

Together for humanity  
Ensemble pour l'humanité  
Juntos por la humanidad  
معاً من أجل الإنسانية



30IC/07/7.1  
CD/07/3.1 (Annex)  
Original: English

**30<sup>th</sup> INTERNATIONAL CONFERENCE  
OF THE RED CROSS AND RED CRESCENT**

Geneva, Switzerland,  
26-30 November 2007

**THE SPECIFIC NATURE OF THE RED CROSS AND RED CRESCENT  
MOVEMENT IN ACTION AND PARTNERSHIPS AND  
THE ROLE OF NATIONAL SOCIETIES AS AUXILIARIES  
TO THE PUBLIC AUTHORITIES IN THE HUMANITARIAN FIELD**

**BACKGROUND DOCUMENT**

**Document prepared by the International Federation  
of the Red Cross and Red Crescent Societies  
in consultation with the International Committee of the Red Cross**

Geneva, October 2007



## Executive Summary

The auxiliary role of National Societies constitutes one of the defining characteristics that distinguish them from other national non governmental organisations (NGOs) and from the UN system and other forms of humanitarian response.

The founding resolutions of the First Geneva Conference of 1863 defined the mandate of these relief committees as that of “auxiliaries”, although this term was not explicitly mentioned, to the medical services of armed forces. In the late 19th century and early 20th century, National Societies began to move beyond their wartime role and develop other activities which in turn increased their operational capacity. In 1965 the seven Fundamental Principles of the Movement (Humanity, Impartiality, Neutrality, Independence, Voluntary Service, Unity and Universality) were unanimously adopted by the 20th International Conference of the Red Cross and Red Crescent. The principle of “Independence” alludes directly to the auxiliary role and states: “The Movement is independent. The National Societies, while auxiliaries in the humanitarian services of their Governments and subject to the laws of their respective countries, must always maintain their autonomy so that they may be able at all times to act in accordance with the principles of the Movement.”

In 1986, the 25th International Conference of the Red Cross re-affirmed the importance of the Principles by including them in the Preamble to the Movement's Statutes. Importantly, Article 4 (3) of the Statutes provides that in order to be recognized by the International Committee of the Red Cross (the ICRC), a National Society should be: “duly recognized by the legal Government of its country on the basis of the Geneva Conventions and of the national legislation as a voluntary aid society, auxiliary to the public authorities in the humanitarian field.” Article 3 (1) states that: “The National Societies form the basic units and constitute a vital force of the Movement. They carry out their humanitarian activities in conformity with their own statutes and national legislation, in pursuance of the mission of the Movement, and in accordance with the Fundamental Principles. The National Societies support the public authorities in their humanitarian tasks, according to the needs of the people of their respective countries.”

There are many positive examples of a “balanced relationship” between public authorities and National Societies as their auxiliaries in the humanitarian field, representing a reliable partner that will provide service based on its unique capacity to rapidly mobilise considerable human and material resources, including at the community-level, and comprising volunteers. As members of the International Conference, States participate directly in the framing of Movement policies and legal frameworks. This gives the Red Cross and Red Crescent Movement (hereafter the Movement) the predictability and transparency towards the States which may not always exist with other organisations.

The 28<sup>th</sup> International Conference accepted the concept of a “balanced relationship” between the States and National Societies and requested the International Federation of Red Cross and Red Crescent Societies (the International Federation) to continue its work on the subject and report to the 2007 International Conference. In order to meet this request the International Federation held expert meetings with participation from the ICRC, National Societies and Government representatives. Based on these discussions the working definition was elaborated and recommendations were made on how the upcoming International Conference should address this issue.

## **THE SPECIFIC NATURE OF THE RED CROSS AND RED CRESCENT MOVEMENT IN ACTION AND PARTNERSHIPS AND THE ROLE OF NATIONAL SOCIETIES AS AUXILIARIES TO THE PUBLIC AUTHORITIES IN THE HUMANITARIAN FIELD**

Objective 2 of the Conference is to recognize the specific nature of the Red Cross and Red Crescent Movement in action and partnerships, in particular the unique value of the role of National Societies as auxiliaries to the public authorities in the humanitarian field.

### **1. INTRODUCTION**

National Societies are recognized by all Governments as auxiliary to the public authorities in the humanitarian field. As such, they are equipped to partner with Governments in the fulfillment of national humanitarian responsibilities. At the same time, the Statutes of the Movement require that National Societies maintain their autonomy so that they can act at all times in accordance with the Fundamental Principles of the Movement. These Principles have been adopted also by States, at the 20<sup>th</sup> International Conference in Vienna in 1965. The independence of National Societies, combined with their commitment to impartial and neutral assistance, is often the best available means to gain access to those in need, and their confidence as well. States profit from this unique relationship with a reliable and impartial partner, which is both community-based and organically linked with the rest of the International Red Cross and Red Crescent Movement. Hence the auxiliary role of National Societies constitutes one of the defining characteristics of the Movement as a whole, distinguishing it from the UN system and other forms of humanitarian response.

The 28<sup>th</sup> International Conference accepted the concept of a balanced relationship between the States and National Societies and requested the International Federation to continue its work on the subject and report to the 2007 International Conference on the progress made in strengthening understanding of the auxiliary role of National Societies.

This paper is meant to serve this purpose and inform the participants of the International Conference about the evolution of the concept of auxiliary to Government, clarification of the auxiliary role in a new operating environment, expert consultations on the nature and scope of the auxiliary role, the available Movement “tools” to assist in the establishment of the dialogue between the Governments and National Societies related to their auxiliary role in the humanitarian field. The paper is also intended to serve as the background for discussions and decisions of the Conference on this subject.

### **2. Evolution of the Concept of Auxiliary to the Public Authorities in the Humanitarian Field**

Under Henry Dunant’s original proposals to form relief committees, the medical services of armed forces would have the primary responsibility to take care of the sick and wounded on the battlefield. The founding resolutions of the First Geneva Conference of 1863 defined the mandate of these relief committees as that of “auxiliaries”, although this term was not explicitly mentioned, to the medical services of armed forces. The corollary of auxiliary status to public authorities was the subordination of relief societies to the medical services of armed forces and therefore to States for every aspect related to that activity. Significantly, the 1863 Conference stipulated that the voluntary medical personnel on the battlefield should be placed under military command. While Governments were under no obligation to accept the offer of services from these relief committees, over time their support function to armed

forces medical services was not only maintained, but enhanced. Their status was also further codified by successive Geneva Conventions.

In the late 19th century and early 20th century, National Societies began to move beyond their wartime role and develop other activities which in turn increased their operational capacity. Some National Societies also received State support. Following the First World War, international recognition for the expanding role of National Societies came with Article 25 of the Covenant of the League of Nations in 1919 through which States committed themselves to: “encourage and promote the establishment and cooperation of duly authorized voluntary national Red Cross organizations having as purposes the improvement of health, the prevention of disease, and the mitigation of suffering throughout the world.”

This statement marked the beginning of official State recognition of a more expansive role for the Red Cross beyond the care of the sick and wounded on the battlefield. A similar statement alluding to the special links between States and National Societies was also adopted by the United Nations General Assembly after the Second World War. As the work of the Red Cross expanded, the use of the word “auxiliary” began to be applied to the full range of National Society activities, not just to the care of the sick and wounded on the battlefield.

In 1921, the revised Statutes of the ICRC were modified and incorporated four Fundamental Principles - Impartiality, political, religious and economic Independence, the Universality of the Movement and the Equality of its members. These principles were important because they provided a “philosophical direction” for the Movement. They also established a framework for the Movement’s relations with Governments. These relations were severely tested during the Second World War when many National Societies overtly supported and mobilized public opinion in support of war goals. This was a clear violation of what we would describe today as the principle of “neutrality” and left many in the Movement uneasy with the almost symbiotic relationship between some States and their National Societies.

The Movement's seven Fundamental Principles were unanimously adopted in 1965 by the 20th International Conference of the Red Cross: Humanity, Impartiality, Neutrality, Independence, Voluntary Service, Unity and Universality. The principle of “Independence” alludes directly to the “auxiliary role.” It states: “The Movement is independent. The National Societies, while auxiliaries in the humanitarian services of their governments and subject to the laws of their respective countries, must always maintain their autonomy so that they may be able at all times to act in accordance with the principles of the Movement.”

In 1986, the 25th International Conference of the Red Cross and Red Crescent re-affirmed the importance of the Principles by including them in the Preamble to the Movement's Statutes. Importantly, Article 4 (3) of the Statutes provides that in order to be recognized by the ICRC, a National Society must: “Be duly recognized by the legal government of its country on the basis of the Geneva Conventions and of the national legislation as a voluntary aid society, auxiliary to the public authorities in the humanitarian field.” Article 3 (1) states that: “The National Societies form the basic units and constitute a vital force of the Movement. They carry out their humanitarian activities in conformity with their own statutes and national legislation, in pursuance of the mission of the Movement, and in accordance with the Fundamental Principles. The National Societies support the public authorities in their humanitarian tasks, according to the needs of the people of their respective countries.”

The concept of “auxiliary to public authorities in the humanitarian field” and how it is applied varies greatly from country to country and defies any easy categorization based upon East/West, North/South, developed/developing world. It is largely a reflection of a country’s culture, legal and political system and the status of humanitarian organizations within the State.

### 3. Clarification of the Auxiliary Role in a New Operating Environment

The Plan of Action adopted by the 27th International Conference of the Red Cross and Red Crescent in 1999 called on the International Federation, working with the ICRC and National Societies, to conduct a comprehensive study of the working relationship between States and National Societies. The expected result of the study was to ensure that: "Components of the Movement and States have a clearer and more common understanding of the National Society auxiliary role, its advantages and restrictions, in light of changing needs and of the evolving role of other service providers." It is important to emphasize that it was not just an "intra-Movement dialogue" regarding the auxiliary role. States, as members of these International Conferences are an integral part of their decision making processes and consequently have a very direct stake in the formulation of new policies and their results.

In 1999 the International Federation initiated the study (completed in 2003) entitled: *National Red Cross and Red Crescent Societies as auxiliaries to the public authorities in the humanitarian field*. The study surveyed the external environment and the evolution of the concept of "auxiliary to the public authorities in the humanitarian field" and reviewed various aspects of the relationship between States and National Societies. It also reviewed a number of key policies and procedures that had been adopted in recent years and sought to better define the concept of "auxiliary to the public authorities." The study provided practical guidance to National Societies and States describing "the characteristics of a balanced relationship – one which is mutually beneficial, but which respects the Fundamental Principles."

A study done by the ICRC and presented to the Council of Delegates 2005 also included considerations on specific aspects of the auxiliary role related to situations of armed conflict, taking into account new patterns of conflict, including peacekeeping operations.

The Strategy for the Movement of 2001 observed that: "The nature of the relationship between States and NS is unique and offers many benefits to both parties. The (National Society) role as auxiliary to the public authorities is based on IHL (First Geneva Convention, 1949 (Article 26) and the Statutes of the Movement (Article 3 (1) and 4 (3)). The auxiliary role gives National Societies a special status: they are, at the same time, private institutions and public service organizations." The Strategy for the Movement document went on to state that: "The fundamental principle of Independence stipulates that National Societies must always maintain sufficient autonomy so as to be able to act at all times in keeping with the Fundamental Principles. There needs to be an appropriate balance between the need for close relations between a State and the National Society of its country on the one hand, and the need to maintain the independence of the National Society on the other. There is a need for clearer criteria for assessing whether this independence is fully observed."

The above mentioned 2003 study was a milestone in framing the discussion on the issue of "auxiliary to the public authorities in the humanitarian field." The response of the Movement was contained in Resolution 6 at the 2003 Council of Delegates. Put simply, that response encouraged National Societies to engage in discussions with States to strengthen: "government understanding of the value of the auxiliary character of National Societies and the importance of a balanced relationship."

The lack of clarity in the legal foundation of the "auxiliary to public authorities in the humanitarian field" role can and has created certain misunderstanding and confusion between States and National Societies. Wherever a Government sees a National Society as an adjunct to its own operations and programs, situations may arise in which that Government gets deeply involved in the management and governance of the National

Society. For instance, some Governments have unilaterally altered the composition of the National Society governing body by decree. Others have amended a National Society's statute without consulting with the Society in question. National Societies may also be obliged to conduct operations and activities at home and abroad that are inconsistent with the Fundamental Principles and disregard the Movement's internal rules and procedures. The confusion over the auxiliary role occurs within both the developed and developing world and within both States and National Societies.

While there are examples of confusion and misunderstanding of the concept of "auxiliary to the public authorities in the humanitarian field," there are also many positive instances where a "balanced relationship" between States and National Societies was made possible largely by regular dialogue and consultation. This "balanced relationship" is also fostered by the existence of a clear legal foundation setting out appropriate definitions of the auxiliary role and respecting the need for National Societies to adhere to the Fundamental Principles. Where these conditions are met, there is tremendous scope for National Societies and States to work together with creativity and cooperation for their mutual benefit and for the benefit of the most vulnerable.

A "balanced relationship," for example, allows National Societies to negotiate and conclude memoranda of understanding in areas such as emergency management, public health initiatives, community-based social programs, promotion of humanitarian values, anti-discrimination projects, injury prevention and first aid. For Governments it means, inter alia, having a reliable partner that is capable of providing unique services, based on its potential to rapidly mobilise considerable human and material resources, including at the community-level, and comprising volunteers. At the international level, Governments directly participate in the general policy making and standard setting of National Societies, within the framework of the International Red Cross and Red Crescent Conference. Nationally, they must recognize by law or decree the respective National Societies which, in comparison with NGOs, should allow for greater predictability and transparency in the relationship.

There exist both negative and positive examples of the role of National Societies as auxiliaries to their Governments in the humanitarian field. There are also situations of benign neglect where no debate or discussion around these issues has occurred and where both States and National Societies are operating on the basis of antiquated notions of the auxiliary role. In such cases, States and the National Societies may be missing important opportunities to work together to serve their respective constituencies.

Thus, the discussion around the concept of "auxiliary to the public authorities in the humanitarian field" has evolved in recent years. In fact, the Strategy of the Movement Update 2005 maps out three broad "strategic objectives." These include:

- 1) strengthening the components of the Movement,
- 2) improving the Movement's effectiveness and efficiency through increased cooperation and coherence, and
- 3) improving the Movement's image and the components' visibility and relations with governments and external partners. A key action item related to this third strategic objective is the need to "analyse the National Societies' role as auxiliary to their government and the Movement's relations with political and military players."

This latter point is particularly salient because of recent trends in conflict zones which have seen governments attempt to integrate humanitarian efforts into a broader political and military framework. "Hearts and minds" campaigns where the military is involved directly in humanitarian action have created tensions with relief and development organizations. There is well-founded resistance to the idea that emergency aid and relief should be supplied by people with an underlying security or political agenda. The position of the Movement, which is based on IHL, is simply that humanitarian and relief assistance must be provided based

upon no criteria other than human need. As the 2005 Strategy Update notes: "It is essential for the Movement to retain its identity as an independent, neutral and impartial humanitarian force. In situations where there is an international military mission, the components of the Movement need to clearly delineate their humanitarian activities from those carried out by the military and to explain their modus operandi to the latter." The same should apply to the non-military international humanitarian operations when humanitarian assistance is increasingly politicized and sometimes represents an artificial mixture of foreign policy and humanitarian aid.

The 28<sup>th</sup> International Conference accepted the concept of a "balanced relationship" between the States and National Societies and requested the International Federation to continue its work on the subject and report to the 2007 International Conference.

#### **4. Consultations on the nature and scope of the auxiliary role**

As part of the implementation of this decision the International Federation held expert meetings with participation of the ICRC, from National Societies and government representatives focused on the status and role of the National Societies as auxiliaries to their respective public authorities in the humanitarian field. The meetings comprised representatives of National Societies and their respective national authorities represented in Geneva by Permanent Missions. The National Societies were chosen on the basis of previous interest that they had demonstrated in this subject through pledges made at previous International Conferences, studies presented at regional fora, or formulas of cooperation that they had established with their own national public authorities as their auxiliaries in the humanitarian field.

The discussions focused on the elements of the definition of auxiliary role and its relevance to a National Society's mission, mandate and activities. It was pointed out that the scope of National Societies' auxiliary role should be the product of agreement or at least an understanding between Governments and their National Societies in each individual case, based on mutual respect, rights and responsibilities.

An important aspect of the specificity of the Red Cross/Red Crescent National Societies which distinguishes them from NGOs is the mechanism of the National Society's establishment. The unique role of National Societies is established through parliamentary or governmental action based on the Geneva Conventions and domestic law. This action includes a special recognition act referred to earlier, which should guarantee their independence from Governments in conformity with the Statutes of the Movement, adopted by the 25<sup>th</sup> International Conference of the Red Cross and Red Crescent in Geneva in 1986. The First Geneva Convention, 1949 Article 26 and the Statutes of the Movement (Article 3 (1) and 4 (3)) allude to the fact that the staff of National Societies serve as auxiliaries to the public authorities in the humanitarian field.

Based on these discussions the following working definition was elaborated:

*"A [privileged] / [unique] / [special] partnership, entailing mutual responsibilities and benefits, based on international and national laws, in which the national public authorities and the National Society agree on the areas in which the National Society supplements or substitutes public humanitarian services. The National Society must be able to deliver its humanitarian services at all times in conformity with the Fundamental Principles and with its other obligations under the Statutes of the International Red Cross and Red Crescent Movement as agreed by States in the International Conference of the Red Cross and Red Crescent."*



These consultations proved valuable for highlighting the place of National Societies in mechanisms which manage disaster preparedness and response, health emergencies and other matters at all relevant levels in their respective countries.

The experts attending the consultations looked into specific cases of interaction between National Societies and their public authorities as well as with other components of the Movement in conducting various humanitarian activities within their respective national borders and abroad – particularly in the fields of national civil protection, international civil protection, natural disasters, migration, health and conflict situations.

It was also stressed that not all activities of a National Society are carried out in their auxiliary function. National Societies, based on their mission and the fundamental principles, may identify other activities which are not in direct support of governmental functions, but are based on the National Society's own humanitarian needs assessment.

The cases examined included those where a National Society is providing or is expected to provide (in accordance with the prior agreement with its Government) its personnel and services as part of the governments' international humanitarian response.

A number of National Societies shared their experiences and lessons learnt from the dialogue with their Governments. Some National Societies experience problems in maintaining dialogue with several Government departments relevant to their activity and not having a single focal point for such interaction. Many participants shared information about their national legislation relating to activities of the Movement which are considered as part of the auxiliary role of National Societies.

General agreement was reached on Article 26 of the First Geneva Convention as a very special case of the auxiliary role, as it is limited to provision and secondment of National Society personnel and material to the medical units of the armed forces. Thus the Movement coordination mechanisms (consent rule of the National Society of the relevant state, and other mechanisms) do not apply. There was also a general understanding that there may exist similar situations in which a national society also may "lend" personnel and material to address human suffering of military personnel that is not strictly medically-related (e.g., psycho-social support), where, again, Movement coordination mechanisms would not apply. No consensus was achieved, however, regarding circumstances involving National Society secondments of personnel and material to other governmental departments and agencies besides the military. Yet it was acknowledged that the National Society and its government have to avoid at all times the confusion between such joint activities and the activities of the National Society and the Movement as a whole.

All participants of the consultations shared the view that it is essential to ensure a permanent dialogue at all times between the National Societies and the respective Governments related to issues within the agreed framework of action. Whenever a particular action conducted by one partner will have an effect on the other partner, prior consultations and agreement are essential. This is indispensable in building and maintaining their "balanced relationship". National Societies have a duty to consider seriously any request of their Government. They, however, have the right to decline the offer/request if it is in conflict with the Fundamental Principles/mission of the Movement/mandate/statutes. The Government must respect the decision of the National Society.

A wider consultation process, involving all National Societies, has also been launched by the International Federation in cooperation with the ICRC. The National Societies were invited to respond to a questionnaire on particularities of their auxiliary role in their respective countries.

All responder National Societies have a proper legal foundation containing a recognition act which guarantees their independence from Governments. In most of the cases, the national legislation also comprises some specification as to the mandate and activities of the National Society. In other countries, National Societies carry out specific functions for their Governments on a contractual basis. The tasks assigned to National Societies – based either on national legislation or on different forms of agreements – typically cover some of the following areas: assistance to military medical services, dissemination of IHL and the Fundamental Principles, tracing services, disaster preparedness and response, disease prevention, health and social care services, ambulance services, first aid training and blood donation programmes.

Most responder National Societies have the legally binding function of "auxiliary" to the military medical services in the sense of Article 26 of the First Geneva Convention. However, only few of them have *de facto* been asked by their Governments to conduct any activities with the military, either in-country or abroad (context of armed conflict/peacekeeping or disaster). In one of the cases, the support of the military by the National Society is conditional upon the explicit approval by the Society. It is also to be noted that many National Societies cooperate with their armed forces in the dissemination of IHL.

Asked about the practical implications of the auxiliary role in terms of privileges or government support, most National Societies highlight their unique access to Ministries and government officials. Many Societies actively participate in governmental committees and commissions. In addition, most National Societies benefit from exemptions from custom duties and/or taxes and from some form of financial or other support. Most National Societies do not experience any difficulties related to their auxiliary role. However, they carefully consider the implications of any public advocacy work on the relationship with their Governments.

## **5. "Tools" assisting the establishment of the dialogue between the Governments and National Societies related to their auxiliary role in the humanitarian field**

Experts' consultations as well as the deliberations at the meetings of the Group of Ambassadors for the preparation of the International Conference also revealed that many Governments and public at large need more information about the scope and nature of the auxiliary role of the National Societies. A number of Movement "tools" to support the dialogue between the Governments and National Societies related to their auxiliary role in the humanitarian field have been created. These documents are neither for further endorsement by the Governments nor are they binding upon them. The Movement, however, makes them available (see [www.ifrc.org](http://www.ifrc.org) and [www.icrc.org](http://www.icrc.org)) as reference information if more clarity is needed on how the National Society is supposed to operate nationally and internationally, including the relationship with its Government. Such tools include:

Documents adopted by Statutory Body meetings:

- *Guidance on National Societies Statutes;*
- *Minimum Elements to be included in operational agreements between Movement components and their external operational partner;*
- *Guidance document on relations between the components of the Movement and military bodies, 2005;*
- *Regulations on the use of the Emblem of the Red Cross or the Red Crescent by the National Societies, resolution XXII, 20<sup>th</sup> International Conference, 1965, revised by resolution 5, Council of Delegates, 1991*
- *Movement policy for Corporate Sector Partnerships, 2005*

Guidance documents produced by the International Federation and/or the ICRC:

- *National Red Cross and Red Crescent Societies as auxiliaries to the public authorities in the humanitarian field, International Federation, 2003;*
- *National Red Cross and Red Crescent Societies as auxiliaries to the public authorities in the humanitarian field. Study on situations of armed conflict, ICRC, 2005;*
- *Minimum elements to be included in the legislation between Red Cross and Red Crescent Societies and their public authorities;*
- *Red Cross and Red Crescent Societies and the Implementation of International Humanitarian Law: Guiding Principles.*

## 6. Way forward

The main result of the consultative processes described above is a number of recommendations on how the upcoming International Conference should address this issue. It is expected to adopt a resolution with recommendations necessary for guiding States and the components of the Movement in establishing a “balanced relationship” between public authorities and National Societies when acting as auxiliaries in the humanitarian field.

Governments and National Societies are invited to review their current relationship in the light of these findings and recommendations. They are also encouraged to explore further areas where the National Society could work as an auxiliary partner to its Government, capitalizing on the mutual benefits of this concept. The International Federation and the ICRC will offer their good services within their respective areas of expertise.

**7. Guiding Questions for Commission A at the International Conference on the specific nature of the Red Cross and Red Crescent Movement in action and partnerships and the role of National Societies as auxiliaries to the public authorities in the humanitarian field** (Wednesday 28 November 2007, 9:30-13:00 and 14:00-18:00)

***Guiding questions for Commission A will be posted on the webpages of the 30<sup>th</sup> International Conference by 31 October 2007.***

***([www.icrc.org](http://www.icrc.org), [www.ifrc.org](http://www.ifrc.org), [www.rcstandcom.info](http://www.rcstandcom.info))***

***Participants are invited to refer to these in preparing for the International Conference.***