral to relevant legislations, policies, guidelines, etc for better informed decision making
4. Evaluate the content and structure of the workshop for improvement to implement organization-wide dissemination on enhanced understanding of MRCS legal base and policies.