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**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

DRAFT RESOLUTION

October 2026

EN

CD/26/7DR
Original: English
For decision

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

DRAFT RESOLUTION

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

The Council of Delegates,

recalling that the legal base of a National Red Cross or Red Crescent Society (National Society) is grounded in various international and national laws and instruments, including the Geneva Conventions of 1949 and their Additional Protocols, the Statutes of the International Red Cross and Red Crescent Movement (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,

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,

recalling that Article 2 of the Statutes of the Movement calls on each State to promote the establishment on its territory of a National Society, encourage its development, support its work and respect its adherence to the Fundamental Principles of the Movement at all times,

recalling also Article 4(3) of the Statutes of the Movement, which provides, as a condition for recognition of National Societies, that they be recognized by the legal government of their country, on the basis of the Geneva Conventions and national legislation, as a voluntary aid society, auxiliary to the public authorities in the humanitarian field,

recalling further 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 further 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 for the years 2000–2003 adopted at the 27th International Conference (1999), through which National Societies committed to reviewing their legal base to determine whether it needed 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,

recalling further 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,

recalling further Resolution 4 of the Council of Delegates (2011), which calls upon National Societies to, *inter alia*, work with the ICRC, the IFRC and the Joint Statutes Commission (JSC) in strengthening their legal base in domestic law, consult with the JSC and take its recommendations into account,

recognizing that a sound legal base contributes to improving National Society governance, clarifying responsibilities, facilitating partnerships and strengthening preparedness to respond to humanitarian needs, including the effects of armed conflicts and other situations of violence, climate change, disasters and other humanitarian crises,

welcoming that a number of National Societies have, as a result of sustained collaboration with their public authorities, strengthened their legal base through national legislation, policy reforms and mechanisms for cooperation with their public authorities, which has contributed to reinforcing their auxiliary role, operational independence and capacity to respond to humanitarian needs,

welcoming also the development by the IFRC, the ICRC and the JSC, in consultation with National Societies, of 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,

welcoming further the development by the IFRC and the ICRC of several tools to support the strengthening of the legal base of National Societies, including the Legal Base and Auxiliary Role section of the Red Solutions Hub, which contains a digital repository of Red Cross and Red Crescent legal base instruments, and the ICRC's National Practice Database,

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 in domestic law 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 regularly review their legal base, consider 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 legal base needs strengthening to advocate for reforms through legislative or other legal processes, as feasible and appropriate, 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 maintains their recognition, mandate, auxiliary role and ability to adhere to the Fundamental Principles;
4. *notes* that the Revised Model Law contains key elements intended to support National Societies and legislators in the implementation of existing Movement requirements, while also providing optional, additional elements drawn from best practice and commitments made at past International Conferences;
5. *adopts* the Revised Model Law;
6. *notes* that the Revised Model Law is designed to be adapted to diverse national contexts, legal systems and National Society governance structures;
7. *encourages* National Societies to:

- a) use the Revised Model Law as a reference tool and guide when reviewing their legal base and engaging with public authorities
 - b) share their legal base instruments with the IFRC and the ICRC as well as with the JSC
 - c) share good practices, experiences and lessons learned from efforts to strengthen their legal base and auxiliary role with other National Societies through peer-to-peer cooperation mechanisms;
8. *calls upon* National Societies engaging in a process to amend their legal base to liaise with the ICRC and the IFRC, submit draft amendments to the JSC and take its recommendations into account;
 9. *also calls upon* the IFRC and the ICRC as well as the JSC to elicit, at the request of and jointly with the National Society, the support of relevant public authorities to strengthen its legal base;
 10. *further calls upon* the IFRC and the ICRC as well as the JSC to develop further tools and guidance and to continue to provide effective and contextualized technical advice and recommendations to National Societies on strengthening their legal base, including the implementation of legal base instruments, taking into consideration the wide variety of legal systems and governance structures and the diverse contexts in which National Societies operate;
 11. *further calls upon* the IFRC and the ICRC to review, in consultation with the JSC 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 best practices and *encourages* National Societies to submit proposals for amendments to the Revised Model Law, in the course of such reviews, to the IFRC and the ICRC as well as to the JSC.