

Annex 1:

**Background document on the
Joint ICRC/International Federation Commission for National Society Statutes**

1. Mandate

The objective of the Joint ICRC/International Federation Commission for National Society Statutes (Joint Statutes Commission) is to help National Societies work efficiently and adhere at all times to the Fundamental Principles by strengthening their legal base.

To reach this objective, the Joint Statutes Commission is entrusted with a twofold mandate:

- To make recommendations on the legal base of National Societies, *i.e.* their Statutes and National Society laws/decrees. In particular, the Commission assesses the compliance of draft Statutes with the minimum requirements set out in the official *Guidance for National Societies Statutes* document (*Guidance document*) and of draft laws/decrees with the minimum elements contained in the *Model law on the recognition of National Societies* (*Model Law*).
- To assess applications by new Societies for recognition by the ICRC and for admission to the International Federation on the basis of the 10 conditions for National Society recognition and to make recommendations in this regard to the ICRC and the International Federation.¹

2. Origins and legal framework

For several decades, the ICRC and the International Federation have jointly examined the legal base of National Societies, together with applications for recognition/admission, with the objective of ensuring unity, coherence and efficiency in the Movement across the broad cultural, social and religious diversity of its components.² This joint activity was formalized in successive agreements between the two organizations.³

Resolution 6 of the 22nd International Conference (Tehran, 1973) formally recognized this joint mandate by requesting National Societies to submit draft amendments to their Statutes to the ICRC and the International Federation and to take their recommendations into account. Following the adoption of this Resolution, the ICRC and the International Federation decided on 23 January 1974 to establish the Joint Statutes Commission.⁴ The mandate assigned to the Commission was to examine the modifications that National Societies might

¹ The 10 conditions for recognition are defined under Article 4 of the Statutes of the International Red Cross and Red Crescent Movement.

² In its report to the 24th International Conference (Manila, 1981), the Joint Statutes Commission wrote that Resolution 6 of the 22nd International Conference

“constitutes an official endorsement of a long-established custom. Ever since the Red Cross came into being, it has been the constant practice of the Red Cross and Red Crescent Societies to communicate to the ICRC and also to the League, after the latter was founded, the constituent and statutory instruments of the Society and any changes subsequently introduced in those documents. This practice is the logical outcome of the role entrusted to the two international bodies of the Red Cross: to preserve, in a movement which from year to year gathers into its fold new members of widely different cultural origins, social institutions, religious beliefs and political opinions, that unity of doctrine and that internal cohesion which are the primary conditions enabling it to act with efficiency”.

³ See notably the *Accords entre le Comité international de la Croix-Rouge et la Ligue des Sociétés de la Croix-Rouge tendant à préciser certaines de leurs compétences respectives* signed on 8 December 1951 (Article VII) and on 25 April 1969 (Articles VIII and IX); see also the document *Concertation between the ICRC and the International Federation. Joint Meetings*, May 1998, § D.

⁴ See *Réunion conjointe Ligue – CICR*, 23 January 1974, P.V. No. 213, § 3. The first session of the Joint Statutes Commission took place on 9 April 1974.

make to their Statutes. For “practical reasons”, it was decided to extend this mandate to the joint examination of the applications for recognition/admission.⁵

Resolution 20 of the 24th International Conference (Manila, 1981) reiterated the request to National Societies to “continue their collaboration with the Joint Commission, by regularly communicating to the League [now International Federation] and the ICRC the amendments which they plan to introduce in their statutes, and by adapting them to the Joint Commission’s recommendations”.⁶

Lastly, it is important to underline that the mandate of the Joint Statutes Commission has been further reinforced in the Strategy for the International Red Cross and Red Crescent Movement adopted by the Council of Delegates in 2001 (and updated in 2005).⁷ Action 3 of the updated Strategy provides that, by the year 2010 and in accordance with the above-mentioned Resolutions of 1973 and 1981, all National Societies must have examined their Statutes and related legal texts and, wherever necessary, adopted new Statutes that are in line with the *Guidance document*.

3. Composition

The Joint Statutes Commission is comprised of seven members:

- an *ad honorem* Chairman;
- three representatives of the ICRC;
- three representatives of the International Federation.

4. Working method

The Joint Statutes Commission meets in ordinary session every two months. Extraordinary sessions are held as needed. However, the preparation and sending of recommendations is an on-going process, which depends on the draft Statutes/laws/decrees or applications received by the Commission and does not require a meeting of the Commission.

a) Review of National Society Statutes and legislation

The Joint Statutes Commission analyses the draft Statutes received against the *Guidance document* and sends its recommendations to the National Society concerned in the form of an official letter. The letters of the Commission specifically focus on the minimum requirements defined in the *Guidance document*, which must be included in the Statutes of all National Societies.

National Societies are then expected to discuss and integrate the recommendations of the Joint Statutes Commission before adoption of the Statutes by their General Assembly (or similar body). It is important to plan the process sufficiently in advance to allow the Joint Statutes Commission the necessary time for providing its recommendations and for the National Society to discuss internally the recommendations received from the Commission.

⁵ *Réunion conjointe Ligue – CICR*, 12 June 1974, P.V. No. 216, § 1.

⁶ In 1991 (Budapest), the Council of Delegates adopted Resolution 19 in which it further “requests National Societies to submit the draft texts of their new or amended statutes to the ICRC and the Federation before their final adoption, and to follow up the recommendations made by the Joint Commission”.

⁷ In this respect, it is also worth mentioning that Resolution 3, adopted by the Council of Delegates in 2005, calls on the components of the Movement to verify, when examining their Statutes, that they “contain no adverse discriminatory clauses but rather, create a legal framework that will promote respect for diversity and non-discrimination”. It further asks the Joint Statutes Commission to “continue to ensure compliance with the aspects of non-discrimination and respect for diversity when examining the statutes of National Societies”.

The timeframe should be indicated when sending the draft to the Joint Statutes Commission. Lastly, National Societies are also requested to send the final adopted version to the Commission, in order to ensure that its files are complete.

The Joint Statutes Commission also examines Statutes that have already been adopted, but it can have the most useful impact when working on draft Statutes rather than on those that have already been adopted. Likewise, upon request, the Joint Statutes Commission can provide comments and recommendations on draft National Society Internal Regulations.

Insofar as National Societies are in a position to participate in the drafting of a National Society law/decreed, the Joint Statutes Commission is prepared to support them in this respect as well. The Commission is ready to provide recommendations on the submitted draft law/decreed, based on the minimum elements of the *Model law*, and encourages National Societies to take advantage of the Commission's assistance.

Upon request, the Joint Statutes Commission can also visit the respective country, to provide the National Society with on-site technical support. It must be underlined, however, that the delegates (for Organizational Development) of the International Federation and the (Cooperation) delegates of the ICRC, supported by the specialists in their respective headquarters, should be the first points of contact, assisting National Societies in the process of revising their legal base, with the Joint Statutes Commission providing its support at key stages of the process.

b) Recognition and admission

When a Society seeks recognition by the ICRC and admission to the International Federation, it must send applications to the Presidents of both organizations, together with the following documents: a copy of its Statutes, a copy of the legal instrument through which it is recognized by the authorities and a report on its activities for the two years preceding the request.

After having studied the documents submitted, and if the Joint Statutes Commission considers that the information provided by the applicant Society is sufficient and the comments of the International Federation and ICRC delegations conclusive, a visit by the Joint Statutes Commission is organized to determine firsthand whether the conditions for recognition are fulfilled.

Based on the documents submitted and the visit's findings, the Joint Statutes Commission formulates a recommendation to each of the two Geneva institutions. The role of the Joint Statutes Commission is purely consultative. The decision to recognize a Society lies with the Assembly of the ICRC, while the General Assembly of the International Federation is responsible for deciding whether a recognized National Society may be admitted as a member of the International Federation.