

**Power of humanity**

Council of Delegates of the International  
Red Cross and Red Crescent Movement

8 December 2019, Geneva



**COUNCIL OF DELEGATES  
OF THE INTERNATIONAL RED CROSS  
AND RED CRESCENT MOVEMENT**

Geneva, Switzerland  
8 December 2019

**Movement approach to strengthening National Society statutory  
and constitutional base and complementary frameworks**

**DRAFT ELEMENTS OF RESOLUTION**

April 2019

## Background

The draft elements of the proposed resolution on the Movement approach to strengthening National Society statutory and constitutional base and complementary frameworks aim to provide a provisional outline of the objectives and paragraphs of the resolution for consultation, without providing a definitive text for the proposed resolution.

Where necessary, a tentative explanation of individual paragraphs of the resolution is included.

This document is being shared for consultation with all members of the Council of Delegates of the International Red Cross and Red Crescent Movement in order to gather a first round of comments and feedback, and to gain an initial understanding of whether the proposed approach would be acceptable and garner consensus.

When providing comments and feedback on this document, please consider the following questions:

- Do you agree with the proposed elements for the preambular and operative paragraphs of the resolution?
- Are there any elements that are missing or should be considered for inclusion in the resolution?

The proposed resolution is to approve the adoption by the Movement of the *Guidance for National Society Statutes 2018*, which is hyperlinked [here](#).

Detailed comments on the wording of the draft elements of the resolution are not expected at this stage. There will be further opportunity to comment on specific paragraphs and their wording once the draft zero of the resolution is available.

## Introduction

The contribution of comprehensive statutory, constitutional and complementary frameworks to a National Red Cross or Red Crescent Society's ability to deliver effective, relevant and principled humanitarian services to individuals and communities in need has long been recognized through successive resolutions adopted by the Statutory Meetings of the Movement – the International Conference of the Red Cross and Red Crescent and the Council of Delegates – and by the governance bodies of the International Federation of Red Cross and Red Crescent Societies (IFRC).

In this context and recalling the localization commitments made at the World Humanitarian Summit in 2016, a robust statutory base and complementary frameworks provide a tool for increasing a National Society's efficiency and ability to adapt to changing realities. Sound statutory or constitutional base instruments and complementary frameworks also represent a key attribute in preserving a National Society's integrity, ensuring its ability to perform its mandates and roles effectively and maintaining the quality, sustainability and reach of its humanitarian services.

Particular reference may be made in this context to Resolution 20 of the 22nd International Conference of the Red Cross (Teheran, 1973), which established that in order to retain valid membership in the International Red Cross, a National Society must always comply with the basic principles of the Movement and with the conditions of recognition and admission.

It is in this light that National Societies have committed, in past resolutions adopted by the Movement's Statutory Meetings, to regularly reviewing their statutes and constitutions in accordance with the Movement's agreed standards. This commitment by National Societies

was most recently reiterated at Movement level in Resolution 4 adopted by the 2011 Council of Delegates nearly ten years ago, which also reaffirmed the mandate of the ICRC and the IFRC as well as that of the Joint ICRC/International Federation Commission for National Society Statutes (Joint Statutes Commission) to support and advise National Societies in this respect.

According to the Joint Statutes Commission's recent assessments of the steps taken by National Societies to strengthen their statutory and constitutional base, important progress has been achieved over recent years. Around 30 to 40 per cent of all National Societies have in place statutory and constitutional base frameworks that conform to the Movement's agreed standards, as defined in the previous 2000 version of the document *Guidance for National Societies Statutes*.

Following a recommendation formulated in the Joint Statutes Commission's reports to the 2015 and 2017 CoD, a process to review the 2000 Guidance document was initiated in 2016. This resulted in the development of a revised guidance tool intended to define an updated approach and a series of new standards in key areas. The new tool, as adopted by the IFRC Governing Board at its October 2018 session, provides for more flexible and contextualized advice that is intended to support the leadership of National Societies in making informed choices that best suit their National Society's own legal, operational and cultural contexts and needs. It also includes new standards for National Societies to implement in their statutes and constitutions and complementary frameworks on such issues as the definition and rights and responsibilities of volunteers, the organization of a National Society's leadership functions, integrity, compliance and dispute resolution.

## **Overview of the resolution's proposed objectives and paragraphs**

### **Proposed preambular paragraphs (PP)**

**PP1** could acknowledge the crucial contribution of sound and comprehensive statutory base and complementary frameworks to preserving a National Red Cross or Red Crescent Society's ability to deliver effective, relevant, sustainable and principled humanitarian services to vulnerable people and communities and to be accountable to its constituency at all times.

**PP2** could recall:

i) past commitments undertaken by National Societies to work closely with the ICRC and the IFRC as well as with the Joint Statutes Commission on the revision of their statutes and constitutions and related legal texts. These commitments could be recalled in the context of the successive resolutions adopted by the Council of Delegates establishing the duty of National Societies to:

- periodically review their statutory and constitutional base texts and share their statutes and constitutions and any revisions thereto with the Joint Statutes Commission at the drafting stage
- take the latter's recommendations into account (including the Strategy for the International Red Cross and Red Crescent Movement as adopted by the 2001 Council of Delegates and Resolution 4 of the 2011 Council of Delegates)

ii) past resolutions adopted by the International Conference requesting States, National Societies, the ICRC and the IFRC to enhance their work to strengthen the legal base of National Societies, specifically in regard to their statutes, with a view to creating more effective, accountable and transparent National Societies that are able to adhere at all times to the

Fundamental Principles, and to welcome the continued commitment of National Societies to achieving this goal.

**PP3** could recall that strong and sound legal, statutory and policy base frameworks are key contributors to National Society development and are defined as an attribute central to a National Society's ability to deliver effective, principled and safe humanitarian action.

**PP4** could mark the Council of Delegates' appreciation for the work and consultations conducted under the auspices of the Core Group on the revision of the Guidance for National Societies which began in 2016. It could also welcome the innovations brought by the new tool, including its more flexible approaches and its new standards on *Volunteers, Leadership and Integrity, compliance and dispute resolution*, and encourage the leadership of National Societies to pay special attention to these innovations in the implementation of the new Guidance document and ensure compliance therewith.

**PP5** could welcome the adoption of the new Guidance document by the Governing Board of the IFRC at their session held in October 2018 and recall the 2017 IFRC General Assembly decision relating to the Guidance document and recommending that the Joint Statutes Commission submit the new Guidance document to the 2019 Council of Delegates for adoption; it could also express the Council's appreciation to those National Societies that have already revised their statutes in line with the standards set out in the new Guidance document.

**PP6** could welcome the steps taken by the IFRC and the ICRC as well as by the Joint Statutes Commission towards the effective promotion and implementation of the new Guidance document.

### **Proposed operative paragraphs (OP)**

**OP1** could adopt the new Guidance document for National Society Statutes at Movement level.

#### *Rationale*

*The objective of OP1 is to confirm the Guidance document for National Society Statutes 2018 as the new standard within the Movement for National Societies to abide by and implement within their own statutory and policy base frameworks and related rules, mechanisms and processes (for instance, the new standards on "Integrity, compliance and dispute resolution").*

**OP2** could confirm:

- the commitment of National Societies, under past resolutions adopted by the Council of Delegates, to conducting a regular and periodic review of their statutory base instruments and complementary frameworks (i.e. related by-laws, internal regulations and policies) in line with evolving humanitarian needs within their domestic operational contexts
- the duty of National Societies, in line with the decisions of the IFRC General Assembly (2017) and of the Governing Board (October 2018), to revise their statutory/constitutional documents in accordance with the standards of the Guidance document within the next five years and to continue with regular reviews at least once every ten years.

#### *Rationale*

*This is in line with [Resolution 4](#) of the 2011 Council of Delegates and with the [IFRC 2017 General Assembly](#) and [October 2018 Governing Board](#) decisions.*

**OP3** could encourage National Societies to include the review of their statutes and complementary frameworks (constitutions, by-laws, internal regulations and policies) as a key commitment in their own development processes, plans and strategies.

*Rationale*

- *As the humanitarian environment becomes ever more complex, well-developed plans and strategies allow National Societies to be fit for purpose and deliver their humanitarian mission. This is also in line with localization commitments. Strong and modern constitutional base and complementary frameworks make an essential contribution to the achievement of a National Society's mission and to its ability and agility to quickly adjust to new situations and to the humanitarian needs arising from them.*
- *Strengthening the statutory base of National Societies and the Guidance document are relevant to the following three of the five components established in IFRC S2030 in its current form: Reimagining volunteering, Enhancing trust and integrity and Future organizational model and culture. As S2030 sets out a broad vision for the IFRC (including its membership), statutes will need to be adapted as tools for implementing that vision. In this context, the Guidance document sets standards for many of the areas mentioned in S2030.*

**OP4** could call upon the ICRC and the IFRC, specifically their respective headquarters, regions and field representations, as well as the Joint Statutes Commission to:

- continue their active support to strengthen National Societies' legal and statutory texts
- formulate a specific and tailored National Society development offer in this respect (in such areas as integrity risk prevention and management on the basis of Chapter 6 of the new Guidance document)
- monitor the progress of, and assess compliance with, the new Guidance document.

**OP5** could encourage the development of new and strengthened approaches for effective and contextualized advice to National Societies on their legal and statutory base texts (including through the development of concrete illustrations of the implementation of the various standards set out in the Guidance document; strengthened peer-to-peer approaches, for example, through relevant National Society governance or technical networks established at regional or sub-regional levels; and a more direct, concrete and contextualized dialogue with National Societies on the basis of the new Guidance document).

**OP6** could, as a conclusive recommendation, invite the Joint Statutes Commission to report to the Council of Delegates in 2021 on the implementation of the Guidance document and on the progress made by National Societies in revising and strengthening their statutory and constitutional base frameworks in line with the new standards.