

# Revision of the Red Cross Red Crescent Model Law

## *Background Document*

### Introduction

A National Society's Red Cross or Red Crescent Law (**RC Law**) is a fundamentally important document. Typically, it is the legal instrument that establishes a National Society, recognises its auxiliary role and enshrines the Fundamental Principles. Moreover, it usually endows a National Society with certain special legal rights (e.g., humanitarian access, tax exemption) and addresses a range of other foundational matters such as its mission, key activities, duties, emblem protection and funding. Having an RC Law distinguishes a National Society from non-governmental organisations, which are typically registered rather than established by law. It reflects the National Society's unique status as an independent organisation with a recognised public function.

The Model Law on the Recognition of the Red Cross or Red Crescent Society (**RC Model Law**) is a benchmarking tool used to assess draft RC Laws. It was first disseminated in 1999. IFRC considers that it is time to update the RC Model Law to create a more modern and ambitious standard to guide the development of RC Laws. It has, therefore, prepared a draft of a Revised RC Model Law for consultation.

This Background Document has been prepared to outline the rationale for the Revised RC Model Law. Section 1 explains what the RC Model Law is and how it is currently being used. Section 2 identifies important developments since the RC Model was first disseminated in 1999, including landmark International Conference resolutions and the publication of the IFRC's [Guide to Strengthening the Auxiliary Role through Law and Policy](#) (**Auxiliary Role Guide**). Section 3 outlines the main new features of the Revised RC Model Law, as compared to the original RC Model Law.

### 1. The RC Model Law and the Joint Statutes Commission

The RC Model Law was first disseminated at the 27<sup>th</sup> International Conference of the Red Cross and Red Crescent (**International Conference**) in 1999. The reference to 'recognition' in the title of the RC Model Law indicates that the Red Cross or Red Crescent Law *may* constitute the act through which a government formally recognises the auxiliary role of the National Society.<sup>1</sup> This recognition — which is a requirement for a National Society to be recognised by the ICRC and admitted to the IFRC — may alternatively derive from other acts of government.<sup>2</sup>

The RC Model Law is mainly used as a benchmark to make recommendations on the legal base of National Societies. A common scenario is that a National Society has an opportunity to have a new RC Law introduced or its existing RC Law updated. This opportunity may arise as a result of successful

---

<sup>1</sup> RC Model Law, introductory note.

<sup>2</sup> RC Model Law, introductory note.

advocacy by the National Society. It can also arise after a major disaster or crisis which highlights to the public authorities the need for the National Society to have a stronger legal base. A National Society that is working on developing or updating an RC Law will typically seek advice from a joint IFRC-ICRC body named the Joint Statutes Commission. The Joint Statutes Commission will provide its advice based on whether the proposed RC Law has the features of the RC Model Law. Additionally, in recent years, [IFRC Disaster Law](#) has also provided recommendations to National Societies on their RC Laws, drawing on the Auxiliary Role Guide.

If a newly established or reconstituted Society were to seek recognition by the ICRC and admission to the IFRC, the RC Model Law would likely be used as part of the assessment of its application. This scenario is, however, mainly hypothetical as there is already a recognised National Society for almost every country in the world.<sup>3</sup>

## 2. Developments since the RC Model Law was first disseminated

Since the RC Model Law was first disseminated in 1999, there have been many important developments relating to the auxiliary role and National Societies' legal base. These developments fall into two main categories: (a) the adoption of International Conference resolutions clarifying the nature of the auxiliary role and underlining the importance of strong RC Laws; and (b) the development of new research and recommendations on National Societies' legal base.

### a. International Conference resolutions

International Conferences, held since 1867, have repeatedly acknowledged the unique nature of the National Societies. As early as in 1912, [Resolution IV](#) requested States to grant certain privileges to Red Cross societies by legal means. In 1973, the National Societies were recognized as auxiliaries to the public authorities ([Resolution XVI](#)).

In 2007, the 30<sup>th</sup> International Conference adopted [Resolution 2](#) entitled 'Specific nature of the International 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'. This was a seminal resolution that clarified the nature of the auxiliary role. It provided a detailed description of the auxiliary role and the respective roles and responsibilities of a National Society and its public authorities.

In 2011, the 31<sup>st</sup> International Conference adopted [Resolution 4](#), which encouraged National Societies to initiate or pursue a dialogue with their national authorities to strengthen their legal base in domestic law through sound RC Laws. It referred to sound RC Laws as strengthening the auxiliary role of National Societies in the humanitarian field and formalising the commitment of national authorities to respect the duty and ability of National Societies to abide by the Fundamental Principles, in particular the principle of independence. Resolution 4 invited the IFRC and the ICRC to develop relevant information material for National Societies, the public authorities and other interested bodies, including legal advice and best practices on RC Laws. This proposal to update the RC Model Law responds to this invitation from the International Conference. Resolution 3 also called on states to support humanitarian access for National Societies, to provide them with a predictable and regular

---

<sup>3</sup> There are 195 countries in the world and 191 recognised National Societies.

flow of resources, and to create and maintain an enabling environment for volunteering, including by reviewing and strengthening national laws and policies.

In 2015, the RCRC Movement marked the 50<sup>th</sup> anniversary of the Fundamental Principles with a series of regional workshops. This culminated in a set of seven recommendations, the first of which emphasised the importance of National Societies having a sound legal and statutory base that clearly defines their auxiliary role.<sup>4</sup> The theme of the 32<sup>nd</sup> International Conference, held later that year, was 'Power of Humanity: The Fundamental Principles in Action'. During the Conference, a commission was held on this topic, which identified strengthening the legal and statutory basis of National Societies as a concrete step towards strengthening the application of and respect for the Fundamental Principles.<sup>5</sup>

Finally, at the time of writing, there is a proposal for the 34<sup>th</sup> International Conference in 2024 to adopt a resolution on localisation entitled "Empowering local leadership, capacity and delivery in principled humanitarian action and strengthening resilience". The proposed draft resolution includes a call on States to strengthen National Societies' legal base by enacting detailed and comprehensive Red Cross and Red Crescent laws and special legal measures to enable them to fulfil their mandate to provide quality and timely humanitarian assistance in accordance with the Fundamental Principles.

## b. New research and recommendations

In addition to the above developments, since the original RC Model Law was first disseminated in 1999, IFRC has conducted detailed research on how to strengthen a National Society's legal base. IFRC has identified several elements that are absent from the RC Model Law but that should ideally be included in an RC Law. Equally, it has identified many types of 'legal facilities' that can benefit National Societies. The term 'legal facilities' refers to special legal rights that are provided to an organisation to enable it to conduct operations efficiently and effectively. IFRC's research on the RC Law and legal facilities is outlined in its [Auxiliary Role Guide](#). The IFRC has been using this Guide as a reference point when assisting National Societies to advocate for a new or amended RC Law. Building on this recent support to National Societies, IFRC has developed a [new proposal](#) for a project aiming to strengthen the auxiliary role of 80 National Societies by 2027.

## 3. Summary of proposed changes to the RC Model Law

IFRC considers that it is time to revise the RC Model Law to reflect the above developments and to provide a more ambitious benchmark for assessing RC Laws. It has, therefore, prepared a draft of a Revised RC Model Law for consultation.

The Revised RC Model Law is structured differently to the original RC Model Law. Instead of providing a set of provisions with explanations, the Revised RC Model Law identifies 14 key elements to be included in an RC Law. For each element, an 'example provision' is provided. Key elements 1 to 5 are of universal and fundamental importance to all National Societies. In general, the example provisions for these elements should be included — with limited (if any) modification — in the RC Law. Aside from these, the example provisions in the Revised RC Model Law generally need to be adapted to the

---

<sup>4</sup> ICRC and IFRC, 'The Fundamental Principles in Action: A Unique Ethical, Operational and Institutional Framework - Background Report' (2015) <[https://rcrcconference.org/app/uploads/2015/10/32IC-Report-on-Fundamental-Principles\\_EN.pdf](https://rcrcconference.org/app/uploads/2015/10/32IC-Report-on-Fundamental-Principles_EN.pdf)> 2, 15.

<sup>5</sup> ICRC and IFRC, 'Report of the 32nd International Conference of the Red Cross and Red Crescent' (2015) <[https://rcrcconference.org/app/uploads/2015/04/IFRC\\_IntlConfProceed\\_EN\\_20180301\\_LR.pdf](https://rcrcconference.org/app/uploads/2015/04/IFRC_IntlConfProceed_EN_20180301_LR.pdf)> 363-367.

local context. Indeed, the Revised RC Model Law discourages a ‘copy and paste’ approach, which can result in an RC Law that is not appropriate and adapted to the local context.

The Revised RC Model Law reflects five key changes, each of which finds strong support in existing International Conference resolutions.

- First, the Revised RC Model Law has a provision dedicated to the Fundamental Principles. Like the original RC Model Law, this provision requires the National Society to adhere to the Fundamental Principles and, conversely, requires the public authorities to respect the National Society's adherence to the Fundamental Principles. However, it goes further by explicitly outlining the meaning of the principles of neutrality, impartiality and independence. In doing so, the provision seeks to create a stronger domestic legal basis for these three principles and to support the National Society's ability to resist government interference.
- Secondly, the Revised RC Model Law has a provision dedicated to the auxiliary role. This provision seeks to clarify the nature of the auxiliary role, the relationship between a National Society and its public authorities, and the corresponding duties of a National Society and its public authorities. This provision uses the language of Resolution 2 of the 30th International Conference, which is the most detailed and authoritative description of the auxiliary role to date.
- Thirdly, the Revised RC Model Law has provisions addressing humanitarian access, the protection of staff and volunteers, and legal facilities to support its activities. These provisions are inspired by the recommendations in the IDRL Guidelines (adopted by the 30th International Conference), the Checklist on Disaster Preparedness and Response (recognised by the 33rd International Conference), the Auxiliary Role Guide and several International Conference resolutions, most notably Resolution 4 of the 31st International Conference.<sup>6</sup>
- Fourthly, the Revised RC Model Law has a provision addressing the National Society's right and duty to call for assistance from the International Red Cross and Red Crescent Movement. The proposed provision reflects the Principles and Rules for Red Cross and Red Crescent Humanitarian Assistance.<sup>7</sup> It identifies the circumstances in which a National Society is required to call for assistance from the Movement and the types of assistance it may request. The provision also seeks to ensure that the National Society can request assistance in all circumstances, without any requirement to obtain the consent of the public authorities.
- Fifthly, the Revised RC Model Law has stronger provisions on funding in order to promote an adequate and reliable stream of funding for National Societies. Specifically, it contains an example provision providing for public authorities to: (a) make financial provision for the costs of any service or activity that it entrusts to the National Society as part of its auxiliary role; and (b) make provision in the annual budget for the National Society. This example provision is inspired by Resolution 4 of the 31st International Conference and the recommendations in the Auxiliary Role Guide.

---

<sup>6</sup> See especially Resolution 4 of the 31st International Conference and Resolution 6 of the 23rd International Conference.

<sup>7</sup> Adopted by the XXI International Conference of the Red Cross (Istanbul, 1969) – Revised by the XXII, XXIII, XXIV, XXV, XXVI and XXXII International Conferences, Tehran (1973), Bucharest (1977), Manila (1981), Geneva (1986, 1995 noted), Geneva (2015 endorsed).

# Revised Red Cross or Red Crescent Model Law

## *Draft for Consultation*

This document is the Red Cross or Red Crescent Model Law. It is designed to serve as a benchmark and a source of inspiration for National Societies that are working with their public authorities to develop or update a Red Cross or Red Crescent Law (**RC Law**).

A National Society's RC Law is a fundamentally important document. Typically, it is the legal instrument that establishes a National Society, recognises its auxiliary role and enshrines the Fundamental Principles. Moreover, it usually endows a National Society with certain special legal rights (e.g., tax exemption) and addresses a range of other foundational matters such as the National Society's mission, key activities, duties, emblem protection and funding. Having an RC Law distinguishes a National Society from non-governmental organisations, which are typically registered rather than established by law. It should be noted that a country's RC Law may not necessarily be called a 'law', but instead may be called a decree, order, regulation, charter or bill.

This Model Law identifies **14 key elements** to be included in an RC Law. For each element, there is an explanation of what an RC Law should address and why. There is also an example provision. Key elements 1 to 5 are of universal and fundamental importance to all National Societies. In general, the example provisions for these elements should be included — with limited (if any) modification — in the RC Law. The remaining example provisions in this Model Law generally need to be adapted to the local context. Simply copying the example provisions may result in an RC Law that is not appropriate and adapted to the country context and the needs of the National Society. Indeed, some of the example provisions in this Model Law will not be necessary, appropriate and/or feasible in a given country context.

For National Societies that wish to develop or update an RC Law, there are many resources available. The IFRC's [Guide to Strengthening the Auxiliary Role through Law and Policy \(Auxiliary Role Guide\)](#) provides detailed information about the key components of an RC Law. It also outlines how National Societies can engage in advocacy on this topic and provides case studies of National Societies that have successfully advocated for a new or updated RC Law. The Auxiliary Role Guide is accompanied by an [online training course](#). These resources are available in Arabic, English, French, Russian and Spanish.

In addition to these resources, National Societies can access support from the Joint Statutes Commission and the IFRC National Society Development team, both of which are experienced in supporting the development and updating of RC Laws.

## 1. Nature of the National Society

---

*The RC Law is typically the legal instrument that establishes a National Society. It is therefore important that the RC Law enshrines the unique nature and characteristics of the National Society.*

*First, the RC Law should recognise the auxiliary role of the National Society. Secondly, it should establish that the National Society is the only National Society in the country and carries out its activities on the entire territory of the country.*

*In addition to the above, the RC Law should state that the National Society is a component of the International Red Cross and Red Crescent Movement and a member of the IFRC. Further, it should establish that the National Society is a corporate body with legal personality.*

*The exact terminology for the last point may vary from one country to another. What is important is to ensure that, legally speaking, the National Society is a distinct entity that can act in its own name (e.g., it can enter into a contract, open a bank account etc).*

### *Example provision*

- (1) This law regulates the legal status of the [name of the National Society] (hereinafter called "the National Society") and may be quoted as "The [name of the National Society] Act".
- (2) The National Society is a voluntary aid society, auxiliary to the public authorities in the humanitarian field, recognised and authorised on the basis of the Geneva Conventions (and their Additional Protocols) to render assistance to the medical services of the armed forces in times of armed conflict.
- (3) The National Society is the only National Society of the Red Cross or Red Crescent in [country name]. It carries out its activities on the entire territory of [country name].
- (4) The National Society is a component of the International Red Cross and Red Crescent Movement and a member of the International Federation of Red Cross and Red Crescent Societies.
- (5) The National Society is a corporate body with legal personality.

*Note: The example provision derives from articles 1 and 2 of the original RC Model Law. Paragraph (4) is new.*

## 2. Duties of the National Society

---

*A National Society must always adhere to the laws of its country and to its own statutes (which may alternatively be called its 'constitution' or 'bylaws'). This should be clearly reflected in the RC Law, as shown in paragraphs (1) and (2) of the example provision.*

*In addition, a National Society must comply with its duties as a component of the RCRC Movement and a member of the IFRC. There are many international instruments that it must adhere to. It is important for the RC Law to address these unique duties of a National*

### *Example provision*

- (1) The National Society shall at all times act in conformity with the laws of [country name].
- (2) The National Society shall at all times act in accordance with its [statutes/constitution/bylaws] adopted by the [relevant body of the National Society].
- (3) The National Society shall at all times comply with its duties as a component of the International Red Cross and Red Crescent Movement and as a member of the International Federation of Red Cross and Red Crescent Societies.

*Society, as they do not apply to other humanitarian organisations and may not be well understood by the public authorities and other actors. By setting out these duties, the RC Law can promote awareness of them and provide the National Society with a domestic legal basis for taking the actions necessary to fulfil its duties.*

*Paragraphs (3) and (4) of the example provision show how the RC Law can reflect the duties of a National Society as a component of the RCRC Movement and IFRC member. Paragraph (4) includes a list of the many different international instruments that the National Society must adhere to.*

- (4) Without limiting the scope of its duties under paragraph (3), the National Society shall at all times comply with:
- (a) the Geneva Conventions and their Additional Protocols;
  - (b) the Fundamental Principles of the Red Cross and Red Crescent Movement;
  - (c) the Statutes of the International Red Cross and Red Crescent Movement;
  - (d) the Constitution of the International Federation of Red Cross and Red Crescent Societies; and
  - (e) the Principles and Rules for Red Cross and Red Crescent Humanitarian Assistance.

*Note: The example provision derives from articles 1, 2 and 4 of the original RC Model Law.*

### 3. Fundamental Principles

---

*The Fundamental Principles are part of the DNA of a National Society. In practice, however, the Fundamental Principles are not always well understood by public authorities. Moreover, the Fundamental Principles — especially impartiality, neutrality and independence — can come under pressure in complex political and humanitarian environments.*

*In light of the above, it is advisable for the RC Law to include a dedicated provision on the Fundamental Principles. This provision should require the National Society to adhere to the Fundamental Principles and, conversely, the public authorities to respect the National Society's adherence to the Fundamental Principles.*

*Additionally, it is a good idea for the provision to outline in full the principles of impartiality, neutrality and independence. This creates a strong domestic legal basis for the National Society to resist any third-party interference or pressure which may compromise its adherence to these principles. Moreover, including a full*

#### *Example provision*

- (1) The National Society shall adhere at all times to the seven Fundamental Principles of the International Red Cross and Red Crescent Movement: humanity, impartiality, neutrality, independence, voluntary service, unity and universality.
- (2) In accordance with the principle of impartiality, the National Society shall make no discrimination as to nationality, race, religious beliefs, class or political opinions. It shall endeavour to relieve the suffering of individuals, being guided solely by their needs and giving priority to the most urgent cases of distress.
- (3) In accordance with the principle of neutrality, the National Society shall not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature.
- (4) In accordance with the principle of independence, the National Society shall always maintain its autonomy so that it may be able to act in accordance with the other Fundamental Principles at all times.
- (5) The public authorities shall at all times respect the adherence by the National Society to the Fundamental

*description of these principles promotes better understanding and awareness of them.*

Principles of the International Red Cross and Red Crescent Movement.

*Note: With the exception of paragraph (5), the example provision above is new. It did not appear in the original RC Model Law.*

## 4. Auxiliary role

---

*The auxiliary role of a National Society is a unique and defining feature. In a nutshell, the auxiliary role of a National Society is to support its public authorities by supplementing or substituting for public humanitarian services, while acting in conformity with the Fundamental Principles. Unfortunately, the auxiliary role is often misunderstood.*

*In order to promote understanding and the full realisation of the auxiliary role, it is advisable to include a dedicated provision on the auxiliary role in the RC Law. This provision should use the language of Resolution 2 of the 30<sup>th</sup> International Conference. This seminal resolution provides the most authoritative and detailed description of the auxiliary role to date.*

*The example provision illustrates how the language of Resolution 2 can be crafted into a clear and helpful domestic legal provision. Paragraphs (1) and (2) clearly explain the meaning of the auxiliary role, while paragraphs (3), (4) and (5) outline the corresponding duties of a National Society and its public authorities. Finally, paragraph (6) clarifies that, notwithstanding its auxiliary role, the National Society is an independent and autonomous organisation.*

### *Example provision*

- (1) The public authorities of [country name] and the National Society as auxiliary enjoy a specific and distinctive partnership, entailing mutual responsibilities and benefits, 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. These include, among others, disaster-management activities, as well as public-health, development and social activities.
- (2) The public authorities bear the primary responsibility to provide humanitarian assistance to vulnerable persons in their territory. As auxiliary, the primary purpose of the National Society is to supplement the public authorities in fulfilling this responsibility in [country name].
- (3) The National Society has a duty to consider seriously any request by its public authorities to carry out humanitarian activities within its mandate.
- (4) The public authorities must refrain from requesting the National Society to perform activities which are in conflict with the Fundamental Principles, the Statutes of the Movement or its mission.
- (5) The National Society has the duty to decline any such request and the public authorities must respect any such decision by the National Society.
- (6) Whilst the National Society is auxiliary to the public authorities of [country name] in the humanitarian field, it is an independent organisation and shall always maintain its autonomy.

*Note: The example provision above is new. It did not appear in the original RC Model Law.*



## 5. Emblem protection

---

*The Movement has three distinctive emblems: a red cross, crescent or crystal on a white ground. The use of the emblems is governed by the Geneva Conventions and their Additional Protocols, as well as the Regulations on the Use of the Emblem of the Red Cross or Red Crescent by the National Societies.*

*It is important for the RC Law to contain a provision that: (a) authorises the National Society to use as its emblem the red cross/crescent/crystal on a white ground; (2) prohibits any other use of the emblem; and (3) establishes penalties for misuse of the emblem.*

*The example provision reflects the minimum legal protection of the emblem. Square brackets are used to identify elements of the provision that will need to be completed with reference to the country context.*

*The ICRC has developed a [Model law concerning the use and protection of the emblem of the red cross or red crescent](#). This may be used to support the development of a dedicated emblem protection law or, alternatively, a more detailed emblem provision in the RC Law.*

### *Example provision*

- (1) The National Society shall be authorised to use as its emblem a [red cross/red crescent/red crystal] on a white ground for all the purposes foreseen by the International Conference of the Red Cross and Red Crescent, in conformity with the Geneva Conventions of 1949, the present law and the Regulations on the Use of the Emblem by National Societies adopted by the International Conference of the Red Cross and Red Crescent.
- (2) Any use of the emblem of the [red cross/red crescent/red crystal] other than foreseen in the Geneva Conventions of 1949 or in paragraph 1, is prohibited and will be punished with [description of penalty] in conformity with [the relevant provision of the penal code or a specific law prohibiting misuse of the emblem].

*[Note: The example provision is the same as article 6 of the original RC Model Law.](#)*

## 6. Object and activities of the National Society

---

*It is important for the RC Law to clearly identify a National Society's object/mission. This should be done using similar language to the Preamble to the Statutes of the Movement. Paragraph (1) of the example provision shows how to use the language from the Preamble to create a clear and succinct description of a National Society's object/mission.*

*It is also beneficial for the RC Law to include a description of the National Society's key activities. This creates a legal mandate for the*

### *Example provision*

- (1) In addition to rendering assistance to the medical services of the armed forces in times of armed conflict, the object of the National Society is to:
  - (a) prevent and alleviate human suffering wherever it may be found;
  - (b) protect life and health and ensure respect for the human being, in particular in times of armed conflict and other emergencies;

*National Society to carry out the activities. Paragraph (2) of the example provision shows how this can be done, while paragraph (3) is a 'catch all' providing that the National Society also carries out functions defined in its statutes, international treaties and International Conference resolutions.*

*The description of the National Society's activities in paragraph (2) should be general and non-exhaustive. This prevents the descriptions from becoming outdated and ensures the National Society can conduct new activities that are consistent with its object/mission and the Fundamental Principles.*

*In addition to the above elements, it is a good idea for the RC Law to provide for the public authorities to invite representatives of the National Society to participate in relevant coordination and information-sharing mechanisms. This allows the National Society to coordinate with government actors and to represent and advocate for the needs of the most vulnerable. Paragraph (4) of the example provision shows how this can be done.*

- (c) work for the prevention of disease and for the promotion of health and social welfare; and
  - (d) encourage voluntary service and a universal sense of solidarity towards all those in need of its protection and assistance.
- (2) In pursuit of its object, the National Society implements activities in the domains of [health/social welfare/disaster risk management/migration...]. Its activities include but are not limited to the following:
    - (a) [...]
    - (b) [...]
    - (c) [...]
  - (3) The National Society shall also carry out the functions defined in its statutes, international treaties and instruments which [country name] has adopted and the resolutions of the International Conference of the Red Cross and Red Crescent.
  - (4) In order to facilitate the activities identified in paragraphs (2) and (3) above, the public authorities shall invite representatives of the National Society to participate in relevant coordination and information-sharing mechanisms.

*[Note: The example provision above builds on article 3 of the original RC Model Law. Paragraphs \(1\) and \(3\) are expanded versions of existing paragraphs; paragraphs \(2\) and \(4\) are new.](#)*

## 7. Financial transactions

---

*In order to operate efficiently, a National Society must be able to perform key financial transactions. It must be able to: (a) acquire and dispose of property; (b) receive and administer funding; and (c) establish funds or other financial mechanisms for its own use. The example provision is designed to ensure that the National Society can perform these key financial transactions.*

*It should be noted that it may not always be necessary to include this type of provision in the RC Law. In some cases, the fact of having legal personality (see element 1 above)*

### *Example provision*

- (1) The National Society, within the limits laid down by its object and functions, may acquire, own, alienate and administer such property as it deems fit. It may accept any conveyance of real estate to its use or benefit.
- (2) The National Society may, in accordance with its object and functions, accept unrestricted contributions and assistance in any form from individuals, the public authorities and private or public bodies. It may accept as agent or trustee funds or property in trust or earmarked for particular use, provided that such use is within the general scope of its object and functions.

*automatically means that a National Society can perform these functions.*

(3) The National Society may constitute and administer any reserve, insurance or other funds for its staff or any of its activities.

*Note: The example provision above is the same as articles 5.1, 5.2 and 5.3 of the original RC Model Law.*

## 8. Funding

---

*In order to fulfil its objective and implement its key activities, a National Society needs a reliable and adequate stream of funding. It is therefore important to include in the RC Law a provision addressing the nature of the funding that the National Society will receive from its public authorities. This will be highly context dependent; what is feasible and appropriate will vary from one country to another. The provision on the right is only one example of how to address funding in the RC Law. Moreover, it should be noted that the example provision sets a high bar which may not always be achievable.*

*The rationale for the example provision is that it is appropriate for the public authorities to cover the costs of activities that they have entrusted to the National Society as part of its auxiliary role (as opposed to other activities that the National Society undertakes of its own volition). This is because, by definition, activities performed as part of the auxiliary role supplement or substitute for the public authorities' own humanitarian services.*

*When advocating to include a similar provision in their RC Law, a National Society may rely on Resolution 4 of the 31<sup>st</sup> International Conference. This Resolution was adopted by all parties to the International Conference, including 192 states. It encouraged relevant government departments to provide a predictable and regular flow of resources adapted to the operational needs of their National Societies. Further, it stressed the*

### *Example provision*

- (1) The public authorities shall make provision for covering the cost of any service or activity which they may entrust to the National Society as part of its auxiliary role.
- (2) The public authorities shall make provision in the annual budget for the National Society. This shall include funds for:
  - (a) [payment of the National Society's membership fees of the IFRC and its contributions to the ICRC]; and
  - (b) [the implementation of activities entrusted to the National Society as auxiliary as contemplated by paragraph (1)].

*Note: The example provision above expands on article 5.6 of the original RC Model Law to provide the National Society with a stronger legal entitlement to funding.*

importance of states' long-term support and resourcing to National Societies.



## 9. Tax exemption

---

*It is important for National Societies to stretch scarce resources as far as possible in order to fulfil their object and meet the needs of the most vulnerable. It is therefore critical to include in the RC Law a provision addressing tax exemption.*

*The provision should provide the National Society with a very broad tax exemption that encompasses all types of taxes and duties. Further, it should apply to all of the National Society's activities, including any income-generating activities. The reason for this is that National Societies often use income-generating activities to fund their non-profit activities or operational costs.*

*It is also important for the provision to state that donations made to the National Society are tax exempt. This incentivises donation, thereby increasing the amount of resources available to National Societies.*

### *Example provision*

- (1) The assets of the National Society, including its financial resources and real estate as well as the revenue from its income generating activities, shall be exempted from all taxes and duties.
- (2) Donations made to the National Society by any individual or legal body shall benefit from tax exemption. For the avoidance of doubt, this exemption applies to bequests made through a will.

*Note: The example provision above is from the original RC Model Law. The second sentence of paragraph (2) is new and seeks to provide greater clarity regarding bequests.*

## 10. Humanitarian access and freedom of movement

---

*During disasters and emergencies, governments often introduce restrictions on freedom of movement. They may, for example, declare 'no go' zones or introduce curfews. As evidenced by the COVID-19 pandemic, there can also be much wider-ranging restrictions on freedom of movement. Moreover, even during 'normal times', governments may restrict or prevent access to certain populations, such as people held in prison or detention, or residents of migrant or refugee camps.*

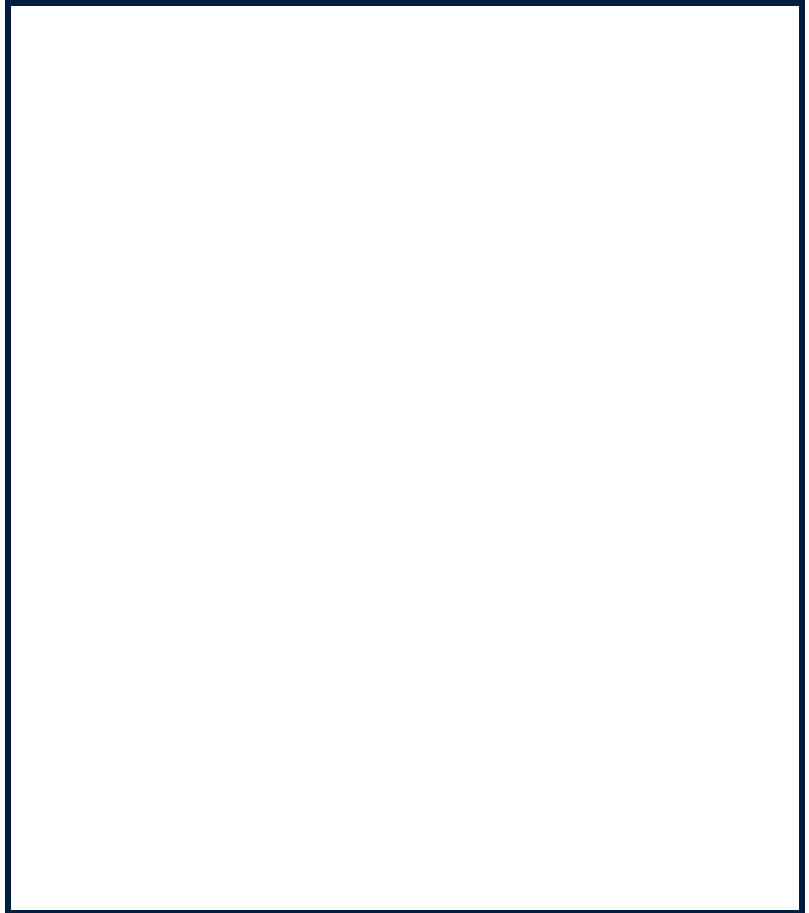
### *Example provision*

- (1) The National Society shall be permitted to move freely throughout the [country name] and access vulnerable and disaster-affected populations at all times.
- (2) The public authorities of [country name] shall facilitate the National Society's rapid and unhindered access to persons in need of humanitarian assistance.
- (3) The National Society shall be exempt from any restrictions on freedom of movement introduced during a disaster or emergency.

*Note: The example provision above is new. It did not appear in the original RC Model Law.*

*It is important for the RC Law to include a provision ensuring the National Society's humanitarian access and freedom of movement at all times. The example provision provides a template which can be adapted to the country context depending on what is necessary, feasible and appropriate.*

*The example provision is based on the recommendations in the [Auxiliary Role Guide](#). It is also inspired by Resolution 4 of the 31<sup>st</sup> International Conference, which called on states to create conditions for more favourable and effective access by National Societies to people in need, and encouraged public authorities to ensure safe access for Red Cross and Red Crescent volunteers to all vulnerable groups in their respective countries. When advocating for a provision similar to the example provision, National Societies can rely on this Resolution and its call on states to support humanitarian access.*



## 11. Legal facilities for disaster-related activities

---

*The term 'legal facilities' refers to special legal rights that are provided to an organisation to enable it to conduct operations efficiently and effectively. Legal facilities often take the form of exemptions from a law or legal requirement that would otherwise apply or access to simplified and expedited regulatory processes.*

*The example provision provides the National Society with a right to receive the legal facilities it may need to support its work in disaster preparedness, anticipatory action, response and recovery.*

*Paragraphs (2) and (3) of the example provision identify specific legal facilities which, based on experience, can be highly beneficial for National Societies. These legal facilities mainly address the cross-border movement of*

### *Example provision*

- (1) The National Society shall benefit from the legal facilities necessary to support its activities in preparing, anticipating, responding and recovering from disasters and emergencies of all kinds.
- (2) Without limiting the scope of paragraph (1), the legal facilities provided to the National Society shall include:
  - (a) exemption from any duties, taxes, tariffs or governmental fees associated with importation of relief items;
  - (b) exemption from import restrictions in relation to the importation of relief items;
  - (c) simplified and expedited customs clearance including priority clearance and waived or reduced inspection requirements;

goods, personnel and equipment, as well as their operation/use once in country. It should be noted that some of these legal facilities may not be necessary, appropriate or feasible in the country context. Therefore, the example provision should be viewed as a menu of options.

The legal facilities included in the example provision are based on the recommendations in the [IDRL Guidelines](#) (adopted by the 30<sup>th</sup> International Conference), the [Checklist on Law and Disaster Preparedness and Response](#) (recognised by the 33<sup>rd</sup> International Conference), the [Auxiliary Role Guide](#) and several other International Conference resolutions.

- (d) permission to re-export relief items and equipment not used during a response operation;
  - (e) priority permission for the departure and arrival of land, marine and air vehicles carrying relief items and equipment; and
  - (f) waiver of licensing requirements and fees for the use of imported vehicles, telecommunications equipment and other specialised items.
- (3) Relief personnel from within the International Red Cross and Red Crescent Movement who are entering [country name] to assist the National Society in its disaster response shall be entitled to:
- (a) expedited visa processing or exemption from visa requirements; and
  - (b) automatic or expedited recognition of foreign professional qualifications.

*Note: The example provision above is new. It did not appear in the original RC Model Law.*

## 12. Legal facilities for staff and volunteers

Staff and volunteers are the engine of National Societies. It is therefore imperative to protect and incentivise them. The example provision identifies five key legal facilities that can be included in the RC Law. It should be noted that some of these legal facilities may not be necessary, appropriate or feasible in the country context. Therefore, the example provision should be viewed as a menu of options. Moreover, if included in the RC Law, the paragraphs in the example provision will need to be tailored to the local context.

The example provision is based on Resolution 4 of the 31<sup>st</sup> International Conference and the [Auxiliary Role Guide](#). Resolution 4 noted the importance of legal recognition of volunteers and appropriate protections, including clarity in responsibilities and liabilities and assurances for their health and safety. It called on public authorities to create and maintain an enabling environment for volunteering,

### Example provision

- (1) National Society staff members and volunteers shall be entitled to [government-funded medical care] in the event of illness or injury sustained in the course of their official duties.
- (2) National Society staff members and volunteers shall be covered by [a government-funded insurance scheme] in the event of permanent injury, disability or death sustained in the course of their official duties.
- (3) In a declared emergency, employers shall release employees that are volunteers of the National Society for up to [X] days of emergency service. The volunteers shall not suffer any deduction from their salary or employment benefits.
- (4) Voluntary service for the National Society shall be accepted in lieu of compulsory military service, subject to [a quota determined by the National

including by reviewing and strengthening national laws and policies.

When advocating for the legal facilities in the example provision, National Societies may rely on Resolution 4. They may also make the following two points.

- First, to the extent that National Societies are acting within their auxiliary role, they are supplementing the government's own humanitarian services. It is logical for governments to support these activities through special legal rights and exemption for National Society staff and volunteers.
- Secondly, it is important to incentivise and protect National Society staff and volunteers in light of the importance of their work and the fact that they may perform dangerous tasks that involve a risk of personal injury or even death.

Society] and a requirement of [X months of prior volunteer experience with the National Society].

- (5) Staff and volunteers of the National Society are exempt from legal liability for acts or omissions committed in good faith in the course of providing emergency assistance.
- (6) Stipends or allowances paid to volunteers of the National Society as recompense for costs associated with their official duties shall be exempted from all taxes and duties.
- (7) Salary payments to staff of the National Society shall be [exempt from income tax/subject to an income tax reduction of X per cent].

*Note: The example provision above is new. It did not appear in the original RC Model Law.*

## 13. Assistance from the Red Cross and Red Crescent Movement

National Societies frequently provide and/or receive assistance from other components of the Red Cross and Red Crescent Movement. The [Principles and Rules for Red Cross and Red Crescent Humanitarian Assistance](#) govern the National Societies and the IFRC in relation to international humanitarian assistance.

It is important for the RC Law to contain a provision addressing the prospect of the National Society requesting and receiving assistance from other components of the RCRC Movement. This provision should be consistent with the Principles and Rules. It should use language similar to Rules 1.8 and 1.9 to identify: (a) the circumstances in which the National Society must request assistance from the RCRC Movement; and (b) the types of assistance it may request and receive.

### *Example provision*

- (1) The National Society shall, through the International Federation, call for assistance from the International Red Cross and Red Crescent Movement in circumstances where the humanitarian consequences of a disaster cannot be met by its resources or those of its domestic partners in a timely manner, appropriate scale or in accordance with applicable standards.
- (2) In the circumstances described in paragraph (1), the types of assistance that a National Society may request and receive include but are not limited to the following:
  - (a) immediate financial support from the International Federation through its Disaster Relief Emergency Fund;
  - (b) the launch of an Emergency Appeal by the International Federation on behalf of the National Society;

*Additionally, the provision should ensure that the National Society can request assistance from the RCRC Movement in all circumstances, without any requirement to obtain consent from the public authorities and regardless of whether the public authorities have accepted or requested international assistance.*

*It should be noted that the current version of the Principles and Rules was endorsed by Resolution 7 of the 32<sup>nd</sup> International Conference in 2015. This resolution — which was adopted by all parties to the Conference, including states — requested states to facilitate and support the implementation of the Principles and Rules. When advocating for a provision similar to the example provision, National Societies can rely on this Resolution and its request for support from states.*

- (c) the deployment of relief personnel from other components of the International Red Cross and Red Crescent Movement, as facilitated by the International Federation; and
  - (d) the provision of relief items from other components of the International Red Cross and Red Crescent Movement, as facilitated by the International Federation.
- (3) The National Society may call for assistance from the International Red Cross and Red Crescent Movement irrespective of whether the public authorities of [country name] have requested or accepted international assistance.
- (4) The National Society shall not be required to obtain the consent of the public authorities of [country name] in order to request assistance from the International Red Cross and Red Crescent Movement.

*Note: The example provision above is new. It did not appear in the original RC Model Law.*

## 14. Entry into force and periodic review

---

*It is important for the RC Law to contain a provision identifying when it enters into force and which (if any) laws it replaces.*

*Additionally, it is a good idea to include a provision providing for the RC Law to be reviewed periodically, in order to ensure that it does not become outdated.*

### *Example provision*

- (1) The present law shall come into force on [date] and shall replace from that date [the previous law in force].
- (2) The present law shall be reviewed and, if necessary, amended at [15] year intervals following its entry into force.

*Note: Paragraph (1) is the same as article 7 of the original RC Model Law. Paragraph (2) is new.*