



Power of humanity

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

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Movement Approach to Strengthening National Society Statutory and Constitutional Base and Complementary Frameworks

PROGRESS REPORT
RESOLUTION 3 OF THE 2019 COUNCIL OF DELEGATES

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EXECUTIVE SUMMARY

Through [Resolution 3](#) of the 2019 Council of Delegates, the International Red Cross and Red Crescent Movement (the Movement) adopted the [Guidance for National Society Statutes, 2018](#) (Guidance document). It called on National Societies to review their statutes in accordance with the Guidance document's new standards within a period of five years from the time of adoption of the resolution and to continue with regular reviews at least once every ten years. This is the first report produced by the Joint ICRC/International Federation Commission for National Society Statutes (the Joint Statutes Commission/the Commission/JSC) since 2019 on the achievements and progress made towards these commitments. It covers the period from 1 August 2019 to 1 March 2022 (31 months).

The commitments established under Resolution 3 reflect past statements adopted within the Movement on the critical importance for National Societies of sound and comprehensive statutory base frameworks. They are also in line with past commitments by National Societies to periodically review their statutory base instruments and by the Movement as a whole to act in support of such work. These include, *inter alia*, Resolution 4 adopted by the 2011 Council of Delegates, Resolution 4 adopted by the 31st International Conference of the Red Cross and Red Crescent and the Statement on Integrity of the Movement adopted by the 2019 Council of Delegates.

The Joint Statutes Commission reports that the following progress has been made in implementing the commitments established under Resolution 3:

- 20 National Societies today have statutory base texts and frameworks (statutes) that include all minimum standards ("Musts"), as defined in the Guidance document, and 58 National Societies are engaged in an active process of reviewing and revising their statutes. This leaves a total of 114 National Societies (59%) that still need to conduct and complete a revision of their statutes by 2024.
- A range of initiatives were undertaken to promote the Guidance document and encourage National Societies to proceed with a review of their statutes in accordance with the standards it sets out. They included, *inter alia*, an online session organized on the occasion of the Annual National Society Legal Advisers meeting in January 2020, three webinars held in November 2021 and a number of initiatives aimed at mainstreaming National Society commitments to strengthen their statutes into other ongoing initiatives (such as the action plan for the implementation of the Statement on Integrity of the Movement).
- New tools were developed, including a revised Advisory Note "Recommendations to National Societies on their Statutes Revision Process", a modular master presentation on conducting a National Society statutes revision, the Guidance document and the Joint Statutes Commission, an Addendum to the Guidance document on digital governance and a new online e-learning course.

The Commission will continue to (i) engage, jointly with National Societies, in eliciting the commitment and support of relevant public authorities in strengthening the legal base (i.e. recognition acts – Red Cross/Red Crescent laws or decrees) and the statutory base of National Societies, (ii) further develop, together with National Society development experts from the International Federation of Red Cross and Red Crescent Societies (IFRC) and the International Committee of the Red Cross (ICRC), tailored National Society development offers and advice, including through the continued collection and dissemination of best practices and examples, and (iii) conduct a contextualized dialogue with National Societies, at their request, on strengthening their statutory and legal base.

In relation to its mandate to advise National Societies and assess the compliance of National Society statutes and laws with the Movement's standards, the Joint Statutes Commission reports that:

- Over 110 letters were issued to National Societies providing them with the Commission's recommendations and advice on their statutes and related regulations, bylaws or policy frameworks in accordance with the Guidance document and its 25 standards and minimum requirements ("Musts"). This work involved an in-depth analysis of draft statutes or amendments shared with the Commission and, on many occasions, sustained online exchanges with the National Society concerned.
- 15 letters were issued presenting the Commission's recommendations on draft National Society recognition acts and, in several instances, the Commission conducted a direct dialogue with National Societies on issues relating to their distinct legal status, auxiliary role and privileges to be recognized in the domestic legal order. This involved an in-depth review of the draft laws received and a sustained dialogue and online exchanges with the National Society concerned.

Lastly, with relation to the Joint Statutes Commission's mandate to examine applications for recognition and admission from new National Societies, no new applications were received during the reporting period and there are no active applications for recognition presently under review.

I. INTRODUCTION

With the outbreak of the COVID-19 pandemic, the critical humanitarian roles performed by National Red Cross and Red Crescent Societies in their respective communities further illustrated and confirmed their status as essential local humanitarian actors. Sound, comprehensive and modern statutory or constitutional base frameworks have long been recognized as a prerequisite for National Societies being able to deliver sustained, relevant and principled humanitarian services to vulnerable people and communities, always in accordance with the Movement's mission and Fundamental Principles. The statutory base frameworks of a National Society regulate its structures, define its leadership model and describe its roles, values and commitments as a component of the Movement and as a member of the IFRC. They are an essential instrument in safeguarding the integrity of the National Society and provide the foundation for ensuring transparency and compliance with minimum standards agreed upon within the Movement and defined in the Guidance document, adopted by the Council of Delegates in 2019.

As auxiliaries to the public authorities in the humanitarian field, National Societies are entrusted with a key role in support of their government, which includes supplementing or substituting for public humanitarian services, where required and according to the needs of the communities in their country. To ensure that National Societies remain trusted partners of choice for local humanitarian action, they must always be allowed to act and operate in accordance with the Fundamental Principles. They must also commit to meeting a series of minimum standards and attributes of good governance, transparency and integrity. In this regard, sound statutory base frameworks are again of paramount importance.

The Guidance document establishes a series of minimum requirements and standards that derive from the 1949 Geneva Conventions and their Additional Protocols, the Fundamental Principles and the Statutes of the Movement (including the ten conditions for recognition of a National Society), the Constitution of the IFRC and the resolutions and decisions adopted at the Movement's Statutory Meetings. The new standards are also inspired by recent developments and new requirements in the fields of good governance, integrity and compliance.

In Resolution 3 adopted by the 2019 Council of Delegates, the Movement called on National Societies to review their statutes and related regulatory and policy frameworks in accordance with the Guidance document standards within five years of the adoption of Resolution 3 (by

the end of 2024) and to continue with regular reviews at least once every ten years. Resolution 3 also sets out a series of commitments for the ICRC, the IFRC, the Movement as a whole and the Joint Statutes Commission in support of this objective.

Resolution 3 reiterates past commitments by National Societies included in a series of resolutions adopted at the Statutory Meetings over the last 50 years (such as Resolution 4 of the 2011 Council of Delegates and Resolution 4 of the 31st International Conference of the Red Cross and Red Crescent).

Recent developments in the humanitarian sector, such as calls for humanitarian organizations to be more accountable and the localization agenda, in addition to the outbreak of the COVID-19 pandemic and greater digitalization requirements that have marked the last two years, have highlighted yet further the need for National Societies to strengthen their internal rules, systems and processes. This has led the ICRC, the IFRC and the Joint Statutes Commission, together with the National Society development departments or units of both organizations, to further adapt their advice and forms of support to National Societies to help them strengthen their statutory and constitutional base and related frameworks. An important part of this work, with a view to ensuring the continuity of governance functions in National Societies in crisis or emergency situations, has been to look at digital governance issues, the needs of National Societies in this respect, the current trends in the industry and how the standards included in the Guidance document could be strengthened in this area.

II. STATUS AND PROGRESS OF IMPLEMENTATION OF RESOLUTION 3 OF THE 2019 COUNCIL OF DELEGATES

This report is submitted by the Joint Statutes Commission as a follow-up to Resolution 3 adopted by the 2019 Council of Delegates, which requested the Commission to report to the 2022 Council of Delegates on the progress made by National Societies in revising and strengthening their statutes in line with the Guidance document and on the other operative paragraphs of the resolution.

It also reflects the work performed by the Joint Statutes Commission in implementation of its twofold mandate established under previous resolutions adopted by the International Conference and the Council of Delegates to:

- review and provide recommendations on the legal and statutory base of National Societies, including both National Society recognition acts (laws and decrees) and National Society statutory base instruments;
- assess applications for recognition and for admission to the IFRC received from new Red Cross and Red Crescent organizations and provide recommendations to the ICRC and the IFRC respectively.

For ease of reference, the term “statutes” shall refer, throughout this report, to a National Society’s statutes or constitution and related regulatory and policy frameworks (including internal regulations, bylaws and other internal regulatory or policy base instruments complementing a National Society’s statutes or constitution).

A. National Society statutes

- i. Under Resolution 3 adopted by the 2019 Council of Delegates, National Societies committed to reviewing their statutes in accordance with the Guidance document standards within a period of five years from the adoption of the resolution (by the end of 2024) and to continuing with regular reviews at least once every ten years. This section

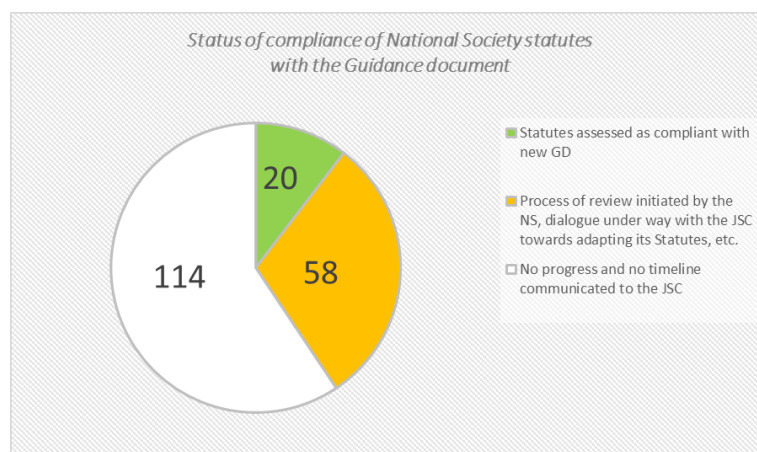
of the report provides information and updates on the achievements made during the reporting period and, more broadly, since the Guidance document came into effect in October 2018 (following its adoption by the IFRC Governing Board in October 2018).

- ii. During the reporting period, the Commission assessed the compliance of National Society statutes with the new Guidance document and provided its recommendations to over 60 National Societies. [Annex 1](#) includes a list of over 110 letters of recommendations issued and sent to National Societies during the reporting period. The format of these letters and recommendations was also amended to reflect the new approach and structure of the Guidance document. This includes, in particular, the Guidance document’s distinction between:
 - “MUSTS” which establish, under each standard, the minimum requirements that a National Society’s statutes must comply with, and
 - “COULDS” which include, under each standard, a series of suggestions aimed at improving the quality of National Society statutes that can be adapted to each National Society’s specific context and needs.

In the 111 letters issued to 61 National Societies during the reporting period, the Joint Statutes Commission assessed the statutes of 17 National Societies to be compliant with the Guidance document standards. These are shown in **green** in the Joint Statutes Commission’s Dashboard (see [Annex 2](#)). This brings the overall total of National Societies that have completed a statutes review up to 20 (11% of the 192 National Societies).

A further 44 National Societies were known to be engaged in an active process to revise their statutes in accordance with the Guidance document. This brings the total number of National Societies that have initiated a revision process up to 58 (30%). These are shown in **orange** in the Dashboard.

In summary and as illustrated in the diagram below, the Joint Statutes Commission’s statistics show that, based on the information available, a total of 114 National Societies (59%) still need to initiate a review of their statutes or inform the Joint Statutes Commission of steps taken and/or progress made.



Status of compliance of National Society statutes with the Guidance document

- iii. The Joint Statutes Commission took steps during the reporting period to modify and update its monitoring tool (formally referred to as the “Tableau de Bord”). The purpose of the amended version of the Commission’s Dashboard is to allow the Movement to

monitor the compliance of National Society statutes with the Guidance document standards. Where no information is available and no dialogue is under way with the Joint Statutes Commission, National Societies are displayed in a white field. The starting date of the Dashboard is October 2018 when the new Guidance document came into effect. It categorizes each National Society according to its progress and the Commission's assessment of the compliance of their statutory base texts with the Guidance document, using the following colour coding:

- **green:** statutes assessed as compliant with the Guidance document standards;
- **orange:** review process initiated by the National Society; dialogue under way with the Joint Statutes Commission to adapt its statutes, etc.;
- **red:** statutes assessed as not compliant with the Guidance document standards;
- **no colour:** no progress or timeline known or communicated to the Joint Statutes Commission.

As shown in the Joint Statutes Commission's Dashboard and taking into account the deadline for National Societies to complete a review of their statutes (by the end of 2024), there is no National Society currently in the "not compliant" or "no process started" categories.

National Societies are encouraged to submit their existing statutes and/or any revisions envisaged to the Joint Statutes Commission for review or to inform it of any steps taken or progress made.

- iv. In order to further assist National Societies in reviewing their statutes, the Joint Statutes Commission, together with the National Society development departments or units of the IFRC and ICRC, also continued their efforts to develop new tools. They included:
- A revised Advisory Note "Recommendations to National Societies on their Statutes Revision Process".
 - A master presentation including slides on conducting a National Society statutes revision, success stories, the Guidance document and the role of the Joint Statutes Commission and the forms of support it provides.
 - A new e-learning course comprising two modules, the first introducing the Guidance document and the second providing more detailed and advanced content intended for National Society leaders and other departments engaged in a statutes review (e.g. legal counsel and institutional development department).
 - A new Addendum to the Guidance document on digital governance that provides advice on the conduct of governance functions and meetings remotely or online. The Addendum covers all governance and management functions regulated through National Society statutes, including governance body meetings, elections and voting and other internal processes, such the conduct of audits, the handling of complaints and disciplinary procedures and dispute resolution. The new tool also sets out the elements of a clause that could be included in a National Society's statutory base texts. The Addendum was submitted to, and endorsed by, the 43rd session of the IFRC Governing Board (Geneva, 17–20 May 2021).

Apart from the e-learning course which, at the time of writing, was still under translation, the above tools are currently available in Arabic, English, French, Spanish and Russian on the Guidance document website.

The process of compiling and maintaining the database of "good practice" examples of statutes and complementary frameworks that are consistent with the Guidance

document was also actively continued. The documents gathered will be progressively posted and made accessible online. In its communications and letters, the Joint Statutes Commission will continue its practice of encouraging National Societies to share internal rules and policies that are relevant to the implementation of the Guidance document and its standards.

- v. Throughout the reporting period and in addition to its communications and exchanges with National Societies, the Joint Statutes Commission, working with the IFRC and ICRC units or departments responsible for National Society development, also launched several initiatives intended to encourage National Societies to engage in a statutes review and support them in doing so. They included, in particular:
- An interactive session was organized as part of the 2020 National Society Legal Advisers webinar meetings “Strengthening National Societies’ statutory and legal base: Towards the 2021 Statutory Meetings”. The event, held on 19 January 2021, was attended by over 80 National Societies. Several National Society representatives were also invited, on this occasion, to present their own experience (including the Malaysian Red Crescent Society, the French Red Cross and the Red Cross of Benin on conducting a statutes review and the Argentine Red Cross and the Lebanese Red Cross on the revision of their recognition act).
 - A Joint Statutes Commission letter was sent out to all 192 National Societies on 9 December 2021 providing information on tools available for the revision of National Society statutes and a reminder that 2024 is the deadline for completing a statutory base revision.
 - In line with its commitment to provide more direct, specific and contextualized advice on the basis of the Guidance document, a series of online meetings were held between the Commission and a number of National Societies that had requested this exchange (including Argentine Red Cross, Austrian Red Cross, Belarus Red Cross, Red Cross of Benin, Chilean Red Cross, Colombian Red Cross, Central African Red Cross Society, French Red Cross, Icelandic Red Cross, Luxembourg Red Cross, Malaysian Red Crescent Society, Maldivian Red Crescent, Nepal Red Cross Society, Norwegian Red Cross, Portuguese Red Cross, the Russian Red Cross Society, Somali Red Crescent Society, Sri Lanka Red Cross Society and Vanuatu Red Cross Society). The Joint Statutes Commission was also invited to participate in a three-day online workshop organized by the Central African Red Cross in December 2021 on the review of its statutes and internal regulations.
 - A series of webinar sessions on National Society statutes revision processes were held for ICRC cooperation file holders and IFRC National Society development practitioners from the different regions. They were attended by some 110 to 120 participants.
 - Support was provided for the development of a concept paper and proposal on the roll-out of the Guidance document under a National Society development approach. It sets out a proposal for the creation of a “pool of specialists” from National Societies, the IFRC and the ICRC in the different regions to provide basic and/or in-depth support on statutes review. The plan for establishing a pool of specialists will entail the selection and training of a group of experts with a strong National Society development background to advise National Societies requiring assistance. The work to set up regional pools is ongoing, but they are expected to become operational in the second half of 2022.

B. National Society recognition acts (laws or decrees)

The Joint Statutes Commission issued, during the reporting period, a total of 15 letters presenting the Commission’s recommendations on draft National Society recognition acts

(laws or decrees) regarding the minimum standards formulated in the model law on the recognition of National Societies. In several instances, online consultations were also undertaken by the Commission with National Societies (e.g. with the Lebanese Red Cross, the Pakistan Red Crescent and the Russian Red Cross).

C. Recognition and admission of new National Societies

In relation to the Joint Statutes Commission's mandate to assess applications for recognition as a component of the Movement by the ICRC and for admission to the IFRC, no applications were received from new National Red Cross or Red Crescent Societies. At the time of writing, there were no National Societies listed by the Commission as being "in the process of recognition and admission".

III. PROGRESS AND ISSUES RAISED

1. Deadline – end of 2024

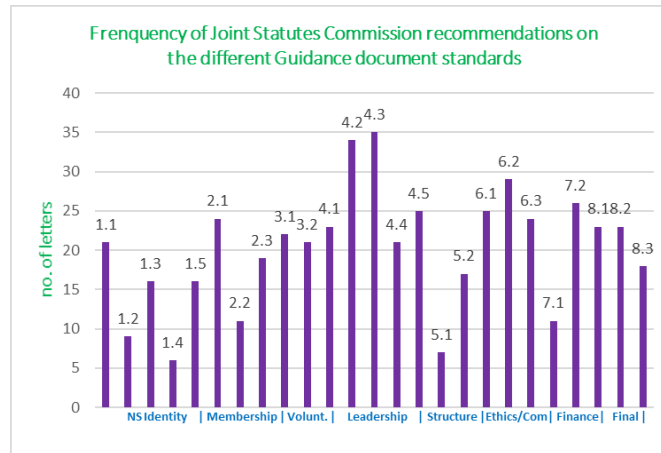
The first condition for successful implementation of the commitments undertaken under Resolution 3 is meeting the deadline set for National Societies to complete a statutes revision by the end of 2024. This means that National Societies have a limited time in which to carry out a statutes review. As noted above, based on the information available to the Joint Statutes Commission, close to 60% of the 192 National Societies have yet to initiate a statutes revision process. The Joint Statutes Commission, the IFRC and ICRC units or departments responsible for National Society development and the network of National Society development and cooperation advisers at delegations are available to provide assistance and, if needs be, will further employ all possible means to move the process forward. Partnering National Societies are also encouraged to include the revision and strengthening of statutes into their partnership plans and strategies.

National Society networks established at regional or subregional level will, as far as possible, be mobilized to provide peer-to-peer support. An example of this is the successful experience of the Pacific National Societies' Constitutional Advisory Committee which achieved progress through sustained efforts in the Pacific region.

2. Challenges in implementing the Guidance document standards

The Joint Statutes Commission has, over the last two years, sought to gain a better understanding of the issues and challenges faced by National Societies in the revision of their statutes and/or in the implementation of certain standards established in the Guidance document. To this end, the Commission conducted an analysis of over 45 of its letters providing recommendations sent since the adoption of the Guidance document. Based on this analysis and on the feedback received from National Societies and discussions with them, the Commission found that four main clusters of standards appear to raise the greatest difficulties or concerns for National Societies.

The graph below illustrates the frequency with which different minimum standards ("Musts") have been found to be missing from or improperly/insufficiently reflected in adopted or draft National Society statutes.



Frequency of Joint Statutes Commission recommendations on the different Guidance document standards

- The first set of issues most frequently raised in the Joint Statutes Commission’s recommendations concern the Guidance document standards pertaining to the National Society’s membership and volunteers. The Commission’s letters have often concluded that National Society commitment to ensuring the recruitment of members and volunteers without any form of distinction or discrimination was lacking or insufficiently defined (Standards 2.1 and 3.1). Other frequent recommendations are related to the internal procedures and rules of National Societies defining the process of recruitment of members or volunteers and procedural fairness and due process guarantees for members or volunteers affected by a decision to suspend or expel them (Standards 2.3 and 3.2).
- The second set of standards found to be most often lacking in National Society statutes concern the definition of the National Society’s leadership functions, their allocation to leadership positions and bodies and their performance at both the central and local level. Frequent recommendations (Standards 4.2 and 4.3) in this respect mainly focussed on the following issues:
 - The absence of a clear distinction between governance and management roles or a concentration of authority in the hands of one or several individual senior positions in the National Society, with very little oversight of the performance of their functions and duties.
 - Low frequency of general assembly meetings and supreme governing body sessions, preventing a regular review of the National Society’s effectiveness and performance.
 - The absence of effective rules on rotation for senior governance positions in the National Society, making it difficult for new and younger people to take on leadership positions and bring new and innovative perspectives, knowledge and experience to the organization.
 - The absence of transparent and democratic processes in National Societies, such as free and fair elections held by secret ballot.
- The third set of questions that the Joint Statutes Commission is often required to raise in its recommendations are related to the duty of National Societies to provide in their statutes for an annual audit of the National Society’s consolidated financial accounts by an external, independent and professional auditor (or auditors).
- The fourth and last cluster of issues most frequently raised in Joint Statutes Commission letters concern the establishment of integrity and ethical standards binding on the National Society and the procedures intended to ensure compliance with them by National Society leadership, members, staff and volunteers. While most National Societies appear to have

a code of conduct or ethics or are in the process of adopting one, mechanisms and procedures to ensure compliance with integrity standards are often basic or ineffective and investigation mechanisms and processes weak or inexistent. The Joint Statutes Commission has observed, for example, that very few National Society statutes provide for whistleblower protection and that internal dispute resolution processes are often lacking.

The Joint Statutes Commission has continued to pay special attention to the above recommendations, mindful that these questions are, as experience repeatedly demonstrates, crucial to preserving a National Society's integrity, image and reputation.

3. Process of developing or revising statutes

The Joint Statutes Commission was notified on several occasions during the reporting period that a statutes revision process had not been conducted in a participatory, inclusive and consultative manner. In several instances, complaints were sent directly to ICRC or IFRC headquarters or to the Joint Statutes Commission asking for the Commission to intervene. In several cases, complaints were also filed with domestic courts alleging that the statutes review process had been conducted without due consultation within the National Society and/or in contravention of the National Society's own statutory requirements for an effective and transparent process. While acknowledging that the development and revision of statutes must remain an internal process and a key governance function in each National Society, the Joint Statutes Commission is currently considering whether and how it could include the statutes revision process as a criterion in compliance assessments of the draft statutes it receives. The Commission encourages National Societies to read its Advisory Note "Recommendations to National Societies on their Statutes Revision Process" prior to revising their statutes and to consult the IFRC and ICRC delegations in their country or region.

4. Role of the Joint Statutes Commission in preventing, managing and responding to integrity issues

Strong, sound and comprehensive statutes have long been recognized as a key condition for ensuring and contributing to a National Society's capacity to prevent, manage and mitigate integrity challenges liable to affect its image, reputation and ability to act in accordance with the requirements of principled humanitarian action. This is recognized, in particular, in the very first Standard of the 2018 Guidance document (Standard 1.1. "The Statutes are in compliance with the Fundamental Principles.") and in the chapter "Compliance, Integrity and Dispute Resolution". In view of this, the Statement on Integrity of the Movement (Resolution 2, 2019 Council of Delegates) committed the Movement to further supporting National Societies in strengthening risk management through the revision of their statutes and recalled the Joint Statutes Commission's compliance assessment role. One area discussed and explored by the Commission during the reporting period was its place and position within the Movement's compliance and integrity ecosystem and the desired interactions and pathways between the Commission's mandate and other integrity management and response mechanisms and processes in the Movement and the IFRC. There was a joint session and exchanges on this topic during the reporting period between the Joint Statutes Commission and the Compliance and Mediation Committee.

IV. IMPLEMENTATION AND MONITORING

The Joint Statutes Commission will continue to monitor the progress made by National Societies and the efficiency of the Movement's approach to strengthening National Society statutes. It will report on further achievements to the 2023 Council of Delegates. It will also continue to report regularly to the IFRC Governing Board on progress in strengthening National Society statutes and their compliance or alignment with the Guidance document standards.

Conclusion and recommendations

Resolution 3 adopted by the 2019 Council of Delegates committed all National Societies to conducting a revision of their statutory or constitutional base frameworks in line with the 2018 Guidance document by the end of 2024. According to the information available to the Joint Statutes Commission, many National Societies have yet to engage in a statutes review. In order to meet the above deadline, it is critical for these National Societies (close to 115 according to the Joint Statutes Commission's Dashboard) to communicate any steps taken or progress made to the Commission or to initiate a revision process if they have not yet done so.

The Joint Statutes Commission will also continue its reflections on the issues listed above and those most frequently addressed in the Commission's recommendations and on what forms of support and advice could be further developed.

The Joint Statutes Commission, the ICRC and the IFRC, together with their units and departments concerned with National Society development and their respective delegations and representations at regional, cluster or country level, remain available to provide any support or advice required in this respect.

1. [List of letters of the Joint Statutes Commission](#)
2. [Dashboard of the Joint ICRC/International Federation Statutes Commission](#) (*updated 28 February 2020*)