



Power of humanity
RED CROSS RED CRESCENT STATUTORY MEETINGS
5-11 November 2017, Turkey



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

Antalya, Turkey
10–11 November 2017

**Strengthening the Statutory and Legal Base Instruments of
National Red Cross and Red Crescent Societies
and
National Society Legal and Statutory Base Guidance
and Process Review**

PROGRESS REPORT

**Document prepared by the Joint ICRC/International Federation Commission for
National Society Statutes
in consultation with the National Societies and the Core Group established for the
National Society Legal and Statutory Base Guidance and Process Review**

Geneva, September 2017

EXECUTIVE SUMMARY

Strong National Red Cross and Red Crescent Societies are key actors and contributors to strengthened local humanitarian action and can therefore be considered crucial elements in meeting the localization agenda, which forms an important part of the outcome of the 2016 World Humanitarian Summit: the Grand Bargain. Having sound legal (recognition acts) and statutory (constitutions or statutes) base texts is a precondition for a strong National Society. They describe the identity of the National Society and explain its leadership model. They are key in safeguarding the integrity of the National Society and provide the foundation to ensure transparency and compliance, which are crucial elements in preventing fraud, corruption and nepotism.

Promoting a strong National Society statutory and legal base remains a priority for National Societies and for the Movement as a whole, as it serves to ensure the efficiency of the National Society in the realization of its humanitarian mandates and roles, provides an element of stability and contributes to the protection of the National Society's integrity and ability to abide by the Fundamental Principles at all times.

The Joint ICRC/International Federation Commission for National Society Statutes (Joint Statutes Commission) continues to realize its mandate and to support National Societies in strengthening their statutory and legal base instruments. During the period from 1 August 2015 to 31 July 2017, the Commission issued over 80 letters, including its recommendations based on the Movement's agreed minimum requirements for National Society statutes and National Society recognition laws as well as suggestions aiming to improve the overall quality of National Society statutory and legal base texts. Currently, some 54 National Societies are assessed by the Joint Statutes Commission as having statutory texts that comply with the minimum requirements, while approximately 120 are known to be engaged in a process to revise their statutory base texts.

Following the new approaches announced in the Joint Statutes Commission's previous Report to the 2015 Council of Delegates and the launch of the *National Society Legal and Statutory Base Guidance and Process Review*, the Joint Statutes Commission has been providing extensive support to the Core Group established to lead the Review. The process focuses on the revision of the [Guidance Document for National Societies Statutes](#) and on the development of new standards further adapted to the National Societies' contemporary needs. While the Review initially concentrated on the following issues: (i) Leadership, (ii) Compliance/Integrity, (iii) Volunteering/Membership, (iv) Unity and (v) Independence/Auxiliary Role in the humanitarian field, all other elements of the Guidance Document are also being reviewed. It is expected that the revised Guidance, which includes the new Standards, will be finalized and submitted for adoption to the IFRC Governing Board in 2018 and to the Council of Delegates in 2019.

This Report is submitted in the framework of the follow-up to Resolution 4 of the 2011 Council of Delegates on "*Revision of National Society Statutes and Legal Base*" and Resolution 4 of the 31st International Conference on "*Furthering the auxiliary role: Partnership for stronger National Societies and volunteering development*". In addition to presenting the efforts undertaken and the progress achieved by National Societies in strengthening their statutory and legal base instruments during the reporting period, the Report also includes a presentation of the work and activities of the Joint Statutes Commission in the same period in relation to:

- the Commission's role to support National Societies in strengthening their statutory and legal base texts, including its strengthened efforts to develop a direct dialogue with National Societies in close coordination with ICRC and IFRC regional or country-level representations;
- the monitoring of pending applications for recognition as a component of the Movement and for admission to the International Federation;

- support for the National Society Legal and Statutory Base Guidance and Process Review.

1) INTRODUCTION

Strong National Societies constitute a central feature of the strengthened local humanitarian action called for in accordance with Item 5 of the *Agenda for Humanity: Invest in humanity, Invest in local capacities* of the 2016 World Humanitarian Summit: [the Grand Bargain](#). Strong National Societies, as local actors, are best placed to assess the humanitarian needs and priorities of the communities they serve and therefore to have a recognizable impact on them. A sound and comprehensive legal (recognition acts) and statutory (constitutions or statutes) base is a precondition for a strong National Society. It spells out the National Society's structures, defines its governance and leadership model and describes the identity of the National Society. It is key to preserving the integrity of the National Society and provides the foundation of the Society's commitment to *principled humanitarian action*. It serves to ensure transparency and compliance as well as preventing fraud, corruption and nepotism.

The importance of strong and modern statutory and legal base instruments for National Red Cross and Red Crescent Societies has long been recognized by all components of the Movement. They allow National Societies to be perceived as relevant, principled and independent humanitarian organizations performing distinct roles and mandates, including their role as auxiliaries to their public authorities in the humanitarian field. Furthermore, they serve to safeguard National Societies' ability to fulfil their humanitarian mission in accordance with the Fundamental Principles and to further and effectively contribute to the humanitarian mission of the International Red Cross and Red Crescent Movement (Movement). Lastly, sound statutory, legal and policy base texts provide a platform of stability for the National Society, confirm its commitment to comply with domestic and international obligations and serve to preserve the relationship of trust between the National Society and all sectors of the community, the public authorities and supporters and donors.

The Joint ICRC/International Federation Statutes Commission was established to provide support to National Societies in strengthening their statutory and legal base instruments. Currently, the Joint Statutes Commission, as a joint body comprising representatives of the ICRC and the IFRC, continues to perform a crucial role in providing coordinated support to National Societies in this respect. The Joint Statutes Commission enjoys the following mandates:

- provide recommendations on the legal base of National Societies, including National Society recognition acts (laws and decrees) and National Society statutory or constitutional base texts. In particular, the Joint Statutes Commission assesses the compliance of draft National Society statutes and draft National Society laws or decrees with a set of minimum standards agreed upon within the Movement;
- assess applications for recognition as a component of the Movement and for admission to the IFRC received from new Red Cross and Red Crescent organizations and make recommendations in this regard to the ICRC and the IFRC.

National Societies have undertaken, in the context of past Resolutions and strategies adopted by the Statutory Meetings of the Movement, to regularly review their statutory and legal base instruments. The ICRC, the IFRC and the Movement as a whole are, for their part, committed to supporting National Societies in this respect. These commitments were most recently reaffirmed in the following Resolutions and outcomes of the Council of Delegates and the International Conference of the Red Cross and Red Crescent:

- Resolution 4 of the 2011 Council of Delegates on "[Revision of National Society Statutes and Legal Base](#)";
- Resolution 4 of the 31st International Conference of the Red Cross and Red Crescent on "[Furthering the auxiliary role: Partnership for stronger National Societies and volunteering development](#)", adopted in November 2011.

In addition, in the last two years, National Societies' commitments in this field were recalled in the following reports and actions plans:

- The report on [The Fundamental Principles in action: A unique ethical, operational and institutional framework](#), delivered to the 32nd International Conference, held from 8 to 10 December 2015 in Geneva, Switzerland;
- The Amman Declaration: "Together for Humanity", issued at the 9th Red Cross and Red Crescent Middle East and North Africa Conference, held on 26 January 2017 in Amman, Hashemite Kingdom of Jordan, Commitment no. 4;
- [Investing in Africa: Abidjan Plan of Action](#), issued at the 9th Pan African Conference, held from 1 to 12 April 2017 in Abidjan, Côte d'Ivoire, key actions 1 and 3 and key indicator 4.

As recalled in the Report of the Joint Statutes Commission presented to the Council of Delegates in 2015, the commitment to develop sound and comprehensive statutory, legal and policy base instruments also constitutes a central dimension of the IFRC's and the Movement's organizational development and capacity-building frameworks, in particular the Organizational Capacity Assessment and Certification (OCAC) and the Safer Access Framework. They will continue to provide strong encouragement and motivation for National Societies to fulfil their commitments related to strengthening their statutory and legal base instruments.

Lastly, building on the collective feedback received by the Joint Statutes Commission from National Societies in recent years and on its recommendations included in its Report to the 2015 Council of Delegates, the Commission initiated a review of the Movement's overall support and guidance provided to National Societies to strengthen their legal and statutory base instruments. The overall objectives and progress of the National Society Statutory and Legal Base Guidance and Process Review are described below.

2) BACKGROUND

The present Report is submitted as follow-up to Resolution 4 adopted by the 2011 Council of Delegates on the "*Revision of National Society Statutes and Legal Base*" and Resolution 4 of the 31st International Conference on "*Furthering the auxiliary role: Partnership for stronger National Societies and volunteering development*". It highlights the developments, progress and achievements of National Societies in strengthening their legal and statutory base instruments since the 2015 Council of Delegates and the Joint Statutes Commission's last Report presented to the Council. It covers the period from 1 August 2015 to 31 July 2017.

During the reporting period, the Commission also continued to monitor and support new applications for recognition as a component of the Movement and for admission to the IFRC. The main focus of this Report is, however, the achievements of National Societies and the support provided by the Joint Statutes Commission to strengthen National Societies' statutory and legal base instruments.

This report also provides an overview of the current National Society Statutory and Legal Base Guidance and Process Review. The Review was announced in the Commission's report to the Council of Delegates in 2015. Since the late 1980s the Movement has provided coordinated support to National Societies to strengthen their statutory and legal base instruments, based on a set of standards and minimum requirements defined in a range of tools and models,

including the *Guidance for National Societies Statutes* (Guidance Document). After 17 years of utilizing the Guidance Document and mindful of the extensive feedback received from National Societies, the decision was taken to engage in a comprehensive review of the Movement's agreed standards. The Review was initiated in early 2016 and is being conducted under the auspices of a Core Group, comprised of representatives from ten Red Cross or Red Crescent Societies and representatives of the IFRC, the ICRC and the Joint Statutes Commission.

The overall purpose of the Review is to ensure that the Movement's standards and guidance provided on National Societies' legal and statutory base are fit for purpose, user-friendly and accessible from a National Society leadership perspective. It is intended to further enable National Societies that are engaged in statutory and legal base reform to make informed choices that are fully compatible with their own legal, operational and cultural contexts. More details on the objectives and progress of the Review are included under sections 4 and 5 of this Report.

3) ANALYSIS / PROGRESS

3.1 National Society statutes or constitutions

During the reporting period (1 August 2015–31 July 2017) the Joint Statutes Commission provided recommendations to 73 National Societies who submitted their draft or revised statutory texts to the Commission. Of this total number:

- 21 letters were sent to National Societies in Europe and Central Asia (approximately 29%);
- 13 letters were sent to National Societies in the Middle East and Asia Pacific regions (approximately 18%);
- 20 letters were sent to National Societies in Africa (approximately 28%);
- 18 letters were sent to National Societies in the Americas (approximately 25%).

A complete list of the Joint Statutes Commission letters issued is attached to the Report (Annex 1).

In addition to the Commission's letters, telephone conferences and meetings in person were organized between members of the Joint Statutes Commission and National Societies, i.e. Austrian Red Cross, Burundi Red Cross, Finnish Red Cross, Indian Red Cross Society and Maldivian Red Crescent.

In accordance with the Joint Statutes Commission's assessment of the compliance of National Societies' statutes or constitutions with the Guidance Document and the minimum requirements it sets out, as at 31 July 2017:

- some 54 National Societies have statutes conforming with the minimum requirements (approximately 28%);
- 119 National Societies are engaged in the process of revising their Statutes (approximately 63%);
- 14 National Societies have not yet initiated a revision process (approximately 7%);
- 3 National Societies have statutes that do not meet the minimum requirements (approximately 2%).

More details related to this section can be found in the [Tableau de Bord](https://fednet.ifrc.org/PageFiles/81024/TdB%20NS%20Statutes%20Eng%2031%20Decemb%202015%20for%20FedNet.xls) which can be accessed on the IFRC's FedNet through this link: <https://fednet.ifrc.org/PageFiles/81024/TdB%20NS%20Statutes%20Eng%2031%20Decemb%202015%20for%20FedNet.xls>

A slight decrease can be seen in the number and percentage of National Societies assessed by the Joint Statutes Commission as enjoying statutory base texts complying with the minimum requirements. Pertinent statistics are highlighted in the table below.

Statutes	2011	2013	2015	2017
Minimum requirements met	24%	26%	30%	28%
Revision in progress	62%	62%	60%	63%
No revision process initiated	12%	10%	10%	7%

In this regard, while recognizing the different challenges faced by National Societies in strengthening their statutory and constitutional base instruments, the Joint Statutes Commission notes with concern that the progress achieved in the reporting period has remained slow and limited. On a positive note, the number of National Societies actively engaged in a statutory base review has continued to grow.

3.2 National Society laws

In the last two years, the Joint Statutes Commission was requested to provide its comments and recommendations on National Society recognition acts (laws or decrees) or on new drafts under consideration by the government or the national legislature. The Commission prepared and shared a series of recommendations in support of National Societies in this regard in written form or in direct consultations held with the National Society and the public authorities concerned. The recommendations were made based on the minimum standards formulated in the [Model law on the recognition of National Red Cross and Red Crescent Societies](#). These discussions focused mainly on:

- the distinct legal status and privileges enjoyed by a National Society to be recognized in the domestic legal order;
- the definition of the National Society's role as auxiliary to the public authorities in the humanitarian field;
- the formulation of the government's duty to respect the National Society's adherence to the Fundamental Principles at all times.

This included, for instance, a visit made by members of the Joint Statutes Commission to Dublin on 11 January 2017 in order to meet with the Irish Red Cross leadership and representatives of the Irish Government to discuss the Irish Red Cross Bill.

3.3 Recognition and admission of new National Societies

During the reporting period, no new National Society was recognized by the ICRC as a component of the Movement or admitted to the IFRC.

Formal applications for recognition by the ICRC and for admission to the IFRC were received from the "Marshall Islands Red Cross Society" (MRCS) on 29 March 2017 and forwarded to the Joint Statutes Commission for review and examination of the ten conditions for recognition. The first Constituent General Assembly of the MRCS was held in June 2017 and, at the time of writing this Report, a Joint Assessment Mission of the Joint Statutes Commission to the Marshall Islands was being planned for the last quarter of 2017.

Continued support and advice was provided by the ICRC and the IFRC during the reporting period to the Bhutanese authorities, who are in the process of establishing the "Bhutanese Red Cross Society". On 26 October 2016, a visit was made by seven members of the Bhutanese Parliament (including the Speaker and the General Secretaries of the National Council and of the National Assembly) to the ICRC Headquarters and to the IFRC Secretariat in order to review next steps in the establishment of a new National Society in the Kingdom of Bhutan.

3.4 National Society Statutory and Legal Base Guidance and Process Review

In its last Report submitted to the 2015 Council of Delegates, the Joint Statutes Commission included a recommendation that a process of review and revision of the Guidance Document for National Societies Statutes be initiated. The process, which is titled *National Society Statutory and Legal Base Guidance and Process Review*, was launched in July 2016 in the course of an inception meeting hosted by the Danish Red Cross and conducted under the auspices of a Core Group composed of National Societies (Argentine Red Cross, Burundi Red Cross, Cook Islands Red Cross, Danish Red Cross, Haiti Red Cross Society, Mongolian Red Cross Society, Palestine Red Crescent Society, Spanish Red Cross, Red Crescent Society of Turkmenistan and Uganda Red Cross Society) as well as representatives of the IFRC, the ICRC and the Joint Statutes Commission. The Vice President of the Danish Red Cross is acting as Chair of the Group.

The overall purpose of the initiative is to review the Movement's agreed standards for National Society statutes and constitutions and to assess whether the current guidance provided to National Societies is fit for purpose, user-friendly and accessible from a National Society leadership perspective and whether it is of a nature to enable National Societies to make informed choices adapted to their legal, operational and cultural contexts.

The objectives of the process are also to review, where appropriate, other agreed models and standards relevant to a National Society's legal and policy base frameworks (as defined *inter alia* in the Model law on the recognition of a National Society, the OCAC indicators and the Safer Access Framework's elements and recommended actions).

The Review concentrates on the following five main areas: (i) Leadership: revisiting the current dogma of separation of management and governance and looking into a more holistic approach to leadership with the necessary checks and balances and other models of leadership, (ii) Compliance/Integrity: how do National Society statutory and legal base instruments need to reflect the latest developments in the area of integrity and the related mechanisms? (iii) Volunteering/Membership: how does volunteering need to be reflected in the statutory and legal base of National Societies? (iv) Unity, specifically between branches and headquarters: what are the challenges? and (v) Independence/Auxiliary role of a National Society in the humanitarian field: how does the statutory and legal base need to reflect the latest definitions of the auxiliary role and how can the requirements of the Fundamental Principle of Independence best be reflected in a National Society's legal and statutory base instruments?

The Core Group met three times in addition to the inception meeting. The first meeting was hosted by the Spanish Red Cross in October 2016, the second by the Palestine Red Crescent Society at the end of January and beginning of February 2017 and the third by the Argentine Red Cross in July 2017.

The new draft Guidance and Standards are structured as follows:

Introduction

Chapter I: Who we are

Chapter II: Members and volunteers

Chapter III: Leadership (governance and management)

Chapter IV: Structure/Territorial coverage

Chapter V: Compliance/Integrity

Chapter VI: Financial matters

Chapter VII: Final provisions

From 6 April to 31 May 2017 broad consultations were conducted within the Movement on the previous version of the draft Standards. In total, 33 National Societies provided input, and the IFRC Compliance and Mediation Committee and seven National Societies were involved in-

depth interviews. The latest outline of standards and structure, as annexed to the present Report, includes the comments and suggestions received through the consultations and now needs to be completed with the inclusion of illustrations and *best practice* examples. Further reflexions and consultations are also being conducted within the Core Group on key issues related to the implementation of the new Standards and ways to ensure their successful roll-out and promotion (including by the Joint Statutes Commission).

At the time of writing, next steps are expected to include:

- i) Submission of the draft revised Guidance Document and Outline of standards and structure to the 22nd Session of the IFRC General Assembly (6–8 November 2017) for discussion and debate in the context of a Workshop on the Guidance Review.
- ii) The General Assembly is also expected to authorize the Governing Board to adopt the new Guidance and the new Standards in 2018, once they have been finalized, and to recommend to the 2017 Council of Delegates that the Joint ICRC/International Federation Commission for National Society Statutes makes use of the revised Guidance and the new Standards from the time of their finalization;
- iii) Adoption of the new Guidance Document and the new Standards by the Council of Delegates in 2019 in the form of a Resolution further detailing the process of roll-out, promotion and implementation of the new Standards.

4) CONCLUSIONS AND RECOMMENDATIONS (THE WAY FORWARD)

In the following two years and beyond, based on the Joint Statutes Commission's new approaches described in the Commission's Report to the 2015 CoD, the Commission will continue to fulfil its objectives, including its role of assisting National Societies in strengthening their legal and statutory base instruments. This will further enable National Societies to contribute effectively to the individual and collective commitments undertaken by National Societies and the Movement as a whole in the [post-2015 Development Goals](#) and the [Agenda for Humanity](#).

The Joint Statutes Commission also remains fully committed to accompanying the National Society Legal and Statutory Base Guidance and Process Review and continuing to support the Core Group in its efforts to:

- finalize the new Guidance Document with the new Standards for National Society Statutes and define innovative ways to benchmark, roll-out and ensure compliance with the new guidance, including through further reflection on the strengthening of the Joint Statutes Commission's modes of operation, engagement and support;
- prepare for and promote the effective implementation and roll-out of the Guidance Document and new Standards.

Annexes:

Annex 1 – List of communications of the Joint ICRC/International Federation Commission for National Society Statutes (for the period 1 August 2015–31 July 2017);

Annex 2 – Outline of standards and structure, version September 2017.

Geneva, 31 July 2017

ANNEX I
List of Communications of the
Joint ICRC/International Federation Commission for National Statutes
(Reporting period: 1 August 2015 - 31 July 2017)

Communications on Statutes

No.	National Society	Date of JSC Letter
1.	Ecuadorian Red Cross	18 August 2015
2.	Sao Tome and Principe Red Cross	24 September 2015
3.	Brazilian Red Cross	2 October 2015
4.	Ethiopian Red Cross Society	13 October 2015
5.	Zimbabwe Red Cross Society	27 October 2015
6.	Cook Islands Red Cross	27 October 2015
7.	Chilean Red Cross	20 November 2015
8.	Namibian Red Cross	20 November 2015
9.	Danish Red Cross	30 November 2015
10.	Cook Islands Red Cross	10 December 2015
11.	French Red Cross	14 December 2015
12.	Red Cross of Equatorial Guinea	15 December 2015
13.	Austrian Red Cross	13 January 2016
14.	Lebanese Red Cross	1 February 2016
15.	German Red Cross	22 February 2016
16.	Norwegian Red Cross	22 February 2016
17.	Bolivian Red Cross	3 March 2016
18.	Peruvian Red Cross	3 March 2016
19.	Burundi Red Cross	3 March 2016
20.	Peruvian Red Cross	6 April 2016
21.	Ukrainian Red Cross Society	6 April 2016
22.	French Red Cross	6 April 2016
23.	Maldivian Red Crescent	6 April 2016

24.	Peru Red Cross	6 April 2016
25.	Jamaica Red Cross	14 April 2016
26.	Zambian Red Cross Society	14 April 2016
27.	Red Crescent Society of Tajikistan	14 April 2016
28.	Chilean RC	19 April 2016
29.	Kazakh Red Crescent	19 April 2016
30.	Honduran Red Cross	10 May 2016
31.	Swaziland Red Cross Society	10 May 2016
32.	Mozambique Red Cross Society	30 May 2016
33.	Red Cross Society of Panama	30 May 2016
34.	"Marshall Islands RC"	27 June 2016
35.	German Red Cross	4 August 2016
36.	The Russian Red Cross Society	10 August 2016
37.	The Red Cross Society of the Democratic People's Republic of Korea	19 August 2016
38.	Cuba Red Cross	17 August 2016
39.	Kyrgyzstan Red Crescent Society	17 August 2016
40.	Panama Red Cross	26 August 2016
41.	Red Cross Society of the Democratic People's Republic of Korea	30 September 2016
42.	Zimbabwe Red Cross Society	17 October 2016
43.	Indonesian Red Cross Society	25 October 2016
44.	Ukrainian Red Cross Society	25 October 2016
45.	Timor-Leste Red Cross Society	25 October 2016
46.	Red Cross Society of Guinea-Bissau	25 October 2016
47.	Uganda Red Cross Society	8 November 2016
48.	Argentine Red Cross	22 November 2016
49.	Belarus Red Cross	24 November 2016

50.	Red Cross Society of Niger	15 December 2016
51.	Nicaraguan Red Cross	27 January 2017
52.	The Red Cross of the former Yugoslav Republic of Macedonia	30 January 2017
53.	Namibia Red Cross	30 January 2017
54.	“Marshall Islands RC”	13 February 2017
55.	The Red Cross of the former Yugoslav Republic of Macedonia	21 February 2017
56.	The Red Cross of the former Yugoslav Republic of Macedonia	3 March 2017
57.	Austrian Red Cross	3 March 2017
58.	Danish Red Cross	6 March 2017
59.	Red Cross of Cape Verde	14 March 2017
60.	Maldivian Red Crescent	17 March 2017
61.	Argentine Red Cross	20 March 2017
62.	Salvadorean Red Cross Society	31 March 2017
63.	Swiss Red Cross	31 March 2017
64.	Mozambique Red Cross	31 May 2017
65.	Gambia Red Cross Society	13 June 2017
66.	Nigerian Red Cross Society	23 June 2017
67.	Red Crescent Society of Azerbaijan	26 June 2017
68.	Maldivian Red Crescent	26 June 2017
69.	Red Cross of Benin	25 July 2017
70.	Uruguayan Red Cross	27 July 2017
71.	Cuban Red Cross (to be finalised)	July 2017
72.	Libyan Red Crescent Society (to be finalised)	July 2017
73.	Cameroon Red Cross Society (to be finalised)	July 2017

Total	73
Europe and Central Asia	21
Middle East and Asia-Pacific	12
Africa	21
Americas	19

JSC letters on laws

No.	National Society	Date of JSC Letter
1.	Mongolian Red Cross Society	3 August 2016
2.	Red Crescent Society of Kyrgyzstan	31 October 2016
3.	Lao Red Cross	10 February 2017
4.	Myanmar Red Cross Society	26 July 2017
Total		4
Europe and Central Asia		1
Middle East and Asia-Pacific		3
Africa		0
Americas		0

Other Communications (sent by the ICRC and the IFRC)

No.	National Society/ Other addressees	Date of Letter
1.	Bhutan's Red Cross Society (informal joint comments on the NS's Law)	25 April 2016
2.	"Marshall Islands RC" (acknowledgement of receipt of the MIRCS' application of recognition and request for additional materials)	19 May 2017
3.	Bhutan Red Cross Society (Informal comments on the BRCS' Draft Statutes)	22 May 2017
4.	India Red Cross Society (Joint ICRC-IFRC letter)	30 May 2017
Total		4

Europe and Central Asia	0
Middle East and Asia-Pacific	4
Africa	0
Americas	0

All Letters	
Total	81
Europe and Central Asia	22
Middle East and Asia-Pacific	19
Africa	21
Americas	19

Annex 2

**GUIDANCE
FOR NATIONAL SOCIETY
STATUTES**

Outline of standards and structure

General Assembly November 2017

Draft, September 2017

Humanity *The International Red Cross and Red Crescent Movement, born of a desire to bring assistance without discrimination to the wounded on the battlefield, endeavours, in its international and national capacity, to prevent and alleviate human suffering wherever it may be found. Its purpose is to protect life and health and to ensure respect for the human being. It promotes mutual understanding, friendship, cooperation and lasting peace amongst all peoples.*

Impartiality *It makes no discrimination as to nationality, race, religious beliefs, class or political opinions. It endeavours to relieve the suffering of individuals, being guided solely by their needs, and to give priority to the most urgent cases of distress.*

Neutrality *In order to continue to enjoy the confidence of all, the Movement may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature.*

Independence *The Movement is independent. The National Societies, while auxiliaries in the humanitarian services of their governments and subject to the laws of their respective countries, must always maintain their autonomy so that they may be able at all times to act in accordance with the principles of the Movement.*

Voluntary Service *It is a voluntary relief movement not prompted in any manner by desire for gain.*

Unity *There can be only one Red Cross or one Red Crescent Society in any one country. It must be open to all. It must carry on its humanitarian work throughout its territory.*

Universality *The International Red Cross and Red Crescent Movement, in which all Societies have equal status and share equal responsibilities and duties in helping each other, is worldwide.*

Article 4 of the Movement: Conditions for recognition of National Societies

In order to be recognized in terms of Article 5, paragraph 2 b) as a National Society, the Society shall meet the following conditions:

1. Be constituted on the territory of an independent State where the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field is in force.
2. Be the only National Red Cross or Red Crescent Society of the said State and be directed by a central body which shall alone be competent to represent it in its dealings with other components of the Movement.
3. Be duly recognized by the legal government of its country on the basis of the Geneva Conventions and of the national legislation as a voluntary aid society, auxiliary to the public authorities in the humanitarian field.
4. Have an autonomous status which allows it to operate in conformity with the Fundamental Principles of the Movement.
5. Use a name and distinctive emblem in conformity with the Geneva Conventions and their Additional Protocols.
6. Be so organized as to be able to fulfil the tasks defined in its own statutes, including the preparation in peace time for its statutory tasks in case of armed conflict.
7. Extend its activities to the entire territory of the State.
8. Recruit its voluntary members and its staff without consideration of race, sex, class, religion or political opinions.
9. Adhere to the present Statutes, share in the fellowship which unites the components of the Movement and cooperate with them.

10. Respect the Fundamental Principles of the Movement and be guided in its work by the principles of international humanitarian law.

INTRODUCTION

A sound and solid legal and statutory base is a precondition for a strong National Society. The legal and statutory base spells out the National Society's structures, explains its governance and leadership model, and describes the identity, mission and roles of the National Society. It is an important measure in safeguarding the integrity of the National Society and provides the foundation to ensure transparency and compliance.

The 'Guidance for National Society Statutes, 2017' document (Guidance Document), has been developed to help and inspire National Red Cross and Red Crescent Societies to review, update and strengthen their statutory base instruments. This Guidance Document will replace the previous version, 'Guidance for National Societies (2000)'. The Federation and the ICRC, through the Joint Statutes Commission (JSC), will support National Societies to work with and ensure the alignment of their Statutes with these Standards.

The Fundamental Principles, in particular the Principles of Unity and Universality, prescribe that the National Societies operate as a one global Movement, which is characterised as much by its togetherness as its tremendous diversity. The 'Guidance for National Society Statutes, 2017', takes the International Red Cross and Red Crescent Movement (the Movement) forward by reflecting this diversity, together with a restatement of the core common principles, values and rules that tie all National Societies together.

While grounded in different contexts, it is vital, in the light of their common commitment to the Fundamental Principles and the humanitarian mission of the Movement, that National Societies, both individually and collectively, act in conformity with the Fundamental Principles - and that they are accepted and perceived as relevant, independent and principled humanitarian organisations with a unique role as auxiliaries to their public authorities in the humanitarian field.

The focus of the new Guidance Document is helping National Societies fulfil their role, achieve their mission and ensure their sustainability, in a way that makes allowance for the rich variety of organisational models, legal traditions and operational contexts that exists in the Movement. While the Standards intentionally allow flexibility in the way or form they are implemented, *meeting* the Standards is nonetheless mandatory because they reflect the Fundamental Principles, the statutory obligations and Movement policies. National Societies are not expected to replicate the formulations used in the Standards 'word for word' but to use the Standards to craft their own nationally relevant statutory texts.

The new Guidance document distinguishes between *what* needs to be preserved or protected and therefore is mandatory and *how* this is done, where far more flexibility is allowed. This is the case for example in the Leadership Chapter, where the former approach of a strict separation of governance and management functions is now presented as secondary to the standard that there must be sufficient checks and balances in order to provide sound mutual oversight of governance and management efforts.

In terms of scope, new content is included on e.g. volunteers, who were not mentioned in the 2000 Guidance Document, and a chapter on Compliance and Integrity has been introduced.

The Guidance Document recognises that National Societies have different regulatory practises. In line with this, not all Standards necessarily need to be incorporated in the Statutes but may be reflected in for example in the National Society's Recognition Act or its own by-laws, internal rules, regulations, policies or procedures. **[Where this is the case, it will be indicated in the final Guidance Document].**

The Guidance Document further recognises that national law has primacy for as long as the requirements of national law are not incompatible with the Fundamental Principles and with the mission and values of the Movement. In such cases, the National Society should enter into a dialogue with public authorities to recommend and achieve a change in the law or to find other solutions.

The new Guidance Document builds on other Movement initiatives, in particular: the IFRC National Society Development Framework, the IFRC Organisational Capacity Assessment and Certification

(OCAC), the ICRC Safer Access Framework, the IFRC Volunteer Charter, and the Dashboard of the IFRC Compliance and Mediation Commission.

Statutes are living documents for National Societies and help to provide legitimacy, stability and consistency. Statutes require regular review to ensure that they are up to date with the strategic priorities of the National Society, developments in the humanitarian needs and the broader external environment and with policy orientations and recommendations adopted within the Movement. This Guidance Document will hopefully be of great help to National Societies when reviewing their Statutes.

Layout and Structure of document

The Guidance Document uses the term ‘Statutes’ as a generic term covering the statutory base instruments, which in some National Societies is referred to as its Constitution. In some National Societies some aspects covered by the Standards are regulated in by-laws, policies, procedures or similar. The word Recognition Act is used as a generic term to refer to the national law/regulation under which the National Society is recognised in national law.

The Guidance Document contains **Seven Chapters**. National Society Statutes do not need to mirror the structure used in the Guidance Document but should, in their own way, meet all the Standards.

Each **Chapter** begins with an **Objectives box** summarising the intent of the Standards included in that chapter. It is followed by an **Introduction and terminology** section. *[The introduction and terminology sections of the document are still to be reviewed and developed, to include e.g. branches, President, Secretary General, legal base (law/act)].*

Each **Chapter** is structured as follows:

Standard – defines the requirement that must be met.

Mandatory – elaborates and details the standard where required. Every mandatory element must be met for the standard to be achieved. Not all Standards are followed by a mandatory section, which is particularly the case in Chapter 1, where some of the standards are self-explanatory.

Optional – these are provisions that are included as recommendations or inspiration in relation to some of the standards, but which are not considered mandatory.

Illustrations - these are examples intended to provide a fuller understanding of the standard, and may also exemplify possible approaches to meet mandatory and/or optional elements of a standard. *[The texts for illustrations have not been developed yet, but much material has come from consultations and interviews with National Societies].*

Explanatory text - explanatory text is provided to further explain the standards or elements of them. *[The explanatory text is still being developed].*

Chapter I: WHO WE ARE

Key objectives of this chapter

- To affirm the status of the National Society in national law and as an auxiliary to the public authorities in the humanitarian field.
- To identify the National Society as a principled humanitarian actor with its mission, mandate and role grounded in international humanitarian law and in the Statutes of the Movement.
- To affirm the National Society’s commitment to respect the rules for the use of the Emblem.
- To affirm the National Society’s commitment to operate in compliance with the Fundamental Principles and with the statutory texts and decisions of the Movement.

Strong links to the Fundamental Principles of: Humanity, impartiality, neutralist and independence and condition 3, 4, 5, 9 and 10 for recognition of a National Society.

Introduction and terminology:

[The introduction and terminology sections of the document are still to be reviewed and developed].

The standards in this chapter establish the unique role and mission of a National Society, primarily as humanitarian organisations in its own country, while also showing how it contributes actively to the Movement.

A National Society is an autonomous organisation recognised by the government of its country on the basis of national legislation. At the same time, it is a component of the Movement and a member of the International Federation and therefore the Statutes of the Movement and the Constitution of the International Federation entail obligations on the National Society which must be reflected in its Statutes.

STANDARD 1.1

The Statutes include the full text of the Fundamental Principles

STANDARD 1.2

The Statutes make reference to the legal status of the National Society in national law.

STANDARD 1.3

The Statutes make reference to the auxiliary role of the National Society to the public authorities in the humanitarian field.

Mandatory

The auxiliary role described in the national recognition law must be referenced in the Statutes.

The Statutes should further define how the National Society fills the auxiliary role.

Optional

The Statutes can prescribe that the National Society should have a regular auxiliary discussion with the government.

Illustrations:

[The texts for illustrations have not been developed yet, but much material has come from consultations and interviews with National Societies].

- Examples of the auxiliary role in conflict as well as peace-time contexts.

STANDARD 1.4

The Statutes recall the National Society's commitment and duties as a component of the Movement and a member of the Federation.

STANDARD 1.5

The Statutes make reference to the entitlement of the National Society to use the emblem and the obligation to display the emblem in accordance with the 1949 Geneva Conventions, the Additional Protocols and the Movement's regulatory framework.

Mandatory

The Statutes must make reference to both the protective and indicative use of the emblem.

STANDARD 1.6

The Statutes define the National Society's mission and/or vision and describe its core role to ensure relevance of the National Society's activities based on the humanitarian needs in the country.

Illustrations:

- On National Societies' mission and vision in various contexts.

Explanatory text

[The explanatory text sections are still to be reviewed and developed].

For a National Society to operate, its legal status must be clearly defined under national law and this status must be reflected in the Statutes. It is for each State to decide how a National Society is incorporated under the domestic legal order, however, it is preferred that the National Society is granted its status through a formal Recognition Act adopted by parliament or through a Presidential or government decree. The Recognition Act should outline the distinct and privileged status of the National Society (as different from that of an NGO or a public sector organisation) and should ensure the widest possible degree of independence and autonomy for the National Society to operate.

The National Society Statutes must reference the aforementioned Recognition Act where it exists, as well as describe the broader legal framework in which the National Society operates. The legal framework is composed of national laws and regulations, the Geneva Conventions (1949) and their Additional Protocols, the Fundamental Principles, the Statutes of the Movement and the Constitution of the Federation and Resolutions and decisions of Statutory meetings.

The Statutes must refer to the role of the National Society as auxiliary to the public authorities in the humanitarian field as well as to the National Society's right to use the Emblem and to carry out its objectives in accordance with the Fundamental Principles.¹

[Further text on auxiliary role to be included].

The Statutes must state the National Society's commitment to act in accordance with the Fundamental Principles at all times. This implies that the members, staff and volunteers have a duty to respect and abide by the Fundamental Principles and that in relation to the public authorities; the National Society must maintain an independence which allows it to act in accordance with the Fundamental Principles.

The use of the emblem by National Societies must be in accordance with the 1949 Geneva Conventions and their Additional Protocols and the 1991 Regulations and the Statutes of the Movement, Article 4 (5). The National Society has exclusive prerogative and duty to define in its Statutes which emblem it chooses to adopt and to use as its logo: the heraldic sign of the Red Cross; the Red Crescent or any other recognised emblem by the Movement Statutes on a white background, accompanied by the name of the National Society.

The use of the emblem is preferably regulated by national law, either through a separate law or as part of the Recognition Act (or its equivalent).

¹The following texts may be referred to when defining the details of the National Society's auxiliary role; Article 3, par. 1 and Article 4, condition 3 of the Statutes of the Movement; Resolution 2 of the 30th International Conference (2007), "The specific nature of the RCRC Movement in action and partnerships and the role of National Society's as auxiliaries to the public authorities in the humanitarian field" and Resolution 4 of the 31st International Conference (2011), "Furthering the auxiliary role: Partnership for stronger National Societies and volunteering development".

The National Society must also commit to adopt internal regulations on the use and protection of the emblem and the National Society logo by its personnel, members and volunteers in conformity with the Geneva Conventions of 1949 and their Additional Protocols, as well as to inform and disseminate knowledge about the emblem and its authorised use. This includes working with the state and other actors to guard against the misuse of the emblem, in particular by other organisations.

The Statutes must define the role and mission of the National Society in relation to the humanitarian needs in the country, as referred to in the Statutes of the International Red Cross and Red Crescent Movement, Article 3, and together with any other humanitarian activities deemed necessary and viable in their national context.²

The Statutes must state that the National Society's role and mission will be carried out with complete impartiality and that no discrimination based on gender, nationality, citizenship, ethnic origin, language, religious beliefs, political opinion or other similar criteria will be made at any time.

The implementation of the National Society's role and mission must be guided by the National Society's strategic operational plan (or its equivalent) which must be updated regularly to ensure its relevance. It is important to strike a balance in the Statutes between listing National Society activities in such detail that it limits the possibility for operational changes and remaining so general that it gives insufficient clarity and direction to the National Society activities. In rare cases, the Statutes may be used by some states to restrict or challenge National Society's operational space. It is therefore important that the National Society engages in an ongoing dialogue with public authorities and continuously reviews and considers humanitarian needs in the country.

Chapter II: MEMBERS AND VOLUNTEERS

Objectives of this chapter:

- To define the types of individual and collective engagement within the National Society with a focus on membership and volunteering.
- To define the central rights and duties attached to the different types of engagement in the National Society.
- To confirm that engagement in the National Society is open to all, without discrimination.

Strong links to the Fundamental Principles of: Impartiality, volunteer service, universality and condition 8 for recognition of National Societies.

Introduction and terminology:

National Societies are member and/or volunteer based organisations embedded within their communities. The Chapter illustrates how membership and volunteering can be organised and which aspects need to be regulated. The chapter recognises that National Societies are differently organised. For example, in some National Societies membership is composed of individuals and/or collective members, while others define their branches or local structures as their members. A few National Societies do not have members, but only volunteers, and some require that volunteers are also members.

The types of engagement depend very much on political and cultural factors. Aspects of membership and volunteering may be restricted in national laws, therefore, it is important for the National Society to have a thorough understanding of the national regulatory framework in which it is operating.

In National Societies that do not have members, the member-specific standards below will not apply.

² For example, Resolution 4, Council of Delegates 2007 on Restoring Family Links and Resolution 7, Council of Delegates 2011, National Society activities in armed conflict and other situations of violence.

STANDARD 2.1

The National Society must be open to all without discrimination.

Mandatory

The Statutes must establish that the National Society is open to all who subscribe to the principles and values of the organisation and want to contribute to its work and activities.

The National Society must not discriminate based on gender, race, nationality or citizenship, age, ethnic origin, disability, language, political opinions, religious belief, social background, or other similar grounds.

Membership and volunteering must be based on free will.

Illustrations

To be developed.

Explanatory text

It is important that the National Society remains a competitive and attractive choice for people considering giving their time and/or resources. It is also important to attract members and volunteers from the widest possible cross section of the community and that where sections of the community are not well represented, the National Society should employ new strategies to reach out to them.

The National Society should thus ensure that all sectors in the community which are under-represented in the National Society (e.g. women, youth, people living with disabilities, ethnic minorities etc.), are increasingly involved in the life and activities of the National Society. In other words, National Societies should be mindful that inclusion and committing to a diverse membership base goes beyond just being 'open to all' and must be proactively developed.

MEMBERSHIP-SPECIFIC STANDARDS**STANDARD 2.2**

The Statutes define membership and distinguishes it from other types of engagement with the National Society.

STANDARD 2.3

The Statutes define the rights and duties of members.

- **Mandatory**

Where the National Society has different categories of members, such as for example individual, collective or honorary members, the access criteria to each category and their respective rights and duties must be clearly described.

Membership rights must include:

- to elect and be elected to the governing bodies,
- to participate and vote in the meetings of the local assembly and, if elected, in the assemblies of the higher levels of the organisation, and
- to present proposals and raise issues with the relevant authority in the National Society.

Membership duties must include:

- to adhere to the Fundamental Principles,
- to respect and help protect the emblem,
- abide by the National Society's rules, policies and procedures;
- any financial (such as membership fee) or other conditions if existing, in which case these should be set at a level not excluding certain groups from membership.

The National Society must ensure that the rights and duties are disseminated to the members and can decide to make reference hereto in the statutes. [An example of where the core group is not in agreement is whether this is mandatory or optional or belongs in explanatory text: Some see this as an obligation on the National Society, which should be referenced in the statutes and/or other regulatory documents, and others agree that rights and duties must be made known, but do not find that this is an issue, which should necessarily be regulated. In the consultation, some National Societies warned against overregulating.](#)

Illustration

To be developed on different categories of membership, such as collective, corporate or honorary membership or individual givers.

STANDARD 2.4

The Statutes define the process of becoming a member and how membership ends.

• **Mandatory**

The Statutes must describe how and where to apply for or end membership.

The conditions under which membership dissolves automatically must be explained (e.g. death of the member, non-payment of membership fee where applicable).

The Statutes must define the circumstances in which a member can be suspended or expelled.

Suspension and expulsion can only take place for serious causes and the General Assembly or Governing Board must define what constitutes 'serious cause'.

The statutes must describe who or which body can make the decision to suspend or expel, and reference must be made to whatever procedure or mechanism which exist to guarantee fair treatment and fair process.

The process for suspension or expulsion must be fair and transparent and in accordance with national law, e.g. the member must be informed promptly and in writing and have the opportunity to comment and be heard.

There must be a system for the effective hearing of appeals or an external arbitration procedure.

Optional

The National Society can decide to have a dispute resolution mechanism or a mediation set-up, which could involve use of both internal and external competencies.

Illustration

To be developed on dispute resolution etc. – cross reference to chapter V.

Explanatory text

The Statutes must describe where and how to apply for membership and how to end membership. However, the details of these processes may be defined in subsidiary regulations such as by-laws, procedures or policy instruments.

Membership rights and duties may be defined in subsidiary regulations such as by-laws, procedures or policy instruments (e.g. membership policy or Code of Conduct). In this case, these subsidiary texts should be referenced in the Statutes.

Serious cause for the purpose of suspension / expulsion should be defined as the display of character incompatible with the Fundamental Principles, engagement in activities which are detrimental to the reputation, image or activities of the National Society.

VOLUNTEER SPECIFIC STANDARDS

STANDARD 2.5

The Statutes define volunteers distinguishing them from other forms of engagement with the National Society

STANDARD 2.6

The Statutes define the rights and duties of volunteers.

Mandatory

The rights and duties of volunteers must be clearly described.

Volunteer rights must include:

- to receive appropriate support, for example in the form of trainings and briefings to carry out volunteer work;
- to present proposals and raise issues with relevant authority in the National Society and receive a timely response;
- to have protection in connection with their engagement with the National Society (e.g. safety and security, protection from abuse, psychosocial support, insurance etc.);
- to be reimbursed for costs incurred while on active duty.

Volunteer duties must include:

- to adhere to the Fundamental Principles;
- to respect and help protect the emblem,
- to adhere to the National Society's rules, policies and procedures including a Code of Conduct; and
- to participate actively in the work of the National Society based on interest and qualifications.

The National Society must ensure that the rights and duties are disseminated to the volunteers and can decide to make reference hereto in the statutes. [The same discussion has taken place here as described in the mandatory section under standard 2.3.](#)

Optional

The statutes could make reference to the National Society's volunteer policy.

The National Society may decide to give volunteers the right to participate in General Assemblies at local or central level.

The National Society may decide to give volunteers the right to vote in governance elections. In this case to establish criteria herefor (e.g. length of volunteer involvement).

The National Society may decide to give volunteers (who are not members) the right to be elected for governance positions. [The Core Group is still discussing the different ways to grant volunteers the right to vote and be elected. Some National Societies do it through granting active volunteers membership status, while there could also be other ways of doing so.](#)

Illustrations

Illustrations to be developed including on:

- New types of volunteering such as virtual volunteers and 'ad-hoc' volunteers
- Voting rights to volunteers and possible other groups e.g. blood donors
- Working with volunteers who are not RCRC volunteers.

STANDARD 2.7

The Statutes define the process of becoming a volunteer and how volunteering ends.

• **Mandatory**

The Statutes must describe central elements of how and where to become a volunteer.

The statutes must describe in central elements how volunteering comes to an end, namely because of the volunteer's own decision; where it ends automatically (e.g. death or inactivity over sustained periods of time); suspension or expulsion.

Suspension and expulsion can only take place for serious causes and the General Assembly or Governing Board must define what constitutes 'serious cause'.

The statutes must describe who or which body can make the decision to suspend or expel.

The process for suspension or expulsion must be fair and transparent and in accordance with national law, e.g. the volunteer must be informed promptly and in writing and have the opportunity to comment and be heard.

There must be a system for the effective hearing of appeals or an external arbitration procedure.

Optional

The National Society can decide to have a dispute resolution mechanism or a mediation set-up, which could involve use of both internal and external competencies. (cross reference to chapter V).

Illustration

To be developed on dispute resolution etc. (cross reference to chapter V).

Explanatory text

Volunteers must be distinguished from employees of the National Society.

National Societies might have many different types of volunteers that are called by different names in different contexts, e.g. stand-by volunteers, cyber volunteers, and hoc/temporary volunteers. Contrary to membership there is rarely need to differentiate the rights and duties of different volunteer categories.

[The core group still needs to discuss possible Statutes regulation of volunteers that are mobilized for sustained periods of time \(disaster or conflict situations\) against the payment of per diem/allowances. This warrants accessing a separate temporary status that must be defined and regulated somewhere \(either in the Statutes or, better, in the Volunteering policy\).](#)

Some National Societies require that volunteers in leading or supervisory volunteer roles are also members, or that members volunteer.

[Text to be further developed, including on ad hoc volunteering and what this means; gender, youth and diversity (ref. Standard 2.1 above). Input to be provided by IFRC's Volunteer team and the IFRC Youth Commission, who has offered to engage with the process. Reference will be made to the Volunteer Charter which will be adopted at the 2017 IFRC GA, which references rights and obligations of RCRC volunteers]].

Chapter III: LEADERSHIP (GOVERNANCE AND MANAGEMENT)

Objectives of this chapter:

- To define the leadership tasks that must be fulfilled at all organisational levels of the National Society.
- To ensure that those tasks are clearly assigned to the various bodies or individuals of the National Society in a way that ensures a strong and accountable organisation.
- To avoid that any person or body in the National Society have disproportional or unchecked power and authority
- To ensure a fair and transparent process of elections and the legitimacy of leadership.

Strong links to the Fundamental Principles of: Neutrality, independence, volunteer service and conditions 6 and 8 for recognition of National Societies.

Introduction and terminology

The Chapter focuses on National Society leadership, which can be organised in different ways according to the National Society's context and legal tradition.

This chapter and the broader document use the term 'Secretary General' as a generic term for the National Society's head of management, which in some countries is known as CEO, Executive Director or similar. The document refers to the term 'President' to describe the head of governance, who may in some contexts be known as Chairperson. The terms General Assembly and Governing Board are used to refer to the National Society's highest governance bodies, however, there are many other terms in use, e.g. Annual Meeting, Governing Council or National Council.

STANDARD 3.1

The Statutes must define and allocate the leadership tasks and responsibilities to the National Society's individual leadership positions and bodies.

Mandatory

The National Society must ensure that all relevant leadership tasks and responsibilities have been defined and allocated to individual leadership positions and bodies.

STANDARD 3.2

The Statutes clearly define the bodies and positions that make up the leadership of the National Society at all levels and their specific functions.

Mandatory

The Statutes define the composition, responsibilities, specific functions, duties and procedures of the various bodies (as a minimum the General Assembly, Governing Board, and advisory committees if existing) and positions (as a minimum President, Vice-president, Treasurer and Secretary General) that collectively constitute the leadership of the National Society.

All the important leadership tasks must fall under the responsibility of an individual or body or be shared amongst them.

In some countries, there is a practice of government appointment of a number of governance positions. This is not recommended from an independence perspective, but if such a practice is in place, the statutes must provide the necessary safeguarding tools to protect the ability to act in accordance with the fundamental principles.

Government appointed members may never constitute a majority nor a blocking minority. This provision goes to the core of the fundamental principle of independence and has been debated by the core group. There is a need to further expand on the safeguarding tools. As well, the various ways in which this practise unfolds should be further explored. For example, government representatives with and without voting rights, representatives confirmed versus appointed, etc.

Illustrations

To be developed on the modalities of government representation or participation on a National Society's governance bodies.

Optional

The Statutes could include specification of processes to ensure regular and systematic sharing of information between leadership bodies and individuals.

STANDARD 3.3

The Statutes ensure that there is a balance of powers in leadership authority and decision-making.

Mandatory

No single leadership body and/or position may have unchecked power and authority.

The Statutes ensure sufficient checks and balances among the various leadership bodies and individuals.

Checks and balances are understood as a means of balancing executive and oversight functions and powers to prevent any one person or body from accumulating sufficient power to alienate the organisation from its principles, values and mission. Checks and balances are meant to encourage cooperation between individuals and bodies as well as constructive critical debate on policy issues and their implementation.

The 2000 Guidance document made a separation of governance and management a minimum requirement as a way of ensuring that a system of checks and balances was in place. The principle has been debated at length, including in the Governing Board Governance Working Group. A number of well-functioning National Societies have executive presidents and combine the role of President and Secretary General, so that this person heads the Governing Board and is also responsible for the daily running of the National Society. However, these National Societies have other checks and balances in place in order to prevent an accumulation of power. These checks and balances must be elaborated and described further in the Guidance Document.

Illustrations

- On how National Societies have inserted checks and balances and ensured a balance of power among leadership positions and governance bodies, including of both separation of governance and management and the executive president model.

STANDARD 3.4

The Statutes ensure a regular rotation of governance positions.

Mandatory

The Statutes specify the duration of the term of office for all governance positions at central level, as well as the conditions for re-election.

There must be a limitation on the number of consecutive terms an individual can hold in governance positions at central level.

The Statutes considers how to ensure institutional memory in the governance bodies (e.g. by ensuring that governance positions are not elected at the same time).

Optional

The Statutes may also include a limitation on the number of terms of office and individual can hold at the branch governance level.

The limitation on terms of office was commented on during the consultation, both in favour and against. The core group has come out in favour of a limitation on the number of terms an individual can hold a central governance position and suggests to recommend two consecutive terms of four to five years as a maximum. A majority within the core group felt that this is an important check and balance, aimed at avoiding concentration of power and ensuring freshness of insight and adjustment to changes in the operative environment of the National Society. A minority felt that there was a risk of losing talent and institutional memory and that in practise it might be difficult to find candidates. The majority of the Core Group agrees to make in an optional recommendation for local office. Some National Societies have argued that it would make it impossible to fill local positions, others that the local positions are the basis for central positions and that therefore, limitation on terms was even more important at local level. This discussion has important links to Standard 3.7, as a legitimate election system in itself furthers rotation and empowers members and volunteers. Furthermore, some National Societies have high-lighted that giving volunteers voting rights furthers rotation.

Illustrations

To be developed on rotation.

STANDARD 3.5

The Statutes define the roles, authority and responsibilities of the Secretary General and the procedures related to his/her appointment and termination.

Mandatory

The Secretary General is not elected, but appointed by governance (normally the Governing Board). This principle is primarily relevant to National Societies that do not have an executive President. It has been debated in the core group whether it is mandatory for the General Secretary to be appointed by either the Governing Board or the General Assembly and whether by principle the President should not

be appointed by the same body. Some argue that this is an important check and balance, others that appointment by the same body gives them equal legitimacy.

The Statutes must define selection criteria for the Secretary General.

In National Societies with governance and management separation, the Secretary General participates in the meetings of the Governing Board in an advisory capacity.

The Statutes define the core functions of the Secretary General and his/her reporting lines. These functions ensure that the decision-making authority is shared as appropriate with other leadership positions and that lines of accountability are clearly defined.

The Governing Board (or General Assembly in some cases) defines the profile and the performance standards for the position of Secretary General, ensures accountability and monitors his/her performance.

STANDARD 3.6

The Statutes define clear and transparent decision-making processes.

Mandatory

The Statutes must define the role and powers of individuals in governance positions e.g. President, Vice President and Treasurer.

The Statutes must define the powers, composition, quorum and procedures (including where meetings are reconvened) for the governing bodies at all levels, e.g. General Assembly, Governing Board, Branch Boards, Finance Commission and other governance advisory bodies.

STANDARD 3.7**The Statutes ensure the legitimacy and capacity of the National Society's Leadership.****Mandatory**

The Statutes describe the procedures of election and/or appointment of representatives in the different governance bodies at all levels, which must reflect fairness and transparency, including:

- Which body/bodies elect or appoint the representatives of the different governance bodies;
- Criteria for elected and appointed positions, including specific profiles or requirements for 'specialised' governance roles, e.g. the treasurer;
- How candidates are selected;
- Elections are to be free and fair, and conducted by secret ballot;
- Procedures in the case a position falls vacant;
- The grounds for non-eligibility, and grounds and procedures for removing elected individuals from office. (Link to Chapter V).

No individual who complies with the eligibility criteria should be excluded from running for leadership positions.

The Statutes must establish procedures, through a Code of Conduct or other regulatory mechanism, to ensure that there is no conflict of interest (which includes nepotism) at any level of the National Society. (Link to Chapter V).

Optional

The National Society can decide to establish advisory bodies which report to the Governing Board or General Assembly.

Options will be developed on the use of technology and electronic voting.

The National Society might decide to use co-option to ensure the necessary competencies to carry out its leadership tasks: e.g. co-opting a certain number of members on the Governing Board or Finance Commission. [The issue of co-option has also been a topic of discussion in the Core Group. What mechanisms should be in place, what competencies and profiles are often sought after?](#)

The National Society can decide to require individuals in governance positions to declare potential conflicts of interest (financial, family relations etc.). (Link to Chapter V).

The National Society could decide to have more restrictive or additional eligibility criteria in place for the positions of President and Vice-President as opposed to the rest of the Governing Board. (Link to Chapter V).

Illustrations

To be developed on:

- Minimum profiles for positions
- Co-option.
- The use of technology and electronic voting.

Explanatory text

[Explanatory text will be added to explain and list key leadership tasks].

It is important that the National Society ensures that its governance has the necessary capacity, availability and competencies to carry out their assigned roles and responsibilities e.g. by giving them appropriate induction and training.'

The National Society must work proactively to ensure the representation of all groups in the community, in leadership roles (for example, women, youth, disabled, etc.). *[Input from Youth Commission will be added].*

In the event that a governance member occupies or obtains a position outside the National Society, which could constitute or trigger a perception of being in conflict with the principle of independence, or involves a serious or permanent conflict of interest, he or she must resign from his or her functions with the National Society and abstain from any voting during the interim period.

[Explanatory text should be developed on conflict of interest (not only vs government). A link will be made to the Compliance and Integrity Chapter and the importance of safeguards. Further text will be included on the governance bodies, based on the original 2000 Guidance document. Further text may be added on co-option].

Chapter IV: STRUCTURE/TERRITORIAL COVERAGE

Key objectives of this chapter:

- To describe how the National Society is organised in order to reach the entire territory of the State;
- To clarify the different levels of the organisation and the procedures for the establishment and dissolution of branches and other local bodies of the National Society;
- To define the governance and management structures at branch/ local level;
- To establish an organisational structure where decisions are taken at the most appropriate level, while ensuring that the National Society's branches remain accountable to the central structures; and
- To set up procedures to ensure that the National Society branches are represented at the central level.

Strong links to the Fundamental Principles of: Unity, universality and independence and conditions 2, 6 and 7 for recognition of National Societies.

Introduction and terminology

The focus of this chapter is the cohesion of the National Society in line with the Fundamental Principle of unity and its obligation to carry out humanitarian work throughout the national territory.

National Societies continue to innovate and develop their structures. This Chapter addresses key and strategic functions which must remain centralised while recognising the importance of local initiatives.

There is great diversity in the way in which National Societies are structured and how they ensure their ability to extend their work and activities across the national territory. Some have a federated structure, others are based on a centralised organisational model. National Societies may have a two or more level structures, while others do not have branches at all.

The term branch also includes other equivalent local entities and the standards on branches are only relevant where the National Society has such local entities.

STANDARD 4.1

There is only one National Society in the country and it serves the whole territory.

Mandatory

The Statutes must describe the National Society structure and its central and local bodies, and how this structure allows the National Society to cover the humanitarian needs effectively and efficiently across the territory.

The National Society must respect the territory of other National Societies (as per Movement agreed coordination rules and frameworks).

Illustrations

Illustrations will be developed on:

- National Societies that work through federated, centralised and decentralised structures.
- National Societies with two or more level structure (and different governance models).
- National Societies with autonomous legal entities.

STANDARD 4.2

The National Society decides, acts and speaks as one.

Mandatory

The Statutes must describe the National Society's organisational structure and give a clear delineation of roles between the different levels of the National Society.

The National Society is governed by a central body, which is responsible for the overall strategy and policy and regulatory framework.

The National Society's central body represents the National Society in its interaction with other components of the Movement and with external partners.

The Statutes must ensure that rules and procedures are in place to enable the branches to participate effectively in the National Society's decision-making process at central level. At a minimum branch governance must be represented in the National Society's General Assembly.

Where applicable, units and departments of the National Society that are recognized as distinct legal entities or that enjoy a degree of autonomy (e.g. youth chapters, blood banks, ambulance services) must be committed to abide by the decisions, policies and regulations adopted at the central level.

STANDARD 4.3

The National Society's local entities enjoy authority to act on matters of local relevance, while being accountable to the central level and acting within the National Society's overall framework.

Mandatory

In relation to centralised functions:

- Guardian of the integrity of the National Society, including the use of the emblem and the Fundamental Principles;
- Contacts with the central public authorities regarding the National Society's auxiliary role and activities;
- International relations, including contacts with other components of the Movement;
- Overall policy frameworks and risk management;
- Co-ordination of national programmes to ensure resources are allocated according to humanitarian needs;
- Overall financial co-ordination and oversight, including consolidated budget and financial accounts;
- Accountability for funds from external sources.

In relation to local entities:

- Branches must have adequate authority to execute their activities effectively in accordance with the National Society's strategic and policy framework.
- For National Societies where branches constitute independent legal entities, the statutes of these branches must comply with the National Society Statutes and its strategic and policy framework.
- For National Societies with special structures which enjoy a high level of autonomy (e.g. subsidiary companies/independent institutions such as ambulance services and blood banks, overseas and diaspora branches, independent youth chapters) the legal and statutory base of these structures must comply with the National Society Statutes.
- Specification of reporting and communication lines between the different levels of the National Society (e.g. branches should submit financial accounts to the central level on an annual basis at least).
- Branches may only establish formal co-operation agreements, which incur significant commitments, including financial commitments, with other organisations (including local authorities) after the approval at the central level (e.g. by the Secretary General or Governing Board depending on nature and scope of co-operation).

The Statutes must regulate the establishment of branches, including approval at the central level (e.g. Governing Board or General Assembly).

The dissolution of branches must be regulated.

The National Society must ensure needs are met across the territory in the event that a branch dissolves.

STANDARD 4.4

Financial obligations between central and branch level are clearly defined.

Mandatory

The Statutes must define any financial obligations expected from the branches towards the central level and/or vice versa, or refer to the relevant policy regulating this matter.

Explanatory text:

[To be further developed, different organisational models in use to be described, e.g. centralised, decentralised, federated, etc. Further explanation to be added on distinct legal entities (blood banks, commercial companies, youth departments)].

At a minimum, branches must be able to participate or be represented in the National Society's General Assembly.

Chapter V: COMPLIANCE AND INTEGRITY

[This chapter will be revised based on input from the Audit and Risk Commission; Compliance and Mediation Commission and input from the 2017 IFRC GA workshops.]

Key objectives of this chapter:

- To define integrity standards of the National Society. To define the National Society's internal processes, procedures and mechanisms that ensure compliance and address possible integrity breaches.
- To define due process guarantees when addressing integrity breaches.

Strong links to Fundamental Principles of: Humanity, impartiality, neutrality, independence and conditions 6 and 10 for recognition of National Societies.

Introduction and terminology

Several elements of this chapter are cross-cutting and should be read in conjunction with the other chapters. National Societies are not requested to have a separate chapter on compliance and integrity in their own statutes. However, since compliance and integrity are critical to the perception and image of the National Society, and because breaches will also impact negatively on the reputation of the Federation and the Movement as a whole it has been decided to have a separate chapter in the Guidance Document. It will focus on the mechanisms, policies and procedures that a National Society can put in place to prevent and address compliance and integrity breach.

Building on the Integrity Policy of the IFRC, integrity is defined as the extent to which a National Society acts in pursuit of its declared objectives, policies and standards in full accordance with the Fundamental Principles.³ Compliance means abiding by applicable rules, policies and procedures.

Acting with integrity helps to ensure that the National Society is accountable to its stakeholders for the quality of its services as well as the efficient use of resources while performing its mandates and roles. The integrity framework of the National Society should also lay out steps to prevent and address any shortcomings in the National Society's actions, or that of its members, staff and volunteers.

STANDARD 5.1

The Statutes commit the National Society to comply with applicable integrity related standards and policies adopted by the IFRC and the Movement; and with relevant National Society policy and national law.

Mandatory

The Statutes define the standards which must be upheld at all times by the National Society, as well as by its members, staff and volunteers.

The Statutes make reference to the commitments of the National Society to respect the mandate and decisions of the IFRC's Compliance and Mediation Committee in the case of a breach of integrity.

STANDARD 5.2

The Statutes define the processes, procedures and mechanisms, which ensure that integrity standards are complied with by leadership, volunteers, members and staff at all levels.

Mandatory

[The text below may be revised and two Standards created instead of one. Some points may be moved to the Leadership Chapter].

The Statutes describe the responsibilities of leadership with regards to monitoring and ensuring compliance and integrity. (Link to Chapter III).

The Statutes describe the mechanisms in place to prevent and sanction fraud and corruption, which must demonstrate zero-tolerance.

The Statutes define or reference a Code of Conduct and/or a broader behavioural framework to be signed by persons in governance positions, volunteers and staff at all levels of the National Society.

³ IFRC Policy on the Protection of Integrity of National Societies and Bodies of the International Federation (link: <https://fednet.ifrc.org/PageFiles/81211/Integrity%20policy-ENG.pdf>)

The Statutes must include reference to the internal rules, regulations and/or policies which define applicable sanctions and procedures for non-compliance, as well as due process guarantees. (Link to Chapter II in relation to members and volunteers and link to Chapter III in relation to leadership).

The Statutes define what constitutes a conflict of interest, and how potential conflict of interest cases are decided and addressed.

The Statutes ensure that the National Society is able to maintain autonomy of action and decision making, in particularly towards public authorities and private sector/single corporations. This involves setting procedures for eligibility for leadership positions and procedures for disqualification and removal from such positions (link to Chapter III).

The eligibility criteria for governance positions must exclude staff from running for elected office. If a governance member is recruited as a staff member he/she must resign from elected office. However, in some contexts national law requires staff representation in a Governing Board. In such cases the procedure for the election must be regulated.

Illustrations

Several illustrations will be developed.

Optional

The Statutes could consider to include or refer to the following processes, procedures and mechanisms:

- Specialised governance bodies within such areas as Integrity; Compliance; Finance; Audit and Risk, and Election, which could make use of co-option or include an external element (e.g. an external auditor).
- External compliance and integrity mechanisms, such as an Ombudsperson, an independent Ethics Committee etc.
- A complaint and feedback mechanism and/or whistle blower policy;
- A mechanism for dealing with disputes in the National Society such as mediation/arbitration procedures;

Illustrations

Several illustrations will be developed.

Explanatory text

[This section will be elaborated, also to explain the specific obligations of National Society under the Constitution of the IFRC].

Upholding integrity standards guarantee the respect from all our key stakeholders which is an absolute necessity for the success of our mission. Without that respect, the access to beneficiaries, acceptance by the authorities, support from donors and partners and the goodwill from the public at large will be lost. The standards are further derived from and/or include: the Fundamental Principles; the 10 Conditions of Recognition and relevant IFRC and Movement policies, in particular the IFRC's Policy on Integrity.

A code of conduct must specify that members of governance act in their personal capacity and solely in the interest of the National Society. It serves to regulate "conflict of interest" which can originate from different sources, such as commercial interests, family links (specifically when employing people) and governmental ties which could infringe with the independence of the National Society.

The Statutes commit the National Society to adopt staff regulations which define the process of sanctioning contractual breaches related to integrity of staff in accordance with national labour law. Text

to be added on the different procedures for termination of hired staff and elected members in cases of non-compliance.

Conflict of interest can be defined as a situation that has the potential to bias or alter the decisions or behaviour of a person because of a clash between the person's self-interest, on the one hand, and the interest of the National Society, on the other hand. While it is, in itself, relevant to distinguish between an actual conflict of interest and a perceived one ('seen to be'), a perceived conflict of interest may be sufficient for a member of governance to give up his/her position or be asked to do so in order to safeguard the reputation and image of the National Society.

In cases of conflict of interest, and depending on their significance and/or whether they relate to a specific situation or are more permanent in nature, different measures can be put in place. In the event of a permanent conflict of interest, e.g. a governance member appointed to a high-level government position, a family member recruited to a senior staff position in the National Society, there could be a requirement to resign from any position within the National Society and in the interim to abstain from voting.

All senior management staff contracts must include specific clauses to ensure that functions they may have outside of the National Society do not give rise to a conflict of interest nor interfere with the successful execution of one's duties within the National Society. They are to refrain from practices coming under the definition of nepotism. In the event of a conflict of interest, they should be committed to resign from their position in the National Society without financial compensation and in the interim to refrain from taking part in the National Society's decision-making processes.

Chapter VI. FINANCIAL MATTERS

Key objectives of this chapter:

- To commit the National Society to appropriate ethical and professional standards and transparent resource mobilization and management practices.
- To define the financial accountability requirements.

Strong links to Fundamental Principles of: Humanity, impartiality, neutrality, independence, and conditions 6 recognition of National Societies.

Introduction and terminology

The purpose of this Chapter is to ensure clear and accountable financial management practises, and to encourage the creation of a diversified and stable income base of National Societies through principled and ethical fundraising approaches. Securing diversified and sustained sources of income will help to ensure the business continuity of the National Society and prevent that its integrity becomes threatened as a result of a too strong dependency on any financial contributor, whether domestic or international.

[Text and standards to be developed in cooperation with the IFRC's Audit and Risk Commission].

STANDARD 6.1

Sufficient resources are mobilised to ensure the sustainability of the National Society but without in any way compromising the National Society's image, independence or reputation.

[The Core Group agreed on this as an important organisational development goal, but disagreed on whether it should be included in the statutes and if so whether it should be mandatory or optional. Sustainability and sufficient funding are important leadership task and some Core Group members thought it should be mentioned here. In the consultation, some National Societies saw the standard as an important statutory issue others disagreed. Some warned against over-regulation.](#)

Mandatory

The National Society must strive to cover, at a minimum, its core costs through diversified sources, which are preferably mobilised domestically.

The Statutes must define the main sources of income for the National Society, for example: membership fees or funds raised for programmes/projects of the National Society etc.

STANDARD 6.2

Resources are mobilised and managed in a transparent, efficient, principled and accountable way.

Mandatory

The Statutes must include a definition of the fiscal year of the National Society.

The Statutes must clarify responsibilities relating to the management of financial resources, in particular the drafting/approval of the budget, financial reporting and auditing accounts.

The Statutes must define the leadership bodies or individual positions responsible for financial management e.g. treasurer, finance commission, audit and risk; fraud and corruption prevention. (Links to Chapter V).

The Statutes must provide clarification of the relationship between the central level and the branch levels regarding the mobilisation, attribution and spending of resources.

The Statutes commit the National Society to mobilise resources in a transparent, principled, ethical and accountable way, and in accordance with relevant rules and policies adopted within the Movement (e.g. the use of the emblem, partnerships with the corporate sector, the principles of cooperation and resource mobilisation).

STANDARD 6.3

The Statutes commit the National Society to conduct an external, independent and consolidated audit of accounts at the end of each fiscal year.

[This text will be elaborated in collaboration with the IFRC's Audit and Risk Commission.]

Mandatory

Minimum audit standards shall be applied. The audit must be conducted by a company of chartered accounts or an independent certified auditor.

Auditors must be appointed by the National Society's Governing Board or the General Assembly.

Explanatory text:

The National Society must at all times abide by and respect the financial and fiscal regulations of the country.

National Societies must not accept donations from sources that are incompatible with the Fundamental Principles and the objectives of the Movement or that could otherwise adversely affect the Society's image and reputation or that of the Movement.

National Societies must only accept funds where they are sure that the activities for which they are raised will be implemented.

Chapter VII. FINAL PROVISIONS

Key objectives of this chapter:

- To define the process for amending the Statutes.
- To define the procedures for the dissolution and liquidation of the National Society.

Strong links to Fundamental Principles of: Humanity and condition 6 for recognition of National Societies.

STANDARD 7.1

The Statutes define the procedures and rules for their revision.

Mandatory

The responsibility to adopt revisions to a National Societies' Statutes rests with the National Society's highest governance body, normally the General Assembly.

A qualified quorum (present and voting) is required for revision.

Draft amendments to a National Society's Statutes must be submitted to the Joint ICRC/International Federation Commission for National Society Statutes (JSC), and recommendations must be taken into consideration.

The Statutes must be reviewed at least every 10 years.

The date of entry into force of the revised Statutes must be specified.

Optional

The Statutes can describe which body decides in the event of dispute or uncertainty as to how the Statutes are to be interpreted.

STANDARD 7.2

The Statutes contain provisions for the dissolution and liquidation of the National Society.

Mandatory

The Statutes must describe under what conditions the National Society can be dissolved.

The Society may only be dissolved by decision of the Society's highest Governance body, normally the General Assembly.

The decision to dissolve the National Society must be made with a qualified quorum and majority.

The Statutes describe the procedure for dissolution and liquidation of the National Society and define the modalities of distribution of the Society's remaining assets.

Where a National Society is dissolved and liquidated, remaining assets must be redistributed to another national humanitarian organisation with similar objectives and tasks.

STANDARD 7.3

The Statutes are disseminated to all stakeholders of the National Society at central as well as local levels.

Mandatory

The Statutes must be translated into the official languages of the State on which territory the National Society is established.

In the event of more than one official language, the Statutes must define which language takes precedence in case of conflict between different language versions.

Optional

The Society can decide to translate the Statutes into other languages or dialects in use across the national territory.

Explanatory text

The National Society has the prerogative to adopt by-laws, internal regulations and /or policies to complement the provisions of the Statutes

In contexts where the establishment of a National Society is regulated by law, the dissolution of the National Society must be in accordance with the applicable provisions.