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OF THE INTERNATIONAL RED CROSS AND RED CRESCENT MOVEMENT

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RESOLUTION 7.2

Report of the Joint ICRC/International Federation Commission for National Society Statutes

RESOLUTION 7.2

Revision of National Society Statutes

The Council of Delegates

recalling Resolution 6 of the 2005 Council of Delegates, which adopted the updated Strategy for the International Red Cross and Red Crescent Movement (Movement) reinforcing the ambition to build an even stronger Movement through enhanced cooperation for effective humanitarian action throughout the world,

reaffirming Action 3 of the Strategy for the Movement, which calls on all National Societies to examine their Statutes and related legal texts by 2010 and, where necessary, to adopt new constitutional texts, in accordance with the "Guidance for National Societies Statutes" (Guidance document) and relevant resolutions of the International Conference (Resolution 6 of the 22nd International Conference, Teheran 1973, and Resolution 20 of the 24th International Conference, Manila 1981),

further recalling Resolution 7 of the 2007 Council of Delegates, which urges all National Societies, as requested under Action 3 of the Strategy for the Movement, to examine and update their Statutes and related legal texts by 2010, in accordance with the Guidance document and relevant International Conference resolutions,

welcoming the report of the Joint ICRC/International Federation Commission for National Society Statutes (Joint Statutes Commission), which summarizes the progress made, the experience gained and the work still to be undertaken,

noting with concern that despite the progress achieved, the Movement is still far from reaching its objective of ensuring that by 2010 the Statutes of all National Societies comply with the minimum requirements set out in the Guidance document,

1. *draws* the attention of all components of the Movement, in particular their leadership, to the crucial importance of high-quality Statutes and related legal texts for the National Societies' ability to deliver effective services to people in need and to act in conformity with the Fundamental Principles,
2. *urges* National Societies to continue working closely with ICRC and International Federation delegations, to consult with the Joint Statutes Commission and to take the Commission's recommendations into account in order to ensure that all National Societies have examined and updated their Statutes and related legal texts by the end of 2010, as requested under Action 3 of the Strategy for the Movement and in accordance with the Guidance document and relevant International Conference resolutions,
3. *calls upon* National Societies which have not yet initiated or concluded a Statute-revision process to take the necessary steps to fulfil the objective of Action 3 of the Strategy for the Movement on the basis of the Guidance document and the supplementary Advisory Notes,

4. *recommends* to National Societies undertaking a revision process that they be particularly attentive to the following issues identified by the Joint Statutes Commission as the issues most often at variance with the Guidance document in the National Society draft Statutes:
 - a clear definition of National Society's relationship with the public authorities and its auxiliary status in the humanitarian field is needed, in respect for the Fundamental Principle of Independence,
 - a clear definition is needed of the governing bodies (composition, duties, procedures and rotation),
 - separation must be ensured between governance and management functions,
 - membership must be defined,
 - the branch structure must be clearly set out (how branches are created, what bodies govern them and the relationship between branches and headquarters),
5. *strongly encourages* National Societies undertaking a revision process to use the Guidance document as reference document, as well as the Advisory Notes drawn up by the Joint Statutes Commission, in particular Advisory Note No. 3 on the process of revising National Society statutes,
6. *invites* the International Federation and the ICRC to draw on the work of the Joint Statutes Commission in order to provide the next Council of Delegates with a comprehensive assessment of the fulfillment of the objective set in the Strategy for the Movement (Action 3) and to present the Council with recommendations on the most appropriate ways to continue the process of working with National Societies on their Statutes after the 2010 deadline for Action 3 of the Strategy for the Movement has expired.

Report of the joint ICRC / International Federation Commission for National Societies statutes

Executive Summary

Many National Societies have undertaken new work to update their Statutes in the last two years. Significant progress has been made but there is still a great deal to do if the International Red Cross and Red Crescent Movement is to come close to meeting the goal set out in Action 3 of the Strategy for the Movement that:

“All National Societies examine their Statutes and related legal texts by 2010, and, where necessary, adopt new constitutional texts, in accordance with the Guidance for National Society Statutes and relevant Resolutions of the International Conference (Resolution 6 of the 22nd International Conference, Tehran 1973, and Resolution 20 of the 24th International Conference, Manila, 1981).”

Work on the legal base and the Statutes of National Societies is often relatively slow moving and time consuming. And yet the quality of the legal base and the Statutes has big influence on the effectiveness of the National Society and on its capacity to act at all times in accordance with the Fundamental Principles. This issue therefore matters greatly and is one that should concern the leadership of National Societies.

The report outlines progress made in the last two years, assesses the difficulties faced and develops ideas for the way forward. This provides the basis for a draft resolution calling for renewed efforts by National Societies, including in particular those that have not yet begun work on a review process since the adoption of the Strategy for the Movement. It also calls on the ICRC and International Federation to reinforce their own efforts and the contribution of their delegations in supporting National Societies in this work.

1. INTRODUCTION

Much of the work of National Societies is concerned with planning and managing the response to daily needs in the community. The focus is on timely and effective response to needs in different fields. In contrast work on the legal base and the Statutes of National Societies is often relatively slow moving and time consuming. And yet the quality of the legal base and the Statutes has big influence on the effectiveness of the National Society and on its capacity to act at all times in accordance with the Fundamental Principles. Issues such as clarity of purpose, auxiliary status in the humanitarian field and more generally the relationship with government, the process for the election of leaders and the selection of the executive leadership, branch structure and the rights and duties of members are in the medium and long term fundamental determinants of effective operations and service delivery.

Beyond the context of the International Red Cross and Red Crescent Movement (Movement), the importance of the quality of the legal base, and the governance, of public and private organizations has been highlighted by events in the last few years. The work of the Joint ICRC/International Federation Commission for National Society Statutes (Joint Statutes Commission) should be seen against this background.

The Joint Statutes Commission was established to help National Societies work effectively and adhere at all times to the Fundamental Principles by strengthening their legal base. To achieve this objective, the Joint Statutes Commission:

- provides recommendations on the legal base of National Societies, *i.e.* their Statutes and National Society laws/decrees. In particular, the Commission assesses the compliance of draft Statutes with the minimum requirements set out in the official *Guidance for National Society Statutes* document (*Guidance document*) and of draft laws/decrees with the minimum elements contained in the *Model Law on the recognition of National Societies* (*Model Law*);
- assesses applications by new Societies for recognition by the ICRC and for admission to the International Federation on the basis of the 10 conditions for National Society recognition and makes recommendations in this regard to the ICRC and the International Federation.¹

The present report is submitted in the framework of Action 3 of the Strategy for the Movement adopted in 2001 and revised in 2005. It highlights the developments in terms of National Society Statutes that have taken place since the 2007 Council of Delegates. It further provides an assessment of the fulfilment of the objective defined in the Strategy for the Movement and summarises the activities of the Joint Statutes Commission during the period under review (November 2007-August 2009).

¹ For detailed information on the mandate, composition and working methods of the Joint Statutes Commission, see Annex 1.

2. CONTEXT

Action 3 of the Strategy for the Movement stipulates that:

“All National Societies examine their Statutes and related legal texts by 2010, and, where necessary, adopt new constitutional texts, in accordance with the Guidance for National Society Statutes and relevant Resolutions of the International Conference (Resolution 6 of the 22nd International Conference, Tehran 1973, and Resolution 20 of the 24th International Conference, Manila, 1981).”²

This objective was reinforced by Resolution 7 adopted by the Council of Delegates in November 2007. In this Resolution, the Council of Delegates:

“further welcoming the report of the Joint ICRC/International Federation Commission for National Society Statutes emphasizing that the adoption of a strong legal base is a crucial element allowing National Societies to perform their mandate efficiently and in compliance with the Fundamental Principles,

...

urges all National Societies, as requested under Action 3 of the Strategy for the Movement, to examine and update their Statutes and related legal texts by 2010, in accordance with the Guidance for National Society Statutes and relevant International Conference resolutions.”

3. NATIONAL SOCIETY STATUTES

3.1 Renewed efforts by National Societies

Many National Societies have undertaken new work to update their Statutes in the last two years. Indeed the substantive nature of the dialogue between the Joint Statutes Commission and the National Societies is underscored by the increasing number of (draft) Statutes sent by National Societies to the Commission and by a reinforced dialogue between the Societies and the Commission. The Joint Statutes Commission congratulates the National Societies that have engaged in this dialogue and encourages the others to start a revision process in accordance with Action 3 of the Strategy for the Movement.

Between November 2007 and October 2009, the Joint Statutes Commission:

- received 45 draft and more than 50 adopted Statutes from some 80 National Societies;
- issued some 80 letters of recommendations relating to the Statutes' compliance with the minimum requirements set out in the *Guidance document*;
- carried out two missions to assist National Societies in their Statutes revision process.

3.2 Assessment of the situation

To assess the degree to which the obligation laid down in Action 3 has been fulfilled, the Joint Statutes Commission updated its list of National Societies summarizing the situation of each with respect to its Statutes as at 1 October 2009 (see Annex 2).

This list continues to assign each National Society to one of six different categories on the basis of the extent to which it has achieved the objective of examining its Statutes and amending them where necessary. In the period under review, it was sent twice to all National

² Resolution 6 of the 22nd International Conference and Resolution 20 of the 24th International Conference request National Societies to submit amendments which they plan to introduce in their Statutes to the Joint Statutes Commission and to take the Commission's recommendations into account before adopting the amendments in their respective General Assembly or similar meeting.

Societies (on 3 March and 3 December 2008) as a means to share the monitoring framework with all National Societies in a transparent fashion.

According to the information in the possession of the Joint Statutes Commission, the situation as at 1 October 2009 is as follows:

- **48 National Societies** have Statutes which fulfil the minimum requirements set out in the *Guidance document* (**category 1** of Annex 2), compared to 39 at the end of 2007.
- **40 National Societies** are in active process of revising their Statutes (**category 2** of Annex 2).
- **11 National Societies** received comments from the Joint Statutes Commission but did not respond within six months to inform the Commission of subsequent steps taken or planned in the process (**category 3** of Annex 2).
- **26 National Societies** have not officially informed the Joint Statutes Commission that a process of revising their Statutes has begun (**category 4** of Annex 2), compared to 56 at the end of 2007.
- **9 National Societies** that have reviewed their Statutes and received comments from the Joint Statutes Commission have adopted new Statutes without sufficiently taking into account the Commission's recommendations and thus not meeting the minimum requirements (**category 5** of Annex 2).
- **52 National Societies** are marked with an **asterisk (*)** in Annex 2: in this category, one can find Societies to which the Joint Statutes Commission was unable to attribute a precise category (1-5), which covers the following cases:
 - those cases where the Commission did not receive the Statutes adopted by the Society after having indicated that the draft Statutes did not meet the minimum requirements; or
 - those cases where the Commission has not yet been able to comment on the Statutes adopted and transmitted by the Society, whether or not the Commission was previously consulted on a draft.

These figures reflect work in progress. It is very important to stress the fact that the number of National Societies in category 1 is increasing and that the number in category 4 has been greatly reduced since 2007. It should also be kept in mind that the Joint Statutes Commission gives priority in providing its recommendations to the draft Statutes received, before sending comments on already adopted Statutes.

3.3 Reflection on developments and problems encountered by National Societies in their Statutes revision process

According to the Strategy for the Movement, all National Societies should have updated their Statutes by 2010. Although the deadline is approaching, the Movement is still far from meeting this expected result. The Joint Statutes Commission has therefore embarked on an internal review in 2009 to reflect on developments and problems encountered to date, and to analyse the current state of affairs with the view to informing future approaches and strategies.

The exercise included a desk review and field consultations with National Societies as well as International Federation and ICRC delegations. On the basis of the experience of the last few years and the outcome of the review, the paragraphs below firstly discuss substantial issues of concern in National Society Statutes and secondly reflect on the process of revising Statutes.

a) Substantial issues of concern in National Society (draft) Statutes

In its reports to the 2005 and 2007 Council of Delegates, the Joint Statutes Commission identified the issues on which (draft) Statutes sent to the Joint Statutes Commission are most frequently at variance with the *Guidance document*. These issues remain largely the same.

They are all related to the minimum requirements defined in the *Guidance document* and constitute key elements to effective performance, respect for the Fundamental Principles and protection of each Society's integrity. Particular care should therefore be taken by National Societies revising their Statutes to ensure that these issues are dealt with in accordance with the minimum requirements of the *Guidance document*.

- ✓ *The National Society's relationship with the public authority, in particular its independence and auxiliary status.* Excessive government representation in governing bodies, government appointment of the National Society President, and mandatory government approval of amendments to National Society Statutes all constitute government interference, which threatens the ability of the National Society to fulfil its humanitarian mission in conformity with the Movement's Fundamental Principles.
- ✓ *Governance.* Clarity of the composition of the governing bodies, their duties and responsibilities, and the rotation of their elected members are critical to effective governance.
- ✓ *Separation between governance and management functions:* Separation of governance and management is clearly called for in the *Guidance document* and must be covered with clear roles and responsibilities defined, sufficient freedom given to the head of management and accountability of the head of management towards the governance ensured.
- ✓ *Branches.* The creation and structure of branches, the relationships between the central and the branch levels, and the degree to which branch members participate in the decision-making process must be set out in the Statutes.
- ✓ *Membership.* The rights and duties of members and the grounds for expulsion and the mechanisms for appealing against such expulsion must be specified. The representation of all sectors of the population must be provided for.³

³ In this respect, Resolution 3 adopted by the Council of Delegates in 2005 called on the components of the Movement to verify, when examining their Statutes, that they "contain no adverse discriminatory clauses but rather, create a legal framework that will promote respect for diversity and non-discrimination". The same Resolution asked the Joint Statutes Commission "to continue to ensure compliance with the aspects of non-discrimination and respect for diversity when examining the statutes of National Societies".

Experience and the internal review also show that, even if the issues may be classified according to the above broad categories, each and every National Society is different. This underlines the need for good communication and for proper understanding of the different contexts in order to assist National Societies to develop Statutes that fulfil the minimum requirements of the *Guidance document* and are adapted to the specific situation of each Society.

b) Assessment of the process of revising National Society Statutes

With regard to the process of revising National Society Statutes, the internal review emphasises the significant work that is involved for National Societies in undertaking a comprehensive Statutes review. For a good many National Societies the current process of internal examination by the National Society followed by correspondence with the Joint Statutes Commission is ultimately effective in achieving a good outcome, although it is time consuming and can feel laborious. However, some National Societies have yet to begin a process and the internal review has sought more insight into the constraints that can face Societies in the process.

For the future it would seem important to make the *Guidance document* even better known, to provide better advice for National Societies regarding the process of statutory review and to involve ICRC and International Federation delegations more closely in supporting National Societies in this work. In this respect, the Joint Statutes Commission considers as of particular importance:

- To continue and develop efforts to make the *Guidance document* better known and more widely used when National Societies are working on Statutes revision;
- to reinforce the communication and dialogue between National Societies and the Joint Statutes Commission;
- to further develop the role of the ICRC and International Federation delegations in this area and to clarify the way in which their work is coordinated with that of the Joint Statutes Commission;
- to strongly encourage the ICRC and the International Federation to ensure that sufficient appropriately skilled and trained delegates to support National Societies with this work are available.

3.4 New Advisory note on the revision process of National Society Statutes

Responding to the needs highlighted above, and in order to better assist National Societies in adapting their legal base, the Joint Statutes Commission has drawn up recommendations on the revision process of National Society Statutes and included them in its Advisory Note No. 3. These recommendations are intended to complement the existing *Guidance document*. They specify the reasons why it is important to regularly revise National Society Statutes, what is needed for a successful revision process, the main steps to be taken and the roles of the parties involved (representatives from the National Society governing bodies, management and branches, from the ICRC, the International Federation and the Joint Statutes Commission). This Advisory Note which also takes account of the findings from the internal review (see section 3.4 above) is annexed to the present report (Annex 3) and was sent to all National Societies on 28 August 2009.

4. NATIONAL SOCIETY LAWS/DECREEES

The Joint Statutes Commission reiterates the importance of establishing a healthy relationship between the National Society and the public authorities. National Society laws/decrees are crucial in this respect: they must recognize the National Society as an independent legal entity and as “a voluntary aid society, auxiliary to the public authorities in the humanitarian field”. They must also stipulate that the public authorities have an obligation to respect the National Society’s adherence to the Fundamental Principles of the Movement.

Accordingly, the Joint Statutes Commission has provided comments on draft or adopted National Society laws/decrees (20 since the Commission’s report to the 2007 Council of Delegates) on the basis of the *Model law*. The Commission emphasizes that the *Model law* contains the minimum elements required to ensure a healthy relationship between the National Society and the public authorities.

The Joint Statutes Commission also hopes that the discussions on the role and status of National Societies as auxiliary to the public authorities in the humanitarian field which culminated in the adoption of resolutions at the 2007 International Conference and Council of Delegates could be used to start processes of revision/adoption of National Society laws/decrees of good quality. In particular, in its Resolution 2, the 2007 International Conference reaffirmed the obligation of all the components of the Movement to act at all times in conformity with the Fundamental Principles, recalled Article 2.4 of the Statutes of the Movement⁴ and:

2. *call[ed] upon* National Societies and their respective public authorities to consolidate a balanced relationship with clear and reciprocal responsibilities, maintaining and enhancing a permanent dialogue at all levels within the agreed framework for humanitarian action; [and]

3. *recognize[d]* that the public authorities and the National Societies as auxiliaries enjoy a specific and distinctive partnership, entailing mutual responsibilities and benefits, and based on international and national laws, in which the national public authorities and the National Society agree on the areas in which the National Society supplements or substitutes for public humanitarian services; the National Society must be able to deliver its humanitarian services at all times in conformity with the Fundamental Principles, in particular those of neutrality and independence, and with its other obligations under the Statutes of the Movement as agreed by States at the International Conference

4. *emphasize[d]* that

a. National Societies as auxiliaries to the public authorities in the humanitarian field have a duty to consider seriously any request by their public authorities to carry out humanitarian activities within their mandate,

b. States must refrain from requesting National Societies to perform activities which are in conflict with the Fundamental Principles or the Statutes of the Movement or its mission, that National Societies have the duty to decline any such request and *underlines* the need for the public authorities to respect such decisions by the National Societies”.⁵

Efforts to improve the quality of National Society laws or decrees are all the more important that, since the Commission’s report to the 2007 Council of Delegates, the Joint Statutes Commission continued to observe government interference in the work of National Societies due to inadequate legislation or to misinterpretation of or ambiguity in laws/decrees.

⁴ Article 2.4 of the Statutes of the Movement provides that: “The States shall at all times respect the adherence by the components of the Movement to the Fundamental Principles.”

⁵ Resolution 3 adopted by the 2007 Council of Delegates contains the same elements.

5. THE WAY AHEAD

Adopting legal base and Statutes of quality is very important for the capacity of National Societies to deliver the best possible services to the populations in need and to work at all times in conformity with the Fundamental Principles.

Significant improvement has been made towards the fulfilment of the objective, defined in the Strategy for the Movement, to have by 2010 the Statutes of all National Societies complying with the minimum requirements of the *Guidance document*. However, it is still far from being achieved and the 2010 deadline is coming close to an end. It is therefore of the highest importance for all Movement components to make a renewed and increased effort to meet this objective.

The Joint Statutes Commission wishes to strongly encourage National Society leadership, in particular at governance level, to take their responsibility of engaging in a Statutes revision process, with the support of the ICRC and International Federation delegations, and of the Commission itself. To reinforce commitment to this and to achieve the objective of Action 3 of Strategy for the Movement, the Council of Delegates is invited to adopt a specific resolution, emphasising the following elements:

- Revising National Society Statutes is crucial for the quality of the services offered by National Societies; it is therefore a matter for the leadership of National Societies.
- In accordance with the relevant resolutions of the International Conference, all National Societies are urged to do their utmost to meet the 2010 deadline, with the assistance of the ICRC and International Federation delegations and of the Joint Statutes Commission, considering in particular the critical issues stressed under Section 3.3 of the present Report.
- The *Guidance document* should be recalled as the fundamental reference document in the revision process of National Society Statutes; the Advisory Notes of the Joint Statutes Commission, in particular the new Advisory Note No. 3, may also be of considerable assistance.
- Drawing on the work of the Joint Statutes Commission, the ICRC and the International Federation should be tasked to provide a comprehensive assessment of the experience of the work with National Societies on their Statutes for the Council of Delegates in 2011, as well as recommendations on the most appropriate ways to continue this work after the deadline foreseen by Action 3 of the Strategy for the Movement has expired.

ANNEX 1

Background information on the Joint ICRC / International Federation Commission for National Society Statutes

1. Mandate

The objective of the Joint ICRC/International Federation Commission for National Society Statutes (Joint Statutes Commission) is to help National Societies work effectively and adhere at all times to the Fundamental Principles by strengthening their legal base.

To reach this objective, the Joint Statutes Commission is entrusted with a twofold mandate:

- To make recommendations on the legal base of National Societies, *i.e.* their Statutes and National Society laws/decrees. In particular, the Commission assesses the compliance of draft Statutes with the minimum requirements set out in the official *Guidance for National Societies Statutes* document (*Guidance document*) and of draft laws/decrees with the minimum elements contained in the *Model law on the recognition of National Societies (Model Law)*.
- To assess applications by new Societies for recognition by the ICRC and for admission to the International Federation on the basis of the 10 conditions for National Society recognition and to make recommendations in this regard to the ICRC and the International Federation.⁶

2. Origins and legal framework

For several decades, the ICRC and the International Federation have jointly examined the legal base of National Societies, together with applications for recognition/admission, with the objective of ensuring unity, coherence and efficiency in the Movement across the broad cultural, social and religious diversity of its components.⁷ This joint activity was formalized in successive agreements between the two organizations.⁸

Resolution 6 of the 22nd International Conference (Tehran, 1973) formally recognized this

⁶ The 10 conditions for recognition are defined under Article 4 of the Statutes of the International Red Cross and Red Crescent Movement.

⁷ In its report to the 24th International Conference (Manila, 1981), the Joint Statutes Commission wrote that Resolution 6 of the 22nd International Conference

“constitutes an official endorsement of a long-established custom. Ever since the Red Cross came into being, it has been the constant practice of the Red Cross and Red Crescent Societies to communicate to the ICRC and also to the League, after the latter was founded, the constituent and statutory instruments of the Society and any changes subsequently introduced in those documents. This practice is the logical outcome of the role entrusted to the two international bodies of the Red Cross: to preserve, in a movement which from year to year gathers into its fold new members of widely different cultural origins, social institutions, religious beliefs and political opinions, that unity of doctrine and that internal cohesion which are the primary conditions enabling it to act with efficiency”.

⁸ See notably the *Accords entre le Comité international de la Croix-Rouge et la Ligue des Sociétés de la Croix-Rouge tendant à préciser certaines de leurs compétences respectives* signed on 8 December 1951 (Article VII) and on 25 April 1969 (Articles VIII and IX); see also the document *Concertation between the ICRC and the International Federation. Joint Meetings*, May 1998, § D.

joint mandate by requesting National Societies to submit draft amendments to their Statutes to the ICRC and the International Federation and to take their recommendations into account. Following the adoption of this Resolution, the ICRC and the International Federation decided on 23 January 1974 to establish the Joint Statutes Commission.⁹ The mandate assigned to the Commission was to examine the modifications that National Societies might make to their Statutes. For “practical reasons”, it was decided to extend this mandate to the joint examination of the applications for recognition/admission.¹⁰

Resolution 20 of the 24th International Conference (Manila, 1981) reiterated the request to National Societies to “continue their collaboration with the Joint Commission, by regularly communicating to the League [now International Federation] and the ICRC the amendments which they plan to introduce in their statutes, and by adapting them to the Joint Commission’s recommendations”.¹¹

Lastly, it is important to underline that the mandate of the Joint Statutes Commission has been further reinforced in the Strategy for the International Red Cross and Red Crescent Movement adopted by the Council of Delegates in 2001 (and updated in 2005).¹² Action 3 of the updated Strategy provides that, by the year 2010 and in accordance with the above-mentioned Resolutions of 1973 and 1981, all National Societies must have examined their Statutes and related legal texts and, wherever necessary, adopted new Statutes that are in line with the *Guidance document*.

3. Composition

The Joint Statutes Commission is comprised of seven members:

- an *ad honorem* Chairman;
- three representatives of the ICRC;
- three representatives of the International Federation.

4. Working method

The Joint Statutes Commission meets in ordinary session every two months. Extraordinary sessions are held as needed. However, the preparation and sending of recommendations is an on-going process, which depends on the draft Statutes/laws/decrees or applications received by the Commission and does not require a meeting of the Commission.

a) Review of National Society Statutes and legislation

The Joint Statutes Commission analyses the draft Statutes received against the *Guidance document* and sends its recommendations to the National Society concerned in the form of an official letter. The letters of the Commission specifically focus on the minimum

⁹ See *Réunion conjointe Ligue – CICR*, 23 January 1974, P.V. No. 213, § 3. The first session of the Joint Statutes Commission took place on 9 April 1974.

¹⁰ *Réunion conjointe Ligue – CICR*, 12 June 1974, P.V. No. 216, § 1.

¹¹ In 1991 (Budapest), the Council of Delegates adopted Resolution 19 in which it further “requests National Societies to submit the draft texts of their new or amended statutes to the ICRC and the Federation before their final adoption, and to follow up the recommendations made by the Joint Commission”.

¹² In this respect, it is also worth mentioning that Resolution 3, adopted by the Council of Delegates in 2005, calls on the components of the Movement to verify, when examining their Statutes, that they “contain no adverse discriminatory clauses but rather, create a legal framework that will promote respect for diversity and non-discrimination”. It further asks the Joint Statutes Commission to “continue to ensure compliance with the aspects of non-discrimination and respect for diversity when examining the statutes of National Societies”.

requirements defined in the *Guidance document*, which must be included in the Statutes of all National Societies.

National Societies are then expected to discuss and integrate the recommendations of the Joint Statutes Commission before adoption of the Statutes by their General Assembly (or similar body). It is important to plan the process sufficiently in advance to allow the Joint Statutes Commission the necessary time for providing its recommendations and for the National Society to discuss internally the recommendations received from the Commission. The timeframe should be indicated when sending the draft to the Joint Statutes Commission. Lastly, National Societies are also requested to send the final adopted version to the Commission, in order to ensure that its files are complete.

The Joint Statutes Commission also examines Statutes that have already been adopted, but it can have the most useful impact when working on draft Statutes rather than on those that have already been adopted. Likewise, upon request, the Joint Statutes Commission can provide comments and recommendations on draft National Society Internal Regulations.

Insofar as National Societies are in a position to participate in the drafting of a National Society law/decreed, the Joint Statutes Commission is prepared to support them in this respect as well. The Commission is ready to provide recommendations on the submitted draft law/decreed, based on the minimum elements of the *Model law*, and encourages National Societies to take advantage of the Commission's assistance.

Upon request, the Joint Statutes Commission can also visit the respective country, to provide the National Society with on-site technical support. It must be underlined, however, that the delegates (for Organizational Development) of the International Federation and the (Cooperation) delegates of the ICRC, supported by the specialists in their respective headquarters, should be the first points of contact, assisting National Societies in the process of revising their legal base, with the Joint Statutes Commission providing its support at key stages of the process.

b) Recognition and admission

When a Society seeks recognition by the ICRC and admission to the International Federation, it must send applications to the Presidents of both organizations, together with the following documents: a copy of its Statutes, a copy of the legal instrument through which it is recognized by the authorities and a report on its activities for the two years preceding the request.

After having studied the documents submitted, and if the Joint Statutes Commission considers that the information provided by the applicant Society is sufficient and the comments of the International Federation and ICRC delegations conclusive, a visit by the Joint Statutes Commission is organized to determine firsthand whether the conditions for recognition are fulfilled.

Based on the documents submitted and the visit's findings, the Joint Statutes Commission formulates a recommendation to each of the two Geneva institutions. The role of the Joint Statutes Commission is purely consultative. The decision to recognize a Society lies with the Assembly of the ICRC, while the General Assembly of the International Federation is responsible for deciding whether a recognized National Society may be admitted as a member of the International Federation.

ANNEX 2

Summary list of the Statutes-related situation of each National Society
(updated as of 1 October 2009)

Within the framework of Action 3 of the Strategy for the Movement updated by the Council of Delegates in November 2005, the Joint Statutes Commission drew up a list in September 2004 summarizing the Statutes-related situation of each National Society to the best of the Commission's knowledge. This list serves to thoroughly assess the extent to which the commitments made by the National Societies regarding revision of their Statutes have been carried out.

Previous versions of the list were notably enclosed with the letter sent to all National Societies on 25 September 2004 and annexed to the Joint Statutes Commission's reports submitted to the Council of Delegates in November 2005 and 2007. The last version of the list was circulated to all National Societies with a letter dated 3 December 2008. This present version of the list is updated as of 1 October 2009.

The 6 categories contained in the list are defined as follows:

1. The first category is made up of National Societies whose Statutes are in accordance with the minimum requirements of the *Guidance document*. The Joint Statutes Commission congratulates them on laying this indispensable basis for effective operations. The ninth and final column of the list encourages the National Societies in this category that have not already done so to send to the Joint Statutes Commission a copy of their adopted Statutes.
2. This category is for National Societies in which the revision process is under way. These may be:
 - i) Societies that have officially notified the Joint Statutes Commission that the process has begun;
 - ii) Societies that have submitted draft Statutes to the Commission but which the Commission has not yet had time to study;
 - iii) Societies that have recently received recommendations from the Commission and have not yet responded to them.
3. This category is for National Societies that have received the Joint Statutes Commission's views on their draft Statutes but have not responded to those recommendations. The Commission has decided that if six months go by with no response from the National Society after the sending of its recommendations, the Society's category will be altered from 2 (under way) to 3. The Commission therefore encourages the Societies in category 3 to indicate what progress they have made in the revision process.
4. This category is for those National Societies for which the Joint Statutes Commission has not been officially informed that the process of revising their Statutes required by the Strategy for the Movement has been undertaken. The Commission strongly encourages these Societies to begin the process and meet their obligations to examine and, where necessary, revise their statutes, and to keep the Commission informed of the progress so that it can aid in the process.

5. This category is for National Societies that have received recommendations from the Joint Statutes Commission but have nevertheless adopted new Statutes without taking into sufficient account those recommendations. The resulting Statutes therefore fail to meet the minimum requirements of the *Guidance document*. The Commission regrets this situation and reminds the Societies concerned that the relevant ICRC and International Federation delegations stand ready to help them rectify this situation, as does the Commission itself.
- * An asterisk indicates that the Joint Statutes Commission is not in a position to attribute a precise category (1-5) to a National Society. This corresponds to the two following situations:
- i) the Joint Statutes Commission provided comments on draft Statutes, which did not fully meet the minimum requirements of the *Guidance document*. The Commission knows that the Statutes were subsequently adopted, but has not received the adopted text. It is thus not possible for the Commission to assign a category to the National Society in question. In those rare cases, the column "Actions required" indicates what should be done in order to clarify the situation;
 - ii) the Joint Statutes Commission has received Statutes that have already been adopted. The Commission was not consulted on the draft and has not yet had the time to examine these adopted Statutes and to send its recommendations.

The eighth column of the Summary list, entitled "Comments on the revision process", enables the Joint Statutes Commission to highlight the particular efforts being made by National Societies in the revision process, for example by indicating the dates of letters exchanged between the Commission and the Societies. The ninth and final column, entitled "Actions required", sets out either what the Commission expects from the Society (for example sending the Commission a copy of the newly adopted Statutes) or what the Society may expect from the Commission (for example, preparation under way of a letter from the Commission).

<p style="text-align: center;">• Received by JSC?</p>	<p>whether draft S have b adopte or No) date of adoptio - indicat whethe adopte Statute been re by the (Yes or and the of rece</p>
<p>Column 6: Statutes in force</p>	<p>- date of Statute current force</p>
<p>Column 7: Category as of 1 October 2009</p>	<p>- assign catego to the s of the M Statute revisio proces toward 2010 g under / 3, Strat the Mo</p>
<p>Column 8: Comments on the revision process</p>	<p>- acknow the wor on Stat revisio indicat letters and rec and inc if the catego attribut under c 7 need confirm (e.g. up recepti the add Statute</p>
<p>Column 9: Action required</p>	<p>- indicat action require either t or the</p>

Advisory Note No. 3 (adopted on 16 July 2009)

Recommendations to National Societies on their Statutes Revision Process

INTRODUCTION

The main objective of these recommendations to National Societies on their Statutes revision process is to describe why a revision process may be needed (Section I) and to highlight the elements conducive to a successful revision of a National Society's Statutes (Section II).

These recommendations are complimentary to the "*Guidance for National Societies Statutes*" (*Guidance document*) which was adopted by the Governing Board of the International Federation of Red Cross and Red Crescent Societies (International Federation) in May 2000 and is still the basic document for use by National Societies. The *Guidance document* is also the instrument that the Joint ICRC/International Federation Commission for National Society Statutes (Joint Statutes Commission) uses to assess whether revised statutes proposed by National Societies are in conformity with the requirements of the International Red Cross and Red Crescent Movement (Movement).

Whereas the *Guidance document* looks at what should be the essential elements of the Statutes, the present document focuses on the revision process. It covers the main steps in the process, the roles of the parties involved – representatives from the Society's governing bodies, management and branches, from the ICRC, the International Federation and the Joint Statutes Commission – and how all these steps and elements can be translated into an action plan.

This document is inspired from successful revision processes conducted by National Societies. It draws on the experience of the ICRC and the International Federation assisting these Societies. The Advisory Note intends to assist National Societies which have the "political" will to start the process, by explaining how to initiate and steer the process to ensure the best possible result in terms of supporting the efficiency of the Society and its capacity to act in conformity with the Fundamental Principles of the Movement.

I. WHY SHOULD NATIONAL SOCIETIES REVISE THEIR STATUTES?

The main objective behind the revision process of a National Society Statutes should always be the improvement of the functioning of the Society. Such a revision process may need to be undertaken for one or more of the following reasons:

- The revision may be instrumental in **improving the National Society's performance**: the quality of one or several programme(s) of a National Society may benefit from a revision of the Statutes.
- The **organisation of the Society may need to be clarified and strengthened**, for instance the relationships between governance and management, the roles and responsibilities of the different bodies and levels within the Society, the organisation of the meetings and the accountability mechanisms. This could lead to a positive dynamic in the Society and avoid frustration among its different components.
- The National Society's **Statutes should play a valuable role in adapting the Society to evolving circumstances** and giving coherence and stability to the National Society, in a

world of endless and fast moving changes. The revision may therefore ensure the continuation of the relevance of the Society's actions. It may also provide an opportunity for the National Society to take account of new legislation that is relevant and appropriate for its situation, or to take into account new developments in good practice in the voluntary sector.

- The **perception of the National Society** by its constituency, by its partners and by the general public may need to be improved. A lack of effectiveness or transparency may lead to little or reduced financial support, decreasing membership recruitment, loss of motivation by the members, or governance structures not meeting their statutory obligations. Problems of image may also cause the National Society to lose support from partners. This may have a detrimental impact on the external image of the National Society. A new leadership may come in with the determination to turn things around by revising the Statutes of the Society.
- A Statutes revision process may be useful to **tackle pressure or interference by government authorities**. Although a substantial and time consuming process, revising Statutes with large internal participation of the members and the support from the ICRC and the International Federation may assist the National Society in reaffirming its independence.
- An obligation to revisit regularly the Statutes may come **from the National Society's Statutes themselves**: a clear provision is sometimes included stating the period for revision. Some National Society's Statutes provide for a revision every five or ten years. This motivation stems from the conviction of the membership and governance that the National Society's Statutes must be kept abreast with current development so that it is both relevant and credible, at all times.

Recognising the importance for National Societies to regularly revise their Statutes, Action 3 of the **Strategy for the International Red Cross and Red Crescent Movement** (Update 2005) provides that:

All National Societies examine their Statutes and related legal texts by 2010, and, where necessary, adopt new constitutional texts, in accordance with the Guidance for National Society Statutes and relevant Resolutions of the International Conference (Resolution 6 of the 22nd International Conference, Tehran 1973, and Resolution 20 of the 24th International Conference, Manila, 1981).

Revising their Statutes and putting them in conformity with the minimum requirements defined in the *Guidance document* is therefore not only an extremely useful exercise for National Societies, it is also a fulfilment of a commitment taken before the entire Movement.¹³

The process may be smooth, but may also encounter some difficulties by for example making explicit differences of opinion about how the Society should be organised and run. However, the main objective always remains the same: to ensure the overall good of the National Society and to provide a coherent durable framework for its activities.

¹³ Resolution 7 adopted by the Council of Delegates in 2007 further "**urges** all National Societies, as requested by Action 3 of the Strategy for the Movement, to examine and update their Statutes and related legal texts by 2010, in accordance with the 'Guidance for National Society Statutes' and relevant International Conference Resolutions".

II. WHAT ARE THE MAIN ELEMENTS OF A SUCCESSFUL REVISION PROCESS OF NATIONAL SOCIETY STATUTES?

- The process should be **participatory, inclusive, consultative and democratic** to ensure that the outcome is credible, that it is understood by all branches and members. All the sections and branches of the National Society should have **ownership** over the process. To this end, it is important to keep in mind that:
 - i) The structure of the National Society at national, regional, divisional and grassroots levels (branches) should be considered when defining the consultation process so as to ensure the maximum participation.
 - ii) The leadership should be committed to have a binding document adopted by consensus or at least by the appropriate majority of the membership as defined in the existing Statutes.

- The revision process should be seen as a normal change process; it should be prepared and well managed. Therefore, **adequate planning and implementation of a plan of action** are fundamental to the process from the conception of the idea and throughout the phases of the revision. The process of formulating the plan of action should include the following elements:¹⁴
 - i) Policy decision taken by the leadership of the National Society – usually the governance – that the Society's Statutes should be reviewed against a particular time.
 - ii) Setting up of a governance committee supported by management to formulate a plan of action (with corresponding budget) and to draft the new Statutes. This committee must have clear terms of reference and should not be only composed of members of the national governance but also integrate representatives of branches and of the different sections and groups of the Society (volunteers, youth, etc.).¹⁵
 - iii) Definition of a clear time frame taking into account that the process should be participatory and democratic. Such a process could potentially take from several months to up to two years.
 - iv) Integration of the plan of action, as well as well as the necessary budget, into the National Society's organisation development or headquarters annual plan and core budget. A National Society without sufficient resources to cover the budget needed for this might also seek external technical or financial support for the process. In this case the National Society should explicitly agree with the donor that it (the National Society) remains in full control of the process and outcomes of the Statutes review.

- Accountability to governance should be integrated into the process through regular reporting, dialogue, consultation and feedback at each phase of the process.

¹⁴ For an example of a plan of action, see Annex 1.

¹⁵ The size and composition of this committee could be different from one Society to another, in particular owing to the size of the Society itself.

Once the governance approves the plan of action, a useful way to start the process may be to organise a national conference. The rationale would be to explain the plan of action and the motivation for the process, acquaint members with the current Statutes and then give them time to send their input to the established revision committee. General guidelines to ensure the participation and consultation of the branches may also be usefully adopted.

It would be a good occasion to present the main provisions of the *Guidance document*. This makes the members aware of the task ahead of them to ensure that the revised document meets minimum requirements of the *Guidance document*.

- The seven Fundamental Principles must be fully integrated in the Statutes and must inspire the whole document and the whole process.
- The *Guidance document* (when necessary translated in the local language) must be used to guide the review itself, the objective being to adopt Statutes incorporating all the minimum requirements defined in the *Guidance document*. Translation in the local language is essential to ensure maximum participation and ownership of the members.
- The International Federation and the ICRC have a responsibility to assist National Societies in the revision of their legal base in general and their Statutes in particular:
 1. The International Federation zonal offices (in particular Organisational Development delegates) and the ICRC delegations (in particular Cooperation delegates) are available to assist National Societies in the revision of their legal base. It is recommended to involve these Delegates in the process as early as possible. National Societies are encouraged to consult them for technical support. These Delegates can assist by:
 - supporting the National Society throughout the entire revision process;
 - providing recommendations on the substance of the draft Statutes (on the basis of the *Guidance document*) and on the process itself (on the basis of the present Advisory Note).
 2. The Joint Statutes Commission provides guidance and support to National Societies work on legal base questions and has oversight of the overall process. In relation to work on individual National Society revision processes, it normally becomes involved only at the later stages of the process.
 3. In accordance with Resolution 6 of the 20th International Conference (Tehran, 1973) and with Resolution 20 of the 24th International Conference (Manila, 1981), National Societies are formally requested to send the final draft Statutes to the Joint Statutes Commission, together with the deadline for sending the Commission's recommendations (e.g. dates of the next General Assembly). In addition, National Societies have the duty, under Article 8.1.B.j of the Constitution of the International Federation, to "inform the International Federation, through the Secretary General, of any proposed amendments to their Statutes". The draft needs to be sent sufficiently in advance of the General Assembly so as to give enough time to the Commission to make its comments/recommendations and to the Society to discuss and integrate these comments. Ideally, the draft should be sent at least two months before the planned General Assembly.
 4. Upon receipt, the Joint Statutes Commission reviews this last draft and sends its recommendations in an official letter. The recommendations of the Commission must be taken into account prior to adopting the draft in the National Society's General Assembly.¹⁶ National Societies should not hesitate to enter into dialogue and to provide it with further clarification concerning the points raised in the Commission's recommendations.
 5. Once adopted, the National Society is requested to send its Statutes to the Joint Statutes Commission to complete its files and provide its final comment on the adopted Statutes.

¹⁶ For background information on the Joint Statutes Commission, see Annex 2.

6. The Joint Statutes Commission has also developed a list summarizing the Statutes-related situation of each National Society to the best of the Commission's knowledge. This list is regularly updated and sent to all National Societies.
- It might also be useful to look at good National Society's Statutes (for instance from the region) as reference or to share knowledge and good practice with Societies especially of the region having gone through a revision process. The International Federation zonal offices and the ICRC delegations should assist in providing National Societies with good examples of Statutes.
 - Once the Statutes have been adopted, it is very important to widely disseminate them at the central and branch levels (and if need be to translate them in the relevant languages) so as to ensure understanding, acceptance and ownership among the members.

ANNEX 1: EXAMPLE OF A PLAN OF ACTION¹⁷

Activity/Tasks	Responsible	Time Frame	Budget
Taking contact with the ICRC and Federation Delegations to obtain support in the process and informing the Joint Statutes Commission of the decision to start such a process	Governing Board	As soon as possible and throughout the revision process	
Formulating terms of reference for the sub committee to facilitate the review. (The terms of reference should take into account changes in the internal and external environment such as new legislation or good practice in the not for profit sector that the Board feels should be taken into account)	Governing Board	At a Governing Board meeting. (An extraordinary meeting can be convened for this purpose.) 1 month time frame is recommended	
Setting up of a broad based drafting committee (a sizeable manageable committee) representing major interests. Governance can appoint the chairperson or leave it to the committee. The legal adviser must be a member and should provide advise to the committee	Governing Board	At a Governing Board meeting after due consultation between governance and management	
Informing the branches and units of the review process	Governance (Chairman of the Governing Board)	1 week	
If need be, translation of the <i>Guidance document</i> and of the present Advisory Note in the local language; the <i>Guidance document</i> must serve as the reference document throughout the process		2 weeks (or as rapidly as possible)	
Printing of current Statutes and dispatching it, together with the <i>Guidance document</i> and Advisory Note to all branches requesting their input to the review	Chairman/Secretary of review committee	At least 1 month	
Receiving, collating and analysing the inputs from the branches and other potentially relevant groups (e.g. youth, etc.)	Sub-Committee	2 months	
First draft and identifying new provisions as against provisions in the current Statutes	Sub-Committee	1 month	
Ensuring conformity of the draft with the National Society's law, the <i>Guidance document</i> and other resolutions and recommendations of the Movement	Sub-Committee	1 month	
Presentation and discussion of the draft at the Governing Board	Sub-Committee	2 weeks	
Sending draft to branches for their inputs. Also include the documents showing previous provisions and the new provisions	Sub-Committee	2 months	
Study, analysis and integration of views from the branches and other relevant groups	Sub-Committee	1 month	
National Statutes review meeting with representatives of all the branches and other relevant groups. General presentation followed by group work on the various provisions	Governing Board	3 days meeting	
Integrating inputs from the meeting	Sub-Committee	2 weeks	

¹⁷ As already indicated, the time frame may vary from one National Society to another. The important element is to define a realistic time frame. The example given in this Annex is therefore only indicative. Likewise, this plan of action suggests four national meetings, which may be very demanding for certain National Societies.

Production of second draft and distribution to branches for their input	Sub-Committee	1 month	
National meeting to review the second draft and to adopt all the necessary changes	Governing Board	2 days meeting	
Finalisation of the document and submission to the Governing Board	Sub-Committee	2 weeks	
Adoption of the document and distribution to all the branches	Governing Board	2 weeks	
Sending the draft to the Joint Statutes Commission for its review and recommendations, also indicating the date of the next General Assembly where the draft must be adopted. The draft must be sent sufficiently in advance before the General Assembly so that the Commission has the time to comment and the Society the time to integrate the comments	President	At least 2 months before the General Assembly	
National meeting to discuss and integrate the views of the Joint Statutes Commission, and to adopt the final draft	Governing Board	2 days meeting	
Sending of the final draft to all the branches and the members of the General Assembly together with the official documents for the meeting	According to the Society's rules of procedure	According to the Society's rules of procedure	
Final adoption by the highest policy making body of the Society in a regular or extraordinary meeting	General Assembly		
Sending the adopted Statutes to the Joint Statutes Commission, to all the branches (and to the authorities)	President	As soon as possible after adoption	
Dissemination of the Statutes by the National Society's communications department and various OD training activities for all categories of member.	Secretary General and management		

ANNEX 2: BACKGROUND INFORMATION ON THE JOINT ICRC/INTERNATIONAL FEDERATION COMMISSION FOR NATIONAL SOCIETY STATUTES

1. Mandate

The objective of the Joint ICRC/International Federation Commission for National Society Statutes (Joint Statutes Commission) is to help National Societies work effectively and adhere at all times to the Fundamental Principles by strengthening their legal base.

To reach this objective, the Joint Statutes Commission is entrusted with a twofold mandate:

- To make recommendations on the legal base of National Societies, *i.e.* their Statutes and National Society laws/decrees. In particular, the Commission assesses the compliance of draft Statutes with the minimum requirements set out in the official *Guidance for National Societies Statutes* document (*Guidance document*) and of draft laws/decrees with the minimum elements contained in the *Model law on the recognition of National Societies* (*Model Law*).
- To assess applications by new Societies for recognition by the ICRC and for admission to the International Federation on the basis of the 10 conditions for National Society recognition and to make recommendations in this regard to the ICRC and the International Federation.¹⁸

2. Origins and legal framework

For several decades, the ICRC and the International Federation have jointly examined the legal base of National Societies, together with applications for recognition/admission, with the objective of ensuring unity, coherence and efficiency in the Movement across the broad cultural, social and religious diversity of its components.¹⁹ This joint activity was formalized in successive agreements between the two organizations.²⁰

Resolution 6 of the 22nd International Conference (Tehran, 1973) formally recognized this joint mandate by requesting National Societies to submit draft amendments to their Statutes to the ICRC and the International Federation and to take their recommendations into account. Following the adoption of this Resolution, the ICRC and the International Federation decided on 23 January 1974 to establish the Joint Statutes Commission.²¹ The mandate assigned to the Commission was to examine the modifications that National Societies might make to their Statutes. For “practical reasons”, it was decided to extend this mandate to the

¹⁸ The 10 conditions for recognition are defined under Article 4 of the Statutes of the International Red Cross and Red Crescent Movement.

¹⁹ In its report to the 24th International Conference (Manila, 1981), the Joint Statutes Commission wrote that Resolution 6 of the 22nd International Conference

“constitutes an official endorsement of a long-established custom. Ever since the Red Cross came into being, it has been the constant practice of the Red Cross and Red Crescent Societies to communicate to the ICRC and also to the League, after the latter was founded, the constituent and statutory instruments of the Society and any changes subsequently introduced in those documents. This practice is the logical outcome of the role entrusted to the two international bodies of the Red Cross: to preserve, in a movement which from year to year gathers into its fold new members of widely different cultural origins, social institutions, religious beliefs and political opinions, that unity of doctrine and that internal cohesion which are the primary conditions enabling it to act with efficiency”.

²⁰ See notably the *Accords entre le Comité international de la Croix-Rouge et la Ligue des Sociétés de la Croix-Rouge tendant à préciser certaines de leurs compétences respectives* signed on 8 December 1951 (Article VII) and on 25 April 1969 (Articles VIII and IX); see also the document *Concertation between the ICRC and the International Federation. Joint Meetings*, May 1998, § D.

²¹ See *Réunion conjointe Ligue – CICR*, 23 January 1974, P.V. No. 213, § 3. The first session of the Joint Statutes Commission took place on 9 April 1974.

joint examination of the applications for recognition/admission.²²

Resolution 20 of the 24th International Conference (Manila, 1981) reiterated the request to National Societies to “continue their collaboration with the Joint Commission, by regularly communicating to the League [now International Federation] and the ICRC the amendments which they plan to introduce in their statutes, and by adapting them to the Joint Commission’s recommendations”.²³

Lastly, it is important to underline that the mandate of the Joint Statutes Commission has been further reinforced in the Strategy for the International Red Cross and Red Crescent Movement adopted by the Council of Delegates in 2001 (and updated in 2005).²⁴ Action 3 of the updated Strategy provides that, by the year 2010 and in accordance with the above-mentioned Resolutions of 1973 and 1981, all National Societies must have examined their Statutes and related legal texts and, wherever necessary, adopted new Statutes that are in line with the *Guidance document*.

3. Composition

The Joint Statutes Commission is comprised of seven members:

- an *ad honorem* Chairman;
- three representatives of the ICRC;
- three representatives of the International Federation.

4. Working method

The Joint Statutes Commission meets in ordinary session every two months. Extraordinary sessions are held as needed. However, the preparation and sending of recommendations is an on-going process, which depends on the draft Statutes/laws/decrees or applications received by the Commission and does not require a meeting of the Commission.

a) Review of National Society Statutes and legislation

The Joint Statutes Commission analyses the draft Statutes received against the *Guidance document* and sends its recommendations to the National Society concerned in the form of an official letter. The letters of the Commission specifically focus on the minimum requirements defined in the *Guidance document*, which must be included in the Statutes of all National Societies.

National Societies are then expected to discuss and integrate the recommendations of the Joint Statutes Commission before adoption of the Statutes by their General Assembly (or similar body). It is important to plan the process sufficiently in advance to allow the Joint Statutes Commission the necessary time for providing its recommendations and for the National Society to discuss internally the recommendations received from the Commission.

²² *Réunion conjointe Ligue – CICR*, 12 June 1974, P.V. No. 216, § 1.

²³ In 1991 (Budapest), the Council of Delegates adopted Resolution 19 in which it further “requests National Societies to submit the draft texts of their new or amended statutes to the ICRC and the Federation before their final adoption, and to follow up the recommendations made by the Joint Commission”.

²⁴ In this respect, it is also worth mentioning that Resolution 3, adopted by the Council of Delegates in 2005, calls on the components of the Movement to verify, when examining their Statutes, that they “contain no adverse discriminatory clauses but rather, create a legal framework that will promote respect for diversity and non-discrimination”. It further asks the Joint Statutes Commission to “continue to ensure compliance with the aspects of non-discrimination and respect for diversity when examining the statutes of National Societies”.

The timeframe should be indicated when sending the draft to the Joint Statutes Commission. Lastly, National Societies are also requested to send the final adopted version to the Commission, in order to ensure that its files are complete.

The Joint Statutes Commission also examines Statutes that have already been adopted, but it can have the most useful impact when working on draft Statutes rather than on those that have already been adopted. Likewise, upon request, the Joint Statutes Commission can provide comments and recommendations on draft National Society Internal Regulations.

Insofar as National Societies are in a position to participate in the drafting of a National Society law/decreed, the Joint Statutes Commission is prepared to support them in this respect as well. The Commission is ready to provide recommendations on the submitted draft law/decreed, based on the minimum elements of the *Model law*, and encourages National Societies to take advantage of the Commission's assistance.

Upon request, the Joint Statutes Commission can also visit the respective country, to provide the National Society with on-site technical support. It must be underlined, however, that the delegates (for Organizational Development) of the International Federation and the (Cooperation) delegates of the ICRC, supported by the specialists in their respective headquarters, should be the first points of contact, assisting National Societies in the process of revising their legal base, with the Joint Statutes Commission providing its support at key stages of the process.

b) Recognition and admission

When a Society seeks recognition by the ICRC and admission to the International Federation, it must send applications to the Presidents of both organizations, together with the following documents: a copy of its Statutes, a copy of the legal instrument through which it is recognized by the authorities and a report on its activities for the two years preceding the request.

After having studied the documents submitted, and if the Joint Statutes Commission considers that the information provided by the applicant Society is sufficient and the comments of the International Federation and ICRC delegations conclusive, a visit by the Joint Statutes Commission is organized to determine firsthand whether the conditions for recognition are fulfilled.

Based on the documents submitted and the visit's findings, the Joint Statutes Commission formulates a recommendation to each of the two Geneva institutions. The role of the Joint Statutes Commission is purely consultative. The decision to recognize a Society lies with the Assembly of the ICRC, while the General Assembly of the International Federation is responsible for deciding whether a recognized National Society may be admitted as a member of the International Federation.