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Reinforcing the mandate and capacities of National Societies through strengthening their legal base

DRAFT ZERO RESOLUTION

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DRAFT ZERO RESOLUTION

Reinforcing the mandate and capacities of National Societies through strengthening their legal base

The Council of Delegates,

recognizing that many National Red Cross and Red Crescent Societies (National Societies) face challenges in their efforts to effectively deliver services, assistance and protection to people in need in accordance with the seven Fundamental Principles of the International Red Cross and Red Crescent Movement (Movement) in their respective operational contexts, including in the fulfilment of their role as auxiliaries to the public authorities in the humanitarian field,

recalling that National Societies need a sound legal base as the foundation for their recognition in domestic law, to safeguard their mandate and auxiliary role and as a condition for their recognition as a National Society in accordance with the Statutes of the Movement,

noting that for the purposes of this resolution, 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,

recognizing that a National Society's legal base is grounded in various international and national laws and instruments, including the Geneva Conventions of 1949 and their Additional Protocols, the Statutes of the Movement, resolutions of the International Conference of the Red Cross and Red Crescent (International Conference), United Nations resolutions, National Society recognition laws or instruments (such as Red Cross and Red Crescent Laws) and sectoral laws,

recalling Resolution 4 of the 31st International Conference (2011), Resolution 4 of the 34th International Conference (2024), Resolution 4 of the Council of Delegates (2011), Resolution 3 of the Council of Delegates (2019) and Resolution 5 of the Council of Delegates (2024), which acknowledge the importance of a sound legal base and strong recognition laws in ensuring the National Society's ability to act in accordance with the seven Fundamental Principles and in strengthening the auxiliary role and which encourage National Societies and States to work together to strengthen the legal base of National Societies,

recalling also Resolution 5 of the 26th International Conference (1995), which calls upon the International Federation of Red Cross and Red Crescent Societies (IFRC) and the International Committee of the Red Cross (ICRC) to draw up, in cooperation with National Societies, a model law on the recognition of National Societies suitable for adaptation to individual national requirements, and *recalling further* Final Goal 3.3 of the Declaration and Plan of Action adopted at the 27th International Conference (1999), through 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 IFRC and the ICRC, and other relevant decisions of Movement and IFRC statutory bodies,

acknowledging that the IFRC, the ICRC and the Joint Statutes Commission have developed a Revised Model Law on the Recognition of National Red Cross and Red Crescent Societies (Revised Model Law) to take account of new challenges and realities and to align the text with the decisions of the International Conference and the Council of Delegates,

recalling the commitment of National Societies under Article 8(1)(B)(k) of the IFRC Constitution to endeavour to work with the government of their country to strengthen 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 seven Fundamental Principles, in particular the principle of independence,

1. *reaffirms* the importance of a sound legal base in strengthening the domestic recognition of National Societies and their mandate and 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 seven Fundamental Principles of the Movement at all times;
2. *encourages* National Societies to review their legal base, determine whether it needs to be strengthened and, if necessary, initiate or continue dialogue with their public authorities in this regard;
3. *also encourages* National Societies that determine that their recognition law or instrument needs strengthening to advocate for reforms through legislative processes whenever feasible, taking into account their specific domestic legal systems and contexts, with a view to securing a stable and durable legal foundation that remains effective across changes in government and continues to safeguard their recognition, mandate and auxiliary role;
4. *adopts* the Revised Model Law as a Movement standard;
5. *notes* that the Revised Model Law contains key elements which reflect the Statutes of the Movement and additional elements which draw from best practice and commitments made by National Societies and States at past International Conferences;
6. *encourages* National Societies, taking into consideration their specific legal systems and contexts, to:
 - use the Revised Model Law as the primary reference when reviewing their legal base and, in particular, their recognition laws or instruments
 - promote the use of the Revised Model Law as the primary reference for legislative reforms when engaging with public authorities on a review of their legal base;
7. *calls upon* the IFRC and the ICRC as well as the Joint Statutes Commission to engage, jointly with National Societies, at their request, to elicit the support of relevant public authorities to strengthen the legal base of National Societies;
8. *also calls upon* National Societies, in particular at the leadership level, to continue working closely with the IFRC and the ICRC to strengthen their legal base in domestic law;
9. *notes* that National Societies shall submit any proposed new recognition laws or instruments and any amendments to existing ones, if related to the key elements of the Revised Model Law, to the Joint Statutes Commission for assessment to determine their conformity with the key elements of the Revised Model Law reflecting the conditions for recognition of National Societies, as provided in Article 4 of the Statutes of the Movement, shall take its recommendations into account and shall keep it duly informed of any progress or new developments;
10. *encourages* the development by the IFRC, the ICRC and the Joint Statutes Commission of new and strengthened approaches to provide effective and contextualized advice and recommendations to National Societies on their legal base, taking into consideration the wide variety of legal systems and the diverse contexts in which National Societies operate;

11. *requests* the IFRC and the ICRC to review, in consultation with the Joint Statutes Commission and National Societies, the Revised Model Law from time to time to ensure that its provisions are in line with International Conference and Council of Delegates resolutions and with best practices and *encourages* National Societies to submit proposals for amendments to the Revised Model Law to both the IFRC and the ICRC and also to the Joint Statutes Commission.