



United for Humanity

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

3–4 December 2026, Geneva

Reinforcing the Mandate and Capacities of National Societies Through Strengthening Their Legal Base

BACKGROUND DOCUMENT

June 2026

EN

CD/26/XX
Original: English
For information

Document prepared by the International Federation of Red Cross and Red Crescent Societies and
the International Committee of the Red Cross

BACKGROUND DOCUMENT

Reinforcing the Mandate and Capacities of National Societies Through Strengthening Their Legal Base

EXECUTIVE SUMMARY

A sound legal base provides the foundation for the recognition of National Red Cross and Red Crescent Societies (National Societies) in domestic law and safeguards their mandate and auxiliary role. A strong legal base is therefore essential for National Societies to fulfil their mandate in accordance with the seven Fundamental Principles of the International Red Cross and Red Crescent Movement (Movement) and their role as auxiliaries to the public authorities in the humanitarian field. This is an important criterion for the recognition of National Societies, as set out in Article 4 of the [Statutes of the Movement](#). Over several decades, National Societies have committed, through resolutions of the International Conference of the Red Cross and Red Crescent (International Conference) and the Council of Delegates, to strengthen their legal base to support their work. Building on these commitments, the proposed resolution “Reinforcing the mandate and capacities of National Societies through strengthening their legal base” aims to renew momentum across the Movement to strengthen the legal foundations that enable National Societies to serve as principled and effective local actors. The resolution also aims to introduce the Revised Model Law on the Recognition of National Red Cross and Red Crescent Societies (Revised Model Law), as revised from time to time, as a Movement standard.

1) INTRODUCTION

The purpose of this document is to provide the background and rationale for the resolution “Reinforcing the mandate and capacities of National Societies through strengthening their legal base”, proposed for adoption at the 2026 Council of Delegates.

The legal base of National Societies is grounded in various international and national laws and instruments, including the Geneva Conventions of 1949 and their Additional Protocols,¹ the [Statutes of the Movement](#), International Conference resolutions,² United Nations resolutions,³ National Society recognition laws or instruments (such as Red Cross and Red Crescent (RC) Laws) and sectoral laws. It should be noted that for the purposes of this background document,

¹ See, for example, Articles 26 and 44 of [Geneva Convention \(I\) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of 12 August 1949](#); Articles 24 and 25 of [Geneva Convention \(II\) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of 12 August 1949](#); Articles 25, 30 and 63 of [Geneva Convention \(IV\) relative to the Protection of Civilian Persons in Time of War of 12 August 1949](#); Articles 6, 17, 33 and 81 of the [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts \(Protocol I\) of 8 June 1977](#); Article 18 of the [Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\) of 8 June 1977](#); and Article 3 of the [Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem \(Protocol III\) of 8 December 2005](#).

² See, for just a few examples, the following resolutions of the International Conference: [Resolution VIII](#) of 1965; [Resolution XVI](#) of 1973; [Resolution V](#) of 1995; [Resolution 2](#) of 2007; [Resolution 4](#) and [Resolution 7](#) of 2011; [Resolution 6](#) of 2015; [Resolution 4](#) of 2019; and [Resolutions 3, 4 and 5](#) of 2024.

³ United Nations General Assembly Resolution [A/RES/55 \(I\)](#) of 19 November 1946 and [Resolution A/RES/49/2](#) of 1994.

the legal base of a National Society regulates the relationship with its public authorities and is distinct from its statutory base, which regulates its internal organization.

A robust legal base is critical in the recognition process for new National Societies, as it strengthens their auxiliary role and mandate in the humanitarian field and formalizes the commitment of the national authorities to respect their duty and ability to abide by the Fundamental Principles and to enable them to serve as effective local actors.⁴

2) BACKGROUND

The proposed resolution “Reinforcing the mandate and capacities of National Societies through strengthening their legal base” builds on commitments made by National Societies and States to strengthen the legal base of National Societies, made through various instruments over the past decades, including:

- [Final Goal 3.3 of the Declaration and Plan of Action adopted at the 27th International Conference \(1999\)](#), according to which National Societies commit to reviewing their legal base to determine whether it needs to be updated and to considering the draft model law, prepared by the International Federation of Red Cross and Red Crescent Societies (IFRC) and the International Committee of the Red Cross (ICRC), and other relevant decisions of Movement and IFRC statutory bodies.⁵
- [Resolution 4 of the 31st International Conference \(2011\)](#), which encourages National Societies to initiate or pursue a dialogue, as required, with their national authorities with a view to strengthening their legal base in domestic law, in accordance with Movement standards, so as to strengthen their auxiliary role in the humanitarian field and to formalize the commitment of national authorities to respect the duty and ability of National Societies to abide by the Fundamental Principles, in particular the principle of independence. It also requests States, National Societies, the ICRC and the IFRC to enhance their work to strengthen the legal base of National Societies. It invites the IFRC and the ICRC to make available and further develop relevant information material for National Societies and best practices on RC Laws, with examples of tax exemptions and specific provisions on resource distribution.⁶
- [Resolution 4 of the 34th International Conference \(2024\)](#), which requests States and National Societies to promote, enhance and enable strong auxiliary relations at the national and local level, in accordance with the Fundamental Principles, ensuring, in particular, that local authorities understand the special status of National Societies and respect their impartiality, neutrality and independence.⁷ This resolution further calls on States to initiate, increase and/or strengthen a dialogue with National Societies on strengthening their legal base and, as necessary, enacting detailed and comprehensive RC Laws that provide National Societies with the legal foundation required to serve as principled and effective local actors in their role as auxiliaries to the public authorities in the humanitarian field.⁸
- [Resolution 5 of the Council of Delegates \(2024\)](#), which recalls the importance of clearly defining the auxiliary relationship between a National Society and the public authorities

⁴ See the background report [The Fundamental Principles in Action: A Unique Ethical, Operational and Institutional Framework](#) (2015), pp. 1 and 10. See also ICRC, [The Safer Access Framework](#), in particular Element II “Legal and policy base” and the section “Application of the Fundamental Principles”; IFRC, [Guide to Strengthening the Auxiliary Role through Law and Policy](#) (2021); IFRC, [The auxiliary role of Red Cross and Red Crescent National Societies in health as provided in law and policy: A stock take in selected African and South Asian countries](#) (2024); and IFRC, [The Auxiliary Role of Red Cross and Red Crescent National Societies in Law and Policy in Africa: A stock take](#) (2024).

⁵ See p. 155, paragraph 14(b), of the conference report.

⁶ See paragraphs 2, 3 and 7.

⁷ See paragraph 12.

⁸ See paragraph 13.

in domestic legislation in order to maintain its operational independence, strengthen its humanitarian diplomacy and formalize the commitment of States to respect the duty and ability of National Societies to abide by the Fundamental Principles.⁹

- [Resolution 4 of the Council of Delegates \(2011\)](#), which notes that many National Societies continue to face challenges in their efforts to work in accordance with the Fundamental Principles in their respective operational contexts and reiterates the imperative of a strong legislative base for National Societies in domestic law in order to ensure their ability and capacity to deliver services to people in need effectively. This resolution further encourages National Societies to initiate or pursue a dialogue, as required, with their national authorities in order to strengthen their legal base in domestic law, through high-quality RC Laws, so as to formalize their auxiliary role in the humanitarian field and to recognize the commitment of national authorities to respect the ability of National Societies to work and operate in accordance with the Fundamental Principles. It also calls upon National Societies to work closely with the IFRC and the ICRC to strengthen their legal base, take the recommendations of the Joint Statutes Commission into account and keep the Commission duly informed of any progress or new developments.¹⁰
- [Resolution 3 of the Council of Delegates \(2019\)](#), which recalls that a strong and sound legal base contributes to a National Society's development and to its ability to act in accordance with the Fundamental Principles at all times. The resolution further calls on the IFRC, the ICRC and the Joint Statutes Commission to engage, jointly with National Societies, in eliciting the support of relevant public authorities in strengthening the legal base of National Societies.¹¹
- [Article 8\(1\)\(B\)\(k\) of the IFRC Constitution](#), which calls on National Societies to strengthen their legal base in domestic law in line with Movement standards and to formalize the commitment of national authorities to recognize the duty and ability of National Societies to uphold the Fundamental Principles.

3) ANALYSIS

In order to be able to fulfil their mandate, including their auxiliary role in the humanitarian field, in accordance with the seven Fundamental Principles, National Societies need a strong legal base. As highlighted above, the legal base of National Societies is based on various international and national laws and instruments, including National Society recognition instruments.

A National Society's recognition instrument is a fundamentally important document. In accordance with Article 4 of the [Statutes of the Movement](#), National Societies must be duly recognized by the legal government of their country under national legislation. This is often achieved through RC Laws or similar instruments, which are typically the legal instruments that establish a National Society, recognize its auxiliary role, define its duties and key activities, enshrine and recognize adherence to the Fundamental Principles and provide for the protection of the emblem. In addition, National Society recognition instruments may also grant National Societies special legal rights, such as tax exemptions. Such instruments distinguish National Societies from non-governmental organizations, which are typically registered rather than established by law.

⁹ See preambular paragraph 6.

¹⁰ See preambular paragraph 6 and operative paragraphs 5 and 6.

¹¹ See preambular paragraph 4 and operative paragraph 4.

A. REVISED MODEL LAW ON THE RECOGNITION OF NATIONAL RED CROSS AND RED CRESCENT SOCIETIES

The resolution “Reinforcing the mandate and capacities of National Societies through strengthening their legal base” proposed for adoption at the 2026 Council of Delegates aims, as its name suggests, to support National Societies in strengthening their legal base. It also aims to adopt the Revised Model Law as a Movement standard.

The IFRC and the ICRC were mandated to draw up, in cooperation with National Societies, a model law on the recognition of National Societies suitable for adaptation to individual national requirements (the original Model Law) through [Resolution 5 of the 26th International Conference](#) in 1995.¹² It was then disseminated at the 27th International Conference in 1999. There have since been many important developments relating to the auxiliary role and legal base of National Societies that justify its revision.¹³ The IFRC, the ICRC and the Joint Statutes Commission have therefore developed the Revised Model Law to take account of new challenges and realities and to align the text with decisions of the International Conference and Council of Delegates.

The Revised Model Law has been designed as a tool to be used by representatives of public authorities designated to draft or revise National Society recognition instruments. It is also intended to serve as a benchmarking tool for National Societies that are working with their public authorities to develop or update their recognition laws and to support National Societies in complying with the [Statutes of the Movement](#), particularly Article 4 on conditions for recognition of National Societies.

The Revised Model Law is structured differently to the original Model Law. It identifies 14 elements to be included in a National Society recognition instrument. For each element, there is an explanation in the left-hand column of what a recognition instrument should address and why, along with arguments that may be used by National Societies when advocating for the inclusion of such a provision in their recognition instrument. The right-hand column shows an example provision. The 14 elements of the Revised Model Law are divided into two sections:

- a. **Elements 1 to 6**, set out in **Part 1**, are **key elements**. They are of universal and fundamental importance to all National Societies. In general, the example provisions for these elements should be included – without any or with only limited modifications – in a National Society’s recognition instrument. They support compliance with Article 4 of the [Statutes of the Movement](#), which sets out ten conditions for recognition of National Societies. These provisions will also serve as the benchmark for the Joint Statutes Commission to evaluate the legal and statutory frameworks of National Societies and for the ICRC to assess compliance with National Society recognition criteria when new National Societies are established. National Societies must submit any proposed new recognition laws or instruments and any amendments to existing ones, if related to the key elements, to the Joint Statutes Commission.
- b. The remaining **Elements 7 to 14**, set out in **Part 2** of the Revised Model Law, are recommended, as they could facilitate the National Society’s functioning and operations domestically. However, they generally need to be adapted to the local context. Simply copying the example provisions may result in a recognition law that is not fit for purpose or not adapted to the country context or the status, role or needs of the National Society. Indeed, some of the example provisions in the Revised Model Law will not be necessary, appropriate and/or feasible in a given country context. Based

¹² See paragraph 3 of the resolution (p. 77 of the conference report).

¹³ These developments include the adoption of International Conference resolutions clarifying the nature of the auxiliary role and underlining the importance of strong RC Laws (as outlined above) and the development of new research and recommendations on the legal base of National Societies that identified various elements missing from the original Model Law that should ideally be included in a RC Law. Additionally, this research, which is outlined in the IFRC’s [Auxiliary Role Guide](#), identified many types of legal facilities that can benefit National Societies.

on the context and negotiations with their national authorities, National Societies should determine whether their inclusion should be advocated for or not and adjust their advocacy efforts accordingly.

In addition to differences in the structure, the example provisions of the Revised Model Law are generally more detailed than those included in the original Model Law. It is pertinent to highlight, in particular, six new provisions included in the Revised Model Law:

- First, it has a provision dedicated to the Fundamental Principles. Like the original Model Law, this provision requires the National Society to adhere to the Fundamental Principles and, conversely, requires the public authorities to respect the National Society's adherence to the Fundamental Principles. However, it goes further by explicitly outlining the meaning of each principle. In doing so, the provision seeks to create a stronger domestic legal basis for these principles and to support the National Society's ability to resist government interference.
- Second, the Revised Model Law has a provision dedicated to the auxiliary role. It seeks to clarify the nature of the auxiliary role, the relationship between a National Society and its public authorities and their corresponding duties. The provision draws from the language of [Resolution 2 of the 30th International Conference](#), which provides the most detailed and authoritative description of the auxiliary role to date.
- Third, the Revised Model Law has stronger provisions on funding in order to promote an adequate and reliable stream of funding for National Societies, inspired by [Resolution 4 of the 31st International Conference](#) and the recommendations in the [Guide to Strengthening the Auxiliary Role through Law and Policy](#) (Auxiliary Role Guide).
- Fourth, the Revised Model Law has provisions addressing humanitarian access, legal facilities to support objectives and activities and legal facilities for staff and volunteers. These provisions are inspired by several International Conference resolutions adopted over the past century and, most notably, [Resolution 4 of the 31st International Conference](#) and the recommendations in the [Auxiliary Role Guide](#).
- Fifth, the Revised Model Law has a provision addressing the National Society's right to call for assistance from the Movement. The proposed provision draws from the [Principles and Rules for Red Cross and Red Crescent Humanitarian Assistance](#).¹⁴ It seeks to ensure that the National Society can request assistance without any requirement to obtain the consent of the public authorities.
- Sixth, the Revised Model Law has a provision dedicated to data protection, which aims to facilitate the work of National Societies in light of potential requirements imposed by data protection laws. The example provision on data protection is inspired by [Resolution 4 of the 33rd International Conference](#).

4) RESOURCE IMPLICATIONS

The implementation of the proposed resolution requires human and financial resources to be made available by the IFRC, the ICRC and National Societies. The IFRC, the ICRC and National Societies will, where feasible, make their best efforts to provide these resources during the two-year period leading up to the next Council of Delegates meeting in 2028. In particular, the IFRC will make its best efforts to retain its dedicated team of governance, disaster law and auxiliary role specialists at global, regional and subregional offices around the world. This team will be available to provide advice, support and capacity building to National Societies on strengthening the legal base of National Societies. The ICRC will continue

¹⁴ Adopted at the 21st International Conference (Istanbul, 1969) and revised at the 22nd (Tehran, 1973), 23rd (Bucharest, 1977), 24th (Manila, 1981), 25th (Geneva, 1986), 26th (Geneva, 1995 – noted) and 32nd (Geneva, 2015 – endorsed) International Conferences.

supporting National Societies through its network of delegations and dedicated global resources. National Societies are also encouraged, in line with their auxiliary role, to continue engaging with their public authorities, as appropriate, to promote the strengthening and effective implementation of their legal base.

5) IMPLEMENTATION AND MONITORING

The IFRC and the ICRC will continue supporting National Societies through their field networks and usual programming and also through the Joint Statutes Commission. Projects are monitored on a continuous basis by the heads of programmes in the different regions, including through regular contact with National Societies and occasional field visits. Monitoring is also carried out as part of systematic reporting against operational plans at the country, regional and global level. The IFRC and the ICRC will provide National Societies with progress updates on the implementation of this resolution through existing appropriate reporting platforms.

6) CONCLUSION AND RECOMMENDATIONS

The resolution “Reinforcing the mandate and capacities of National Societies through strengthening their legal base” proposed for adoption at the 2026 Council of Delegates seeks to continue the important role of the Council of Delegates as one of the key forums for dialogue on strengthening the legal base and mandate of National Societies. This dialogue is much needed in the context of a world in which National Societies at times face challenges in having the Movement’s seven Fundamental Principles and, relatedly, their auxiliary role recognized by their public authorities, and impediments to their ability to deliver assistance and protection to those most in need in line with the Fundamental Principles.

The IFRC and the ICRC anticipate that the proposed resolution will lead to increased momentum and attention to the importance of a sound legal base in strengthening the domestic recognition of National Societies and their mandate, including their role as auxiliaries to the public authorities in the humanitarian field, and in formalizing the commitment of States to respect the duty and ability of National Societies to abide by the Movement’s seven Fundamental Principles at all times. It will also draw the attention of the Movement components to the Revised Model Law, the key benchmarking tool for National Societies that are working with their public authorities to develop or update their recognition instruments. The resolution will mark a critical milestone towards adopting the Revised Model Law as a Movement standard. Finally, it will reaffirm the mandate of the IFRC and the ICRC as well as of their joint body, the Joint Statutes Commission, in supporting National Societies in this area.