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REPORT OF
THE JOINT ICRC/INTERNATIONAL FEDERATION COMMISSION
FOR NATIONAL SOCIETY STATUTES

Document prepared by
the Joint ICRC/International Federation Commission for National Society Statutes

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Executive Summary

This report, presented in the framework of the Strategy for the Movement adopted in 2001 and updated in 2005, highlights the priorities of the Joint ICRC/International Federation for National Society Statutes (Joint Statutes Commission) and its activities during the period under review (November 2005-August 2007).

Action 3 of the Strategy stipulates that:

All National Societies examine their Statutes and related legal texts by 2010, and, where necessary, adopt new constitutional texts, in accordance with the Guidance for National Society Statutes and relevant Resolutions of the International Conference (Resolution 6 of the 22nd International Conference, Tehran 1973, and Resolution 20 of the 24th International Conference, Manila, 1981).

To the knowledge of the Joint Statutes Commission, only 39 National Societies have fulfilled this obligation to date, although 39 more are in the process of doing so. This shows that the Movement is still far from achieving its aim in this important field.

Therefore, the Joint Statutes Commission urges National Societies which have not yet done so to initiate a revision process and submit their final draft to the Commission before adopting new Statutes.

REPORT OF **THE JOINT ICRC/INTERNATIONAL FEDERATION COMMISSION** **FOR NATIONAL SOCIETY STATUTES**

INTRODUCTION

The Joint ICRC/International Federation Commission for National Society Statutes (Joint Statutes Commission) was established to help National Societies work efficiently and adhere at all times to the Fundamental Principles by strengthening their legal base. To achieve this objective, the Joint Statutes Commission:

- provides 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 Society 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*);
- assesses 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 makes recommendations in this regard to the ICRC and the International Federation.¹

The present report is presented in the framework of Action 3 of the Strategy for the International Red Cross and Red Crescent Movement adopted in 2001 and revised in 2005. It highlights the priorities of the Joint Statutes Commission and its activities during the period under review (November 2005-August 2007).

I. PRIORITIES OF THE JOINT STATUTES COMMISSION

Action 3 of the Strategy for the Movement stipulates that:

*All National Societies examine their Statutes and related legal texts by 2010, and, where necessary, adopt new constitutional texts, in accordance with the Guidance for National Society Statutes and relevant Resolutions of the International Conference (Resolution 6 of the 22nd International Conference, Tehran 1973, and Resolution 20 of the 24th International Conference, Manila, 1981).*²

To assess the degree to which the obligation laid down in Action 3 has been fulfilled, the Joint Statutes Commission drew up a list of National Societies summarizing the situation of each with respect to its Statutes as at 15 August 2007 (see Annex 2).

This list assigns each National Society to one of five categories on the basis of the extent to which it has achieved the objective of examining its Statutes and amending them where necessary.

According to the information in the possession of the Joint Statutes Commission, the situation as at 15 August 2007 is as follows:

¹ For detailed information on the mandate, composition and working methods of the Joint Statutes Commission, see Annex 1.

² Resolution 6 of the 22nd International Conference and Resolution 20 of the 24th International Conference request National Societies to submit amendments which they plan to introduce in their Statutes to the Joint Statutes Commission and to take the Commission's recommendations into account before adopting the amendments in their respective General Assembly or similar meeting.

- **39 National Societies** have Statutes which fulfil the minimum requirements set out in the *Guidance document* (**category 1** of Annex 2).
- **39 National Societies** are in the process of revising their Statutes (**category 2** of Annex 2).
- **22 National Societies** received comments from the Joint Statutes Commission but did not respond within six months (**category 3** of Annex 2).
- **56 National Societies** have not officially informed the Joint Statutes Commission that a process of revising their Statutes has begun (**category 4** of Annex 2).
- **9 National Societies** that have reviewed their Statutes and received comments from the Joint Statutes Commission have adopted new Statutes without sufficiently taking into account the Commission's recommendations (**category 5** of Annex 2).
- **21 National Societies** are marked with an **asterisk (*)** in Annex 2: the Joint Statutes Commission does not have sufficient information to attribute a precise category (1-5) to those Societies.

To the knowledge of the Joint Statutes Commission, only 39 National Societies have fulfilled their obligations under the Strategy for the Movement, although 39 more may be on the way to doing so. This shows that the Movement is still far from achieving its aim of ensuring that all National Society Statutes comply with the minimum requirements of the *Guidance document* by 2010.

Therefore, the Joint Statutes Commission urges National Societies which have not yet done so to take the necessary steps to fulfil the objective of Action 3 of the Strategy for the Movement, and in particular to submit their draft Statutes to the Commission and to take its recommendations into account before adopting Statutes, in accordance with Resolution 6 of the 22nd International Conference and Resolution 20 of the 24th International Conference.

II. ACTIVITIES OF THE JOINT STATUTES COMMISSION AND PROBLEM AREAS OBSERVED DURING THE PERIOD UNDER REVIEW

A. National Society Statutes

1) Figures

Between January 2006 and 15 August 2007, the Joint Statutes Commission:

- received draft or adopted Statutes from more than 60 National Societies;
- issued 83 letters of recommendations relating to the Statutes' compliance with the minimum requirements set out in the *Guidance document*;
- carried out two missions to assist National Societies in their Statutes revision process.

The substantive nature of the dialogue between the Joint Statutes Commission and the National Societies is underscored by the increasing number of replies to the Commission's recommendations. The Joint Statutes Commission thanks the National Societies that have engaged in this dialogue and encourages the others to start a revision process in accordance with Action 3 of the Strategy for the Movement.

2) Problem areas

Over the last two years, four problem areas have frequently been observed in Statutes examined by the Joint Statutes Commission:

- ü *The National Society's relationship with the public authority, in particular its independence and auxiliary status.* Government representation in governing bodies, government appointment of the National Society President, and mandatory government approval of amendments to National Society Statutes all constitute government interference, which threatens the ability of the National Society to fulfil its humanitarian mission in conformity with the Movement's Fundamental Principles.
- ü *Governance.* The composition of governing bodies, their duties and responsibilities, and the rotation of their elected members must be provided for. In addition, a clear separation between governance and management functions must be stipulated.
- ü *Branches.* The creation and structure of branches, and the degree to which branch members participate in the decision-making process must be set out in the Statutes.
- ü *Membership.* The rights and duties of members and the grounds and mechanisms for appealing against expulsion must be specified. The representation of all sectors of the population must be provided for.³

3) New tools: Advisory notes

In order to complement the *Guidance document* and provide additional recommendations for National Societies, the Joint Statutes Commission has started issuing "Advisory Notes" on issues concerning National Society Statutes and/or National Society recognition/admission procedures which have arisen in connection with the work of the Commission.

- **Dissolution of National Societies by law (adopted)**

In its first Advisory Note, entitled "Dissolution of National Societies by law", the Joint Statutes Commission advises National Societies not to include a provision in their Statutes providing a basis for dissolving the Society by law. Such a provision could restrict a National Society's independence. This Advisory Note is annexed to the present report (Annex 3).

- **Procedures of recognition by the ICRC and admission to the International Federation of a National Society (adopted)**

The second Advisory Note is entitled "Information note on the procedures of recognition by the ICRC and of admission to the International Federation of a National Society". It provides information for Societies seeking to be recognized by the ICRC and admitted to the International Federation. It explains the processes involved, the steps to be taken, the documents to be submitted and the timeframe required for proper handling of applications. This Advisory Note is annexed to the present report (Annex 4).

- **Guidelines on the revision process of National Society Statutes (in preparation)**

In order to better assist National Societies in adapting their legal base, the Joint Statutes Commission is currently drawing up guidelines on the revision process of National Society Statutes. These draft guidelines are intended to complement the existing *Guidance document*. They specify what is needed for a successful revision of National Society Statutes, the main steps to be taken and the roles of the parties involved

³ In this respect, Resolution 3 adopted by the Council of Delegates in 2005 called 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". The same Resolution asked 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".

(representatives from the National Society governing bodies, management and branches, from the ICRC, the International Federation and the Joint Statutes Commission). This Advisory Note will be made available to National Societies as soon as it is completed.

B. National Society laws/decrees

The Joint Statutes Commission stresses the importance of establishing a healthy relationship between the National Society and the public authorities. National Society laws/decrees are crucial in this respect: they must recognize the National Society as an independent legal entity and as “a voluntary aid society, auxiliary to the public authorities in the humanitarian field”. They must also stipulate that the public authorities have an obligation to respect the National Society’s adherence to the Fundamental Principles of the Movement.

During the period under review, the Joint Statutes Commission continued to observe government interference in the work of National Societies due to inadequate legislation or to misinterpretation of or ambiguity in laws/decrees.

Accordingly, the Joint Statutes Commission has provided comments on draft or adopted National Society laws/decrees (17 during the period under review) on the basis of the *Model law*. The Commission emphasizes that the *Model law* contains the minimum elements required to ensure a healthy relationship between the National Society and the public authorities.

In August 2006, through delegations of the ICRC and the International Federation, the Joint Statutes Commission began to assemble a collection of all National Society laws/decrees. The Commission is currently in the process of setting up a database of such laws/decrees for further analysis.

C. Applications for recognition and admission

The Joint Statutes Commission evaluated the applications for recognition and admission submitted by the following National Societies:

- **Timor-Leste Red Cross**: On 2 November 2005, the Commission recommended that the ICRC recognize and that the International Federation admit the Timor-Leste Red Cross.
- **Palestine Red Crescent Society**: On 7 April 2006, the Commission recommended that the ICRC recognize and that the International Federation admit the Palestine Red Crescent Society.
- **Magen David Adom in Israel**: On 18 April 2006, the Commission recommended that the ICRC recognize and that the International Federation admit Magen David Adom in Israel.
- **Red Cross of Serbia**: On 4 September 2006, the Commission recommended that the ICRC confirm the recognition of and that the International Federation admit the Red Cross of Serbia.
- **Red Cross of Montenegro**: On 4 September 2006, the Commission recommended that the ICRC confirm the recognition of and that the International Federation admit the Red Cross of Montenegro.