



International Federation of Red Cross and Red Crescent Societies
Fédération internationale des Sociétés de la Croix-Rouge et du Croissant-Rouge
Federación Internacional de Sociedades de la Cruz Roja y de la Media Luna Roja
الاتحاد الدولي لجمعيات الصليب الأحمر والهلال الأحمر

Background information sheet

Domestic Registration of International Disaster Relief Organizations

In most countries, domestic law provides that associations, non-governmental organizations (NGOs), and other non-state entities must register with governmental authorities. This is often necessary in order to exercise a domestic "legal personality" allowing them to do such things as open bank accounts, hire staff, sign contracts and leases and institute legal proceedings.

Registration procedures vary in their requirements and in the length of time they take, but they are normally far from instantaneous. Set against the background of a major disaster requiring the immediate assistance of foreign and international organizations, it may be impossible to comply with normal registration procedures without a delay leading to the loss of lives. It is thus common for disaster relief organizations to operate, with the express permission or tacit acquiescence of domestic authorities, without having done so. However, the resulting ambiguity of their status can impede their effectiveness, particularly if the organizations remain in place for an extended period to provide assistance in rehabilitation and reconstruction.

This is a type of problem that must be resolved in domestic law. However, existing international law provides some limited guidance.

Intergovernmental and international organizations

The [Charter of the United Nations](#) of 1948 (art. 104), the [Convention on Privileges and Immunities of the United Nations](#) of 1946 (art. 1) and the [Convention on Privileges and Immunities of the Specialized Agencies](#) of 1947 (art. 2) require member states to recognize the legal personality of the United Nations and its specialized agencies in their domestic legal systems. This includes guaranteeing their capacity to contract, acquire and dispose of immovable and movable property and institute legal proceedings. Similar provisions are included in treaties concerning other UN and non-UN intergovernmental organizations (such as the [Constitution of the International Organization of Migration](#) of 1951 (art. 27)). In order to ensure that these international guarantees are implemented, it is not uncommon for UN and other intergovernmental organizations to enter into status

A Brazilian registration certificate

or headquarters agreements with governments reiterating their legal capacity and other rights (see the IDRL Background Sheet on Privileges and Immunities).

Because of their unique mandates and composition, the international components of the Red Cross Red Crescent Movement – namely the [International Committee of the Red Cross](#) (ICRC) and the [International Federation of Red Cross and Red Crescent Societies](#) (Federation) – are also considered to have an international legal personality, entailing privileges and immunities similar to those of UN agencies. The national legal personality of the ICRC and the Federation is normally stipulated in bilateral status agreements concluded with governments.

Non-governmental and civil society players

The only comparable international legal standard on point for NGOs is the [European Convention on the Recognition of the Legal Personality of International Non-Governmental Organisations](#) of 1986, which provides, with limited exceptions, that the legal personality and capacity of an international NGO¹ acquired in one state party will be recognized by the others. The convention currently has 10 [state parties](#), and would not be directly relevant to disasters occurring in non-member states.

Where this Convention does not apply, NGOs and other civil society players may refer to general language concerning the facilitation of disaster relief operations in a number of international instruments in support of a request to governments to minimize registration requirements and associated delay. For example, United Nations [General Assembly Resolution 46/182](#) of 1991 calls on receiving states to facilitate the work of humanitarian organizations in disaster response. Similarly, the 21st International Conference of the Red Cross' [Declaration of Principles for International Humanitarian Relief to the Civilian Population in Disaster Situations](#) of 1969 requests all states “to exercise their sovereign and other legal rights so as to facilitate the transit, admission and distribution of relief supplies provided by impartial international humanitarian organizations for the benefit of civilian populations in disaster areas.”

Such language can also be found in instruments with a more specific focus, such as [General Assembly Resolution 57/150](#) of 2002, which calls on receiving states to “simplify and reduce” procedures for the entry and operation of urban search and rescue teams and the [Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations](#) of 1998, which calls on state parties to “reduce or remove regulatory barriers to the use of telecommunications resources disasters mitigation and relief” (art. 9) including waiving or expediting procedures for licensing (art. 5).

¹ International NGOs are defined in the Convention as “associations, foundations and other private institutions” that “a. have a non-profit-making aim of international utility; b. have been established by an instrument governed by the internal law of a Party; carry on their activities with effect in at least two States; and d. have their statutory offices in the territory of a Party and the central management and control in the territory of that Party or of another Party” (art. 1).

For more information

See the IDRL web site and online legal database at www.ifrc.org/idrl or contact us at:

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