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**NATIONAL RED CROSS AND RED CRESCENT SOCIETIES AS
AUXILIARIES TO THE PUBLIC AUTHORITIES IN THE
HUMANITARIAN FIELD:**

**Conclusions from the study undertaken by the
International Federation of Red Cross and
Red Crescent Societies**

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

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Summary of the Report

The study on the auxiliary role of National Societies in the humanitarian field is in follow-up by the International Federation of Red Cross and Red Crescent Societies to the Plan of Action of the 27th International Conference of the Red Cross and Red Crescent (Geneva, 1999) and the Strategy for the Movement adopted by the Council of Delegates in 2001.

The Plan of Action, (final goal 3.3, Action 15) called for:

“an in-depth study into the working relationship between States and National Societies, taking into account the changing needs in the humanitarian, health and social fields, the auxiliary role of National Societies and the evolving role of the State, the private sector and voluntary organizations in service provision”.

The study:

- analyzes how the environment for humanitarian action, on the one hand, and the concept of auxiliary status on the other hand, have evolved over the years;
- reviews several aspects of the relationship between Red Cross and Red Crescent National Societies and States, in particular the interactions related to the *functioning* of the National Society and those related to the *activities* of the National Society;
- examines how a number of existing texts, including the Statutes of the Movement, Geneva Conventions and various texts adopted by the relevant bodies of the Movement and the Federation, affect the relationship between States and National Societies;
- aims at better defining the concept of auxiliary to the public authorities in the humanitarian field, because, over the years, the initial scope of the concept (related to the relief to wounded and sick soldiers on the battlefield) has blurred, thus affecting the universality of the concept;
- provides practical guidance to National Societies and States in order to help ensure their mutually beneficial relations.

The conclusions of the study, reproduced below, constitute an official document submitted to the 28th International Conference of the Red Cross and Red Crescent. The complete study, will be available from the International Federation, at the Conference.

Characteristics of a balanced relationship between States and National Societies as auxiliaries to the public authorities in the humanitarian field

The role of National Societies has evolved over the years responding to changing needs in the humanitarian environment. In recent years the role with regard to disaster preparedness and response as well as the role in relation to community based health services has become significantly more important. Cooperation between National Societies and between the International Federation and International Organisations has developed and new partnerships complementing the respective strengths of the different partners have been developed.

Among national humanitarian organizations, National Red Cross and Red Crescent Societies have a special place, different from that of any other organization.

The role of auxiliary to the public authorities in the humanitarian field is characterized by a specific legal status, based on international humanitarian law, the rules established by the Movement and the national legislation of each State. The auxiliary role has primarily national, but also in some cases international implications.

However, beyond this specificity, the detailed consequences of the auxiliary role have never been systematically analysed and, more importantly, the Movement and the International Conference of the Red Cross and Red Crescent have never taken a decision addressing all those aspects.

While keeping in mind differences that can be justified by the diversity of contexts in which National Societies act, and the need for evolution in the nature of the relationship between the State and the National Society, the characteristics of a balanced relationship of auxiliary to the public authorities in the humanitarian field can be summarised as follows:

- The State and the National Society have a partnership aimed at preventing and alleviating human suffering, protecting life and health, ensuring respect for the human being and promoting mutual understanding, friendship, cooperation and lasting peace amongst all peoples;
- Despite the partners having different responsibilities and levels of resources available, this partnership is based on dialogue, trust, cooperation, a willingness to listen, mutual understanding, respect for each other and acceptance of criticism from each partner, thus enabling to raise the most sensitive humanitarian questions in a private and constructive manner;
- This partnership includes:
 - Involvement of the National Society in the implementation of the obligations incumbent upon the State on the basis of international humanitarian law and the resolutions of the International Conference of the Red Cross and Red Crescent;
 - Utilization by the State of the medical personnel of the National Society put at the disposal of the medical services of armed forces, in strict accordance with the First Geneva Convention and, where applicable, the First Additional Protocol;
 - Cooperation in respect of other tasks related to international humanitarian law where both the State and the National Society are involved, such as tracing services;
 - Consultation of the National Society on major humanitarian issues;

- Participation of the National Society in the health and social sector and in actions of relief and disaster preparedness. This involves not only the National Society's own service delivery action but also its contribution on the basis of its experience, and the policy of the International Federation, to governmental policy making in these sectors;
 - Cooperation respecting the distinct role of the Red Cross/Red Crescent in international operations. Such operations include response to the needs of conflict and disaster victims, and building the capacity of National Societies in other countries to respond to needs in the health and social sectors.
 - Utilization of the capacity of the National Society in the fields in which it is competent, and of its ability to act as a link between the organizations of civil society and the State (including, where necessary, the armed forces);
 - Support from the National Society to the humanitarian activities of the State, including acceptance of appropriate mandates.
- At all levels, the representatives of the State and the National Society understand the importance of the Fundamental Principles and ensure that the work of the National Society is guided by the Fundamental Principles¹. In particular:
- The benchmark against which the status of auxiliary to the public authorities should be evaluated is above all whether or not a National Society can act in conformity with the Principle of Humanity, that of Impartiality (guided solely by needs and absence of discrimination) and the objective of the Principle of Neutrality ("to enjoy the confidence of all");
 - The State and the National Society ensure the long-term interests of a National Society that is sufficiently independent and acts in conformity with the Fundamental Principles, in all circumstances, including in times of internal strife or non international armed conflicts;
 - The State and the National Society seek to maintain the best possible image of the National Society, by showing that its action is in conformity with the Fundamental Principles and is perceived as such;
 - The involvement of State representatives in the decision-making process of the National Society is designed in such a way that the autonomy of the National Society is maintained, taking into account the "Guidance for National Society Statutes"²;
 - The State does not interfere in the functioning of the National Society, the selection of its activities (including the selection of beneficiaries, the scope of programmes and services and the choice of operational partners), the appointment of its leaders and amendments to its legal texts;
 - In its relations with the National Society, the State should aim to preserve the capacity of the National Society to act in accordance with its mission. To ensure this the State should recognise that there may be cases where the controls applicable to profit and not for profit organisations may need to be adjusted or waived. The means the public authorities put at the disposal of the National Society (financing, seconding of staff or other resources) are managed in such a way as not to affect National Society

¹ Statutes of the International Red Cross and Red Crescent Movement, adopted by the 25th International Conference of the Red Cross and Red Crescent, 1986, Preamble (<http://www.icrc.org/Web/eng/siteeng0.nsf/html/movement>).

² Adopted by the Governing Board (May 2000) on a mandate from the General Assembly (1999) (www.ifrc.org).

adherence to these Principles; they are conceived in a manner which avoids the National Society being too dependent on the State;

- Where State priorities or legislation might lead the National Society to act in violation of the Fundamental Principles or other policies or decisions adopted by the Movement or the Federation, the State and the National Society seek a solution which complies with the humanitarian mission of the Movement in accordance with the Fundamental Principles;
- In times of armed conflicts, be they international or not, or internal strife:
- The purely humanitarian contacts between the National Society and different actors involved in such situations are legitimate;
 - The National Society should not be perceived as contributing to the military efforts of the State or any other party to the conflict or as supporting views and policies not related to humanitarian considerations;
 - The utilisation by the medical services of the armed forces of medical staff seconded by the National Society is legitimate, provided that, on the one hand, the acts undertaken by these staff are of a strictly humanitarian nature and, on the other hand, that National Society has the capacity and is prepared to explain to the public at large that such acts are humanitarian, thus preserving the interests of all components of the Movement;
- The State and the National Society work with a view to creating an enabling environment allowing the best possible action from the National Society. In particular:
- The State facilitates the functioning of the National Society by adopting appropriate legislation (or derogation to existing legislation) in the fields of voluntary service, tax and customs status of the National Society, and use of the emblem by the National Society, in conformity with the Geneva Conventions;
 - The State facilitates National Society implementation of the decisions and resolutions adopted by Red Cross and Red Crescent bodies at the international level, including in the field of the Movement's international relief operations, and in particular the Agreement on the Organisation of the International Activities of the Components of the International Red Cross and Red Crescent Movement ("Seville Agreement")³, the "Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief"⁴ and other relevant texts;
 - The State and the National Society use the "Characteristics of a Well-Functioning National Society"⁵ and "Guidance for National Society Statutes" to facilitate changes in the legal status of the National Society, its structure and its rules of functioning. In this context, public authorities take into account the comments that the ICRC and the Federation may formulate in respect of National Society's statutes;

³ Adopted by the Council of Delegates of the International Red Cross and Red Crescent Movement (Seville 1997) (<http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/movement?OpenDocument>).

⁴ Noted and welcomed by the 26th International Conference of the Red Cross and Red Crescent (1995) which "invited all States and National Societies to encourage NGOs to both abide by the principles and spirit of the Code and consider registering their support for the Code with the International Federation" (res. 4:E.2) (<http://www.ifrc.org/publicat/conduct/>)

⁵ Welcomed by the General Assembly (1995), decision 30, as an important institutional development tool (www.ifrc.org).

- The inclusion of the Statutes of the National Society in the national legislation is avoided, in order to facilitate the modification of the Statutes, if necessary, at the Society's own initiative;
 - The State and the National Society cooperate in order to promote and guarantee the specific nature of the National Society, both in the context of international organizations as well as in the development and implementation of relevant international law;
 - Mechanisms for dialogue and safeguards are established for all forms of State – National Society cooperation. This includes National Society contribution to governmental policy making in the fields of disaster management, health and social services. The roles and responsibilities are established in general and for each operation or programme, preferably by agreement between both parties.
- Should the integrity of the National Society be in jeopardy, the International Federation and the ICRC may provide advice or assistance to the National Society according to the Movement's Statutes, and the Federation's policies and procedures. The State should recognise and support this internal consultation and support process within the Movement. In cases where the State is concerned by an issue of National Society integrity it should first consult the National Society leaders and then as appropriate the Federation and/or ICRC. Any action by government in such cases should not adversely affect the National Society's ability to respect the Fundamental Principles.