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REPORT ON THE WORK OF COMMISSION A

THE SPECIFIC NATURE OF THE RED CROSS AND RED CRESCENT MOVEMENT IN ACTION AND PARTNERSHIPS AND THE ROLE OF NATIONAL SOCIETIES AS AUXILIARIES TO THE PUBLIC AUTHORITIES IN THE HUMANITARIAN FIELD

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REPORT TO CONFERENCE

Presented by: Dr Muctarr A. S. Jalloh – Rapporteur, Commission A

Madam Chair, You're Excellencies, Esteemed Friends and Colleagues in the International Red Cross and Red Crescent Movement, I have the honour to present the Report of Commission A, which met yesterday to consider:

“The specific nature of the Red Cross and Red Crescent Movement in action and partnerships and the role of National Societies as auxiliaries to the public authorities in the humanitarian field”.

1. Opening Remarks and Context

The Commission Chair, Ms Jane McGowan, President of the Canadian Red Cross, opened proceedings by warmly welcoming Government and Red Cross Red Crescent Representatives. She spoke of the ‘wonderful opportunity’ the Commission afforded to take forward the work of National Societies as auxiliaries to their Governments, confirming that the ‘specific and distinctive’ nature of this role was enshrined in the Resolution to be put to Conference, already finalised by the Conference Drafting Committee. Accordingly, it would not fall to the Commission to discuss or review the Resolution either in detail or totality. She added that as a broad structure for the forthcoming deliberations, the Commission should focus on Best Practice in its morning session and Partnerships through the afternoon.

The Chair then invited Mr Ibrahim Osman, Deputy Secretary General of the International Federation, to describe the subject-matter context for the presentations and general discussion to follow. In a short, lucid speech, on which he was subsequently complimented by a number of representatives, Mr Osman delineated the distinctiveness of Red Cross Red Crescent National Societies setting them apart from other humanitarian bodies, namely:

- Recognition at international level and in national law
- The Fundamental Principles and Emblems of the International Red Cross and Red Crescent Movement
- Coverage throughout the respective national territory

Mr Osman explained that not all National Society activities would necessarily be carried out in an auxiliary capacity to the public authorities. Such work had to be clearly and previously defined and agreed by both parties. He also stressed that any humanitarian interventions under the auxiliary role must comply absolutely with Red Cross Red Crescent principles and values. Nor did working as auxiliary to Government imply any obligation on the latter with regard to funding, unless previously agreed.

2. Government/National Society Presentations

2.1 *Colombia*

Ms. Adriana Mendoza, Chargé d'Affaires of the Colombian Permanent Mission in Geneva, began by describing the auxiliary role of the Colombian Red Cross (CRC) as 'crucial' to the various humanitarian situations the country was facing, also referring to the clear and strong legal framework and respect for the Movement's Fundamental Principles underpinning and facilitating the work of the National Society. The current legal base is firmly founded on two principal laws: the first, updated in 2003, smooths CRC operationality while the second, revised the following year, regulates emblem use. She spoke of the balanced relationship between the CRC and public authorities at all administrative levels and pointed particularly to the support rendered to the National Society by the ICRC in its essential work arising from the long-running internal conflict that has beset Colombia, leaving millions displaced. It is through the CRC, said Ms. Mendoza that delivery of humanitarian assistance to this very vulnerable group was possible.

Among the several provisions of the legal base, Ms. Mendoza also highlighted that the CRC's right to confidentiality when dealing with all groups in the armed conflict was an essential element in the trust and mutual understanding that are such key features in the National Society- Government relationship.

Dr. Fernando Jose Cardenas Guerrero, Vice President of the Colombian Red Cross spoke enthusiastically about the 'strong synergy of co-responsibility' that had existed for many years between Government and National Society, founded on a strong legal framework, recognition of the Emblem and, for instance, the visibility afforded the Red Cross in the national schools'

syllabus. He referred to the access granted to CRC at the highest level of Government and the National Society's representation on key emergency decision-making bodies, outlining major areas of Red Cross activity, including mine awareness, support for those internally displaced due to the armed conflict, community development, environmental concerns, health care and promotion of blood donations. He thanked sister Societies for their partnership and collaboration. Dr Cardenas described dissemination of IHL as a 'vital part of our mandate' as auxiliary to Government, citing training of the armed forces and materials production as examples of this work. Cooperation with the Government extended to tax waivers, Dr Cardenas intimated, concluding that without its auxiliary status and State collaboration, many Red Cross activities in Colombia would not be possible.

2.2 Finland

The Commission heard from two speakers from the Finnish Government's External Affairs Ministry. Ms Marja Lehto focused on the legal framework in place in Finland to underpin and facilitate the work of the Finnish Red Cross and protect the Emblem. Although the Government is legally responsible for protection of the Emblem, said Ms. Lehto, in practice monitoring is always carried out by the Finnish Red Cross. She described the National Society as 'highly respected' and a 'reliable partner', pointing to cooperation with Government across a number of humanitarian spheres, including health and disaster response. Migration remained an issue in Finland, she added. Turning more specifically to International Humanitarian Law, Ms Lehto highlighted Finnish Red Cross membership of Finland's National Committee for IHL, which enables but does not engage in concrete dissemination – a role undertaken by the National Society targeting, inter alia, the armed forces, secondary schools and law students.

Ms Ulla-Maija Finskas concentrated her talk on humanitarian assistance and the Finnish Government's commitment to the Fundamental Principles and principles of good donorship. With an annual budget of some EUR 60 million, the Government humanitarian assistance unit worked through the Finnish Red Cross when deciding its support for ICRC and International Federation appeals, listening to the Society's preferences and allocating part of the budget for Red Cross in-kind response, if so decided. A major Government objective is strengthening existing capacities at field level, stressed Ms Finskas.

The Finnish Red Cross Secretary General, Ms. Kristiina Kumpula spoke of the humanitarian values shared by the Government and National Society – even more potent when combined with a sound understanding of roles and mandates and a long-established international and national legal base. She cited the recent incident of a school shooting as an example of the Finnish Red Cross auxiliary role in action, with volunteers responding to aid the victims and their families within an hour of the tragedy occurring. Ms. Kumpula went on to outline the wide-ranging activities – including the task of supplementing (not gap-filling) the social welfare system – in which the National Society was involved. “The list may be long, but it is not a list of obligations,” said the Secretary General. She saw the Society’s auxiliary role as two sides of the same coin, with the Finnish Red Cross as a reliable partner to Government, offering grass-roots and international reach; receiving in return a special place in civil society and long term stability. Auxiliary status also affords the National Society an entry point with key partners like universities, she added, as well as attracting a high qualified professional base, especially in the health sector. Among the challenges were the essentials of maintaining a balanced relationship, continually proving reliability and understanding that ‘nothing is for free’. The real test of the relationship, she said, was when the humanitarian imperative ran contrary to Government policy.

3. Summary of Interventions

In a lively and highly interactive series of exchanges, more than 50 Government and Red Cross Red Crescent representatives were granted the floor. Time and space dictate that the summary below cannot be exhaustive, though the intent, obviously, is to capture the main themes and issues.

3.1 *Partnership and the Auxiliary Role of National Societies in Practice*

It was encouraging to note that a number of Governments and Red Cross Red Crescent representatives welcomed the Resolution on Conference Objective 2 and particularly appreciated the definition of ‘Auxiliary Role’, which this pivotal text enshrines. Several speakers felt that the Resolution would assist in dialogue with Governments in taking forward

the auxiliary role concept, while others pointed to the 'tool box' being developed as an important future asset.

Five working areas were most frequently mentioned by National Societies supporting the governments through their auxiliary role:

1. Dissemination of IHL through secondary school (or higher) and the training provided to armed forces
2. Disaster preparedness and relief response
3. Support to people and communities affected by armed conflict
4. Social welfare
5. Health and care at the community level, including first aid training and the recruitment of voluntary blood donors

Concerns expressed included:

- The auxiliary role played by National Societies is not well known by all stakeholders and an appropriate legal recognition is vital. In addition to the working relationship with Government, confirmation of auxiliary role status should provide a platform for the development of wider collaborations, both within the public sector and elsewhere.
- Due to the lack of regulations to define the role to date, National Societies are too often perceived by the government and others as just one of a number of NGOs (non governmental organisations) at country level and membership of the International Federation is often not known and the implications of linkage to a global network not understood.
- National Societies are often called on by Government in an ad hoc manner to provide humanitarian support, but without being afforded appropriate resources. Many National Societies mentioned an expectation to assist migrants (regardless their status) and IDPs as examples, while others (particularly those from small island States) pointed to unavoidable duplication of roles for key officials, where resources are limited.
- Although working closely with the Government, the independence of the National Society needs to be maintained.

An early question from St Kitts and Nevis Red Cross centred on how to initiate discussions with Government on recognition of the National Society as 'auxiliary'. Other Societies, notably, Uzbekistan indicated there were considerable difficulties in persuading Government that any role other than that of a 'normal' non governmental organisation was necessary. The advice from sister Societies, the ICRC and International Federation suggested that a first step was for each National Society in this position was to look closely at its operational capacity and what could be offered to the public authorities by way of an auxiliary role. Strong negotiating skills are also an invaluable advantage in this situation, while other speakers emphasized that the practicality and scope of the auxiliary role could only be determined on a country-by-country basis.

The Samoa Red Cross highlighted the Memorandum of Understanding signed with its Government as a significant benefit for the relationship, while the Republic of Korea Red Cross spoke movingly of its role in the 'betterment of inter-Korean relations' and asked the ICRC and International Federation to develop workable mechanisms for guiding National Societies as auxiliary partners to Government.

The conduct of the National Society-Government relationship also came under the spotlight and the Commission was counselled that 'healthy tension', if kept in bounds, can prove beneficial for both parties. There was emphasis too on a 'balanced dialogue', which should always be proactive.

The United Kingdom Government stressed that it was important not to be overly prescriptive in the modalities of the relationship, since humanitarian activities and needs vary from country to country. Meanwhile, the Malaysian Red Crescent cited as examples of its close working relationship with Government, the ambulance service it provides in Kuala Lumpur and the long-running, nationwide 'First Aider in Every Home' initiative.

3.2 *International Humanitarian Law*

A significant number of National Societies spoke of their activities in the field of IHL dissemination. National Societies have the mandate to disseminate and ensure respect for

IHL and to assist their Governments in this essential task. Among major activities highlighted were:

- Educational programmes on IHL for children and young people – exploring humanitarian law in secondary schools and university programmes
- Dissemination to the armed forces
- Encouraging Governments to set up national committees on IHL
- Protecting the emblems by strictly monitoring their use and taking steps to prevent misuse
- Advocating to Government appropriately to restrict certain weapons that currently violate IHL

The ICRC intervened to repeat its ongoing availability to help National Societies with the range of IHL dissemination activities and also on revision of statutes, together with the International Federation.

3.3 Legal Base

A sound legal base, particularly at the national level, was seen by all National Societies as an essential pre-requisite for distinctiveness, respect among decision makers and influencers and image/visibility interests. In addition to the emphasis on legal base in the Colombian and Finnish presentations, two interventions highlighted progress in this regard:

- A new decree is under active consideration in Norway which, inter alia, will focus on establishing a negotiation environment between Government and National Society, avoiding an 'imposed' relationship.
- A new model law is underway in Austria which, when promulgated, will strengthen emblem protection and National Society's auxiliary role and makes confidentiality provisions for the Austrian Red Cross in its dealings with disadvantaged and vulnerable individuals.

3.4 Migration

If there is one issue above all of over-riding concern to National Society governance and management, it is the complex issue of migration, which is often ambiguous plight of

migrants, asylum seekers, IDPs and other marginalised groups. Interventions in the Commission returned to this vexed question very frequently, with National Societies commenting that too often they were in the awkward and invidious position of witnessing real humanitarian need, but sometimes denied access by Government and invariably facing negative impact with the indigenous population both in image and resource mobilisation terms. Many speakers voiced their concerns at a growing tendency in some developed countries towards xenophobia.

The British Red Cross clearly echoed many thoughts by posing the question on what steps should the Movement take when a Government's political/domestic priorities threaten to compromise an over-riding humanitarian agenda. Swedish Red Cross has tussled with its Government over the denial of access to health care for certain groups of migrants. The Philippine National Red Cross – whose country has eight million nationals living overseas – highlighted the problem of individuals migrating to locations they have been advised against. The Dominican Republic expressed concerns at the situation of displaced living along the Dominican-Haitian border and the ability of the respective Red Cross Societies to respond.

Invited to intervene, the ICRC's Director General, said that the Committee was producing a manual to advise National Societies when irregular migrants were held in detention centres; restoring family links is a particular priority in this regard. The ICRC is also working closely National Societies in countries from where migrants originate and to which they are returned.

The International Federation's Deputy Secretary General added that there must be clear differentiation between political and security aspects on the one hand and humanitarian considerations on the other. The first priority was to ensure that survival needs are met and if the Government is handling this element, then the dialogue moves to protection matters, which are complicated for National Societies. In the event that even basic assistance is being withheld – and Red Cross Red Crescent access continues to be denied – then the National Society is compelled to advocate and to do so vigorously.

Describing the Mediterranean as a 'Sea of Death', the Italian Red Cross argued that while advocacy goes so far, 'often we need to do more' and, when necessary, be 'indifferent' to public opinion. He called on the International Federation to establish an operational alliance,

linking National Societies in migrant originating and receiving countries, in this instance North Africa and Southern Europe.

3.5 *Advocacy and Communications*

There was general agreement that the National Society-Government relationship requires long-term 'investment' from both sides. The Spanish Red Cross and its Government, for instance, conduct a formal audit of their relationship on an annual basis. More broadly, continuous and regular dialogue should be established at all levels (national and local) to build up mutual trust and understanding.

Despite the emphasis on legal base, it was understood that the law alone is not enough to enshrine and maintain the auxiliary role. National Societies must continually demonstrate their role and useful contribution in the humanitarian arena, through compelling advocacy and communications programmes. In particular:

- There is a need for the Federation and ICRC to develop a tool box to support National Societies in advocacy and communications.
- The tool box should also contain the information on the rights, advantages and privileges that National Societies could gain from their clearly defined auxiliary role.
- Negotiation skills training are also needed to facilitate National Societies' discussions and lobbying with their government, so that they can provide humanitarian support to the public authorities without engaging themselves in the political and national security issues.
- National Societies needs to acquire the 'strength' to decline their governments when tasked outside their mandates and capacity.
- It is incumbent on the Federation and ICRC consistently to promote understanding of the auxiliary role of National Societies with Government leaders as and when the opportunity arises.

4. Conclusion

At the close of a dynamic and often challenging full-day session, the Chief Executive of the British Red Cross, with the support of all, rose to thank and congratulate Madam Chair for the firm but flexible manner in which the proceedings had been conducted and ably creating the space for all who wanted to speak to do so.

Geneva, Switzerland

29 November 2007

Annex 1

List of National Societies, Governments and observers taking floor in the discussion of Commission A (in the first intervention order):

Swedish Red Cross
Red Cross Society of Panama
Bulgarian Red Cross
Saint Kitts and Nevis Red Cross Society
The Philippine National Red Cross
Botswana Red Cross Society
Liberian Red Cross Society
Antigua and Barbuda Red Cross Society
Maldives Government
American Red Cross
Polish Red Cross
The Netherlands Red Cross
Malaysian Red Crescent Society
Sierra Leone Red Cross Society
Canadian Red Cross Society
Myanmar Red Cross Society
Vice President of the International Federation
Columbian Government
Cyprus Government
Samoa Red Cross Society
Jordan National Red Crescent Society
The Republic of Korea National Red Cross
Ghana Red Cross Society
Costa Rican Red Cross
Government of United Kingdom
British Red Cross
Dominica Red Cross Society

Spanish Red Cross
Canadian Government
Nigerian Red Cross Society
Italian Red Cross
Cambodian Red Cross Society
Egyptian Red Crescent Society
The Uganda Red Cross Society
Norwegian Government
Malaysian Government
General Secretariat of the Organisation of Arab Red Crescent and Red Cross Societies
Indonesian Red Cross Society
Austria Government
Seychelles Red Cross Society
Liberian Government
Pakistan Red Crescent Society
Spanish Red Cross
Andorran Red Cross
Egypt Government
Red Crescent Society of Uzbekistan