

A GUIDE FOR PARLIAMENTARIANS
TO THE INTERNATIONAL RED CROSS
AND RED CRESCENT MOVEMENT

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The International Red Cross and Red Crescent Movement (the Movement) is the world's largest humanitarian network. Neutral and impartial, it endeavours to prevent and alleviate human suffering – in particular during times of disasters and conflicts.

This guide aims to familiarise parliamentarians with the Movement, particularly the role of the 187 Red Cross and Red Crescent National Societies¹ (National Societies) throughout the world. A strong and active National Society can do much to assist public authorities at all levels of government in the humanitarian field.

There are a number of characteristics that distinguish a National Society from non-governmental organisations (NGOs), the United Nations (UN) and other elements of civil society.

This guide is designed to provide information and understanding with a view to building on the existing strong and valuable relationships between parliamentarians and the National Society.

Areas examined include:

- What is the Movement?
- What does 'auxiliary role' mean?
- Examples of services that National Societies provide.
- What do I need to know about international humanitarian law (IHL), international disaster response law (IDRL) and other areas of disaster law?
- Why are the red cross, red crescent and red crystal emblems important?
- What is humanitarian diplomacy?
- What can you do as a parliamentarian to strengthen and support your National Society?

¹ For the most current information on the number of National Societies please visit www.ifrc.org.

What is the Movement?

The Movement is considered the world's largest humanitarian network, because it benefits from the support of millions of committed volunteers and dedicated local staff spanning almost every country and territory in the world. It is also one of the most experienced, set up originally in 1863.

The Movement is made up of three main components:

- 187 National Societies;
- The International Committee of the Red Cross (ICRC); and
- The International Federation of Red Cross and Red Crescent Societies (the Federation).

Through development projects and humanitarian activities, the Movement supports communities to become stronger and safer and to recover from crises. It works in cooperation with governments, donors, other humanitarian organisations and the private sector to assist vulnerable people around the world, no matter who they are and no matter where they live.

Governments are not members of the Movement, but they take part in the International Conferences of the Red Cross and Red Crescent (International Conferences), held every four years. Through these Conferences, significant commitments are made between the Movement and governments,

and these commitments build upon the obligations and responsibilities that states have assigned to various components of the Movement in the 1949 Geneva Conventions and the 1977 Additional Protocols.

The Movement is guided by seven Fundamental Principles. For example, the principle of Humanity reflects the mission of the Movement to 'prevent and alleviate human suffering wherever it may be found.'

The principle of Neutrality prohibits the components of the Movement from taking sides in controversies and the principle of Impartiality prohibits the Movement from discriminating its

The seven Fundamental Principles



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work. Through domestic legislation and agreement on resolutions at International Conferences of the Movement, governments give commitments to work with and support National Societies in conformity with the Fundamental Principles.

The Movement is connected through the use of its universally recognised emblems, the red cross, red crescent and red crystal, which are discussed in this Guide.

More detailed information on the Movement can be found at www.ifrc.org and www.icrc.org, including sections on the history of the Movement, the International Conferences and the Red Cross Red Crescent magazine.

Setting the humanitarian agenda

The Movement meets regularly to discuss common issues and share best practices.

Every four years at the International Conference, members of the Movement liaise with representatives of the states which are parties to the Geneva Conventions. The International Conference is the Movement's highest deliberative body and offers an opportunity to examine issues of common humanitarian concern and to set the humanitarian direction with governments for the next four years.

The Standing Commission serves as the trustee of the International Conference and offers strategic guidance to the Movement between meetings. It promotes coordination between Movement partners, helps to implement International Conference resolutions and examines issues of concern to the whole Movement.

In addition to the International Conference, two other important meetings take place every two years: the General Assembly, which is made up of delegates from all member National Societies and the Federation; and the Council of Delegates, which brings together all the components of the Movement.

The General Assembly provides oversight and is the highest governing body of the Federation, providing overall oversight and establishing its general policies. Between sessions of the General Assembly, the Federation's Governing Board monitors implementation of the General Assembly's decisions and provides governance oversight. The Council of Delegates adopts resolutions on action and advocacy concerning the whole Movement.

What are the different components of the Movement?

National Societies, the ICRC and the Federation are separate bodies. Each has its own individual status and role, and have agreed to mechanisms for ensuring that their actions are well coordinated, and fit a common policy framework where appropriate.



Participants of the 18th session of the IFRC General Assembly, Geneva, Switzerland, 2011.

National Societies

National Societies exist in 187 countries and territories, embodying the work and principles of the International Red Cross and Red Crescent Movement. National Societies rely heavily on volunteers, particularly at the community level, to perform their humanitarian and development work.

A National Society is neither a department or entity of the State, nor is it an NGO. From its inception, a National Society has a different relationship with its government and public authorities, and in the UN system has a special status not accorded to NGOs.

Before a State's National Society can become part of the Movement, a number of conditions need to be met according to the Statutes of the Movement, which can be found at www.ifrc.org. The first is that the State must have agreed to be bound by the Geneva Conventions of 1949. A State must also duly recognise the National Society in some form of domestic legislation. Among other things, that law must recognize the National Society as a voluntary aid society which is 'auxiliary to the public authorities in the humanitarian field.'

ICRC

The ICRC is an independent, neutral organization ensuring humanitarian protection and assistance for victims of armed conflict and other situations of violence. It takes action in response to emergencies and at the same time promotes respect for international humanitarian law and its implementation in national law.

The ICRC is widely considered the ‘custodian’ or ‘guardian’ of IHL. It promotes dissemination and compliance with IHL, supports its development, and draws attention to universal humanitarian principles.

It has a particular mandate under IHL to visit prisons, organise relief operations, reunite separated families and undertake other humanitarian activities during armed conflicts.

The ICRC also works to meet the needs of internally displaced people, raise public awareness of the dangers of mines and explosive remnants of war, and trace people who have gone missing during conflicts.

The Federation

The International Federation of Red Cross and Red Crescent Societies (the Federation) is an international humanitarian organization whose membership is the 187 National Societies.

It is a corporate body with recognized international legal personality served by an international secretariat based in Geneva, Switzerland.

The Federation coordinates and directs international assistance from the Movement following natural and man-made disasters in non-conflict situations. Its mission is to improve the lives of vulnerable people by mobilising the power of humanity.

The secretariat of the Federation serves its members through coordination, capacity building and international representation. The secretariat of the Federation may also manage its own humanitarian assistance operations. In addition to its relief activities, the Federation also performs extensive development work, including disaster preparedness programs, health and care activities, and the promotion of humanitarian values. It further supports programs on youth and volunteer

engagement, risk reduction and fighting the spread of diseases, such as HIV, tuberculosis, influenza and malaria.

The organisation also works to combat discrimination and violence, promote humanitarian principles and values, and provide assistance for migrants.

The Federation benefits from observer status at the UN and actively coordinates with UN and other partners in its humanitarian work.

What does the ‘auxiliary role’ actually mean?

The ‘auxiliary role’ is a term used to express the specific and distinctive partnership a National Society should have with public authorities in providing humanitarian services. Historically, these were services provided largely in times of war under the Geneva Conventions and their Additional Protocols, however, in the contemporary world, National Societies take on a range of broad tasks involved in addressing the needs of the most vulnerable within their communities and worldwide.

As an auxiliary, a National Society is expected to support and supplement the public authorities in their humanitarian tasks, including through close coordination and seriously considering any official requests by the authorities to carry out humanitarian activities within their mandate. At the same time, public authorities are obliged to ensure that National Societies may operate autonomously and in compliance with the Movement’s Fundamental Principles.

Through this simultaneously independent and mutually reinforcing role, National Societies and the public authorities agree on clearly defined roles and responsibilities to provide risk reduction and disaster management activities, health and social programs, the promotion of IHL and effective disaster law, and promotion of humanitarian values. In addition to its role providing assistance to the civilian population, during wartime, National Societies assist the affected civilian population and support the armed forces’ medical services where appropriate.

This specific relationship is recognised in both international and national laws, and is one of the major distinguishing features which sets National Societies apart from NGOs and other civil society organisations who provide humanitarian services.

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The practical implications of the auxiliary role differ from country to country, however the common thread is that National Societies are generally considered among the most reliable partners for national and local public authorities. Those authorities also appreciate National Societies' strong capacity to mobilise human and material resources at the international and community level.

In conclusion, auxiliary status is a balanced relationship with reciprocal responsibilities and mutual benefits, and there is a need for strong dialogue between a National Society, governments and its public authorities at all levels to ensure that each other's needs and limitations are understood.

What is international humanitarian law?

International humanitarian law (IHL) is a set of internationally binding rules that seek to limit the negative effects of armed conflict on people and objects.

Also known as the law of war, IHL protects certain categories of people and restricts the methods and means of warfare, with the aim of reducing suffering during times of armed conflict. The key messages of IHL are:

- Do not attack people who do not, or are no longer taking part in armed conflict (such as civilians, wounded or captured enemy soldiers); and
- Do not use weapons that make no distinction between civilians or combatants, or cause unnecessary suffering and damage.

IHL is found in many international treaties (in particular the Geneva Conventions of 1949 and their 1977 Additional Protocols) as well as in customary international law. There are also a number of treaties which relate to the limitations and prohibitions placed on particular weapons.

Parliamentarians have a key role in ensuring domestic implementation of IHL. For specific guidance in this respect, a key resource would be the ICRC's *Manual on the Domestic Implementation of International Humanitarian Law* (2011), which can be found at www.icrc.org.

National Societies have strong roles to play, and are obliged, in accordance with International Conference resolutions, to promote and disseminate IHL within their countries. Equally, governments have committed to work with their National Society partners towards this end.

What is disaster law?

Disaster law is the ensemble of laws, regulations, policies and procedures at the national, regional and international levels that help states to promote the prevention, response and recovery from disasters.

As a global humanitarian network of community-based, volunteer-driven National Societies, the Federation and its membership have a unique perspective on disaster law. Since 2001, the Federation has had a formal programme of research and consultation on this topic to support its members in providing advice and support to their authorities.

An important part of this work has focused on ‘international disaster response laws, rules and principles’ (disaster law), in other words, the rules that govern international disaster response operations. Over a decade of research and consultations on a global scale revealed gaps in legal frameworks for managing international relief. As a result, many operations have been hampered by unnecessary bureaucracy, fees and delays on the one hand as well as poor quality, poor coordination and failures of complementarity to domestic response on the other.

To address this, in 2007, the state parties to the Geneva Conventions and the Red Cross Red Crescent Movement adopted

the *Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance* (IDRL Guidelines) at the 30th International Conference of the Red Cross and Red Crescent. The Guidelines are designed to assist States in strengthening their own laws, policies and procedures in order to avoid needless delays in the dissemination of humanitarian relief while at the same time ensuring better coordination and quality of the assistance provided. In 2011, the Federation, along with the UN Office for Coordination of Humanitarian Affairs (OCHA) and the Inter-Parliamentary Union, developed a pilot *Model Act for the Facilitation and Regulation of International Disaster Assistance* to provide further support to states in implementing the Guidelines.

In recent years, the Federation and its members have also turned their attention to other disaster law issues of particular importance, including how legislation can promote and empower disaster risk reduction at the community level, and how to reduce regulatory barriers to providing shelter in the aftermath of disasters.

States, National Societies and the Federation have all committed themselves through resolutions of the International Conferences to work in partnership to promote stronger and more effective disaster laws.

What are the red cross, red crescent and red crystal emblems?

The Movement has three distinctive emblems, all of which carry equal protective status and meaning, and which are established by international law through the First Geneva Convention in 1949 and the Third Additional Protocol to the Convention in 2005. These are the red cross, the red crescent and the red crystal. These three emblems are all neutral in the sense that they are not intended to carry any religious or political connotations.



How are these emblems used and why are they important?

The emblems may be used for two separate purposes – known as the ‘protective use’ and the ‘indicative use.’ The *protective use* refers to the emblem when it is placed on medical and religious personnel, medical equipment such as field ambulances and medical buildings such as military hospitals and hospital ships in situations of armed conflict. This use of the emblem is not intended to indicate that these persons and objects are associated with the Movement. Rather, placing the emblem on these people and facilities is a clear signal to combatants that they are not to be the subject of an attack. It therefore means ‘don’t shoot’ and provides the protection these people need to offer assistance to the wounded and sick.

To attack a person, equipment or a facility bearing a protected emblem is a breach of the Geneva Conventions and those who perpetrate the attack can be charged with committing a war crime. If an emblem of the Movement is misused in a time of armed conflict (for example to protect soldiers engaged in fighting from attack), this is an act of perfidy and also a war crime under the Geneva Conventions.



The use of the emblem for protective purposes is a visible manifestation of the protection accorded by the Geneva Conventions to medical personnel, units and transport.



The *indicative use* refers to the emblem when it is used to show that people or objects are connected to the Movement. A National Society can use an emblem in times of peace to indicate that it is connected to the Movement and that its operations conform to the Fundamental Principles and Movement rules. This attaches a substantial value to the assistance provided by National Societies.

Each State and its National Society has the choice of one of the three emblems for indicative use by its National Society. However, the State must also promote respect for all three emblems and ensure that their prestige is not harmed in any way. In many countries a 'Geneva Conventions Act' regulates the use of the emblems and establishes a criminal offence to use these symbols without appropriate permission.

Many people depend upon the emblems to keep them safe in areas of conflict and many people owe their lives to the emblem by virtue of the respect that it commands throughout the world.

What is Humanitarian Diplomacy?

The Movement seeks to persuade and influence decision makers and opinion leaders, through humanitarian diplomacy to act at all times in the interests of vulnerable people, and with full respect for fundamental humanitarian principles.

The efforts of the different components of the Movement may vary according to the operational or policy context in question, but they are essentially driven by the same fundamental approach:

- Humanitarian diplomacy is always undertaken with a focus on the humanitarian impact of particular decisions or policies; and
- Based on facts, evidence and experience, humanitarian diplomacy by the Movement will generally be conducted through strong confidential diplomacy with decision makers, and at appropriate times, through the engagement of opinion leaders.

Humanitarian diplomacy is now widely seen across the Movement as a responsibility, as opposed to a choice. This 'responsibility to persuade' flows from the privileged access enjoyed by National Societies as auxiliaries to the public authorities in the humanitarian field. It flows from the independence of

the Red Cross Red Crescent Movement, from the breadth of its humanitarian activities across the globe, its community base with millions of volunteers and the observer status at the UN General Assembly enjoyed by the Federation and the ICRC. It is this access to decision making processes, at both local and global levels, that compels the Movement to bring the needs and interests of vulnerable people to the attention of decision makers throughout the world.

Commitments made by States and Movement components at the International Conferences of the Red Cross and Red Crescent (see next page) are a major part of the humanitarian diplomacy agenda of the Movement. National Societies seek to engage public authorities, including parliamentarians, in relation to these commitments on an ongoing basis. Humanitarian diplomacy is therefore an activity through which a National Society engages its government in constructive dialogue, providing solution-focused and evidenced-based positions in relation to some of the most urgent humanitarian and development challenges facing the world today.

What can you do as a parliamentarian to strengthen and support your National Society?

Parliamentarians have a vital role to play to ensure that the whole Movement can fulfill its humanitarian mandate, granted to it by States under international law and resolutions from the International Conferences.

1 Legal Recognition

The strength of individual National Societies is dependent upon their government creating proper legal regulations recognising their existence and confirming the National Society's capacity to follow the Fundamental Principles and undertake its activities as auxiliary to public authorities in the humanitarian field. Domestic legislation provides this capacity for National Societies to be part of the Movement and act as a strong and capable organization. The IFRC and ICRC have prepared a model legislative Red Cross act titled *Law on the recognition of the Red Cross/Red Crescent Society*.

2 Emblem usage

There is a need for up-to-date domestic legislation regulating the correct use of the red cross, red crescent or red

crystal emblem. Such legislation assists in ensuring that the emblem is understood by the broader community as a symbol of protection. Ensuring regulation on the correct use of the emblems is another important task for parliamentarians. The legislation that supports the correct use of the emblem needs to be widely known within the government.

3 Access

Per the resolutions of the International Conferences, and in light of their neutral humanitarian role, the public authorities should ensure National Societies effective and safe access to persons in need of their services. This applies equally to migrants, irrespective of their legal status. Parliaments can support this through their oversight mechanisms concerning the enforcement of laws and by examining and correcting any provisions of law that would hamper such access.

4 Harness expertise and understand capacity to respond to emergencies and disasters

National Societies are able to assist governments through participation on panels, boards or in an advisory capacity on matters within their areas of expertise (such as emergency disaster response or dealing with the impacts of migration). The National Society is always available to offer its services

in this capacity. Leading discussions, or giving evidence to Parliamentary Committees, on matters such as the disaster law guidelines, on the provision of humanitarian assistance during times of natural disaster, or on community resilience are areas where National Societies may be able to assist.

5 Support an IHL committee

Parliamentarians can be involved in parliamentary debate or Committee deliberations on the ratification/acceptance of IHL treaties. Furthermore, if required, they can be involved in the subsequent creation of domestic laws relating to IHL. Many States have a national IHL committee on which members of government departments such as Foreign Affairs, Defence and Attornies General are represented to encourage dialogue with the National Society and ICRC on ways to ensure respect for IHL. Such committees allow an exchange of information and expertise and assist in understanding and implementing IHL obligations.

6 Build a Red Cross/Red Crescent 'parliamentary friends' group

Some National Societies have fostered the establishment of 'parliamentary friends' groups. These cross-party groups of parliamentarians are ambassadors for the work and activities of the National Society. This helps National Societ-

ies maintain a dialogue with parliamentarians as decision makers and as opinion leaders within the broader community. It also strengthens National Societies' ability to reach vulnerable people with effective humanitarian action. Parliamentarians have unique capacities to raise matters of concern and educate the public on a range of humanitarian principles which are at the heart of the Movement.

7 Understand and implement the resolutions and pledges from the International Conferences

Every four years the Movement holds an International Conference comprising National Societies, the Federation, ICRC and States party to the Geneva Conventions. The aim of the International Conference is to bring together governments and all components of the Movement to debate and agree on key humanitarian priorities for the four years ahead. The International Conference priorities are passed as resolutions and usually have unanimous support from all members of the Conference. While resolutions are not legally binding, they represent a significant, formal, written commitment to humanitarian action by International Conference participants.

In addition to the resolutions, individual governments, National Societies, the Federation and the ICRC can also make pledges. Pledges are a statement of commitment to key humanitarian objectives and can be made by an individual party or jointly. Joint pledges between government and the National Society have often included commitments towards a range of humanitarian concerns, such as the dissemination of IHL, the strengthening of disaster response, and cooperation on climate change adaptation, food security and migration, to name just a few areas of mutual interest. It is important for parliamentarians to appreciate the substance of their country's specific pledges and the content of resolutions, in particular where they relate to their areas of expertise or interest.

8 Funding and financial concessions

In agreements and resolutions of the International Conference of the Red Cross and Red Crescent, governments have committed to supporting National Societies by maintaining the humanitarian space for their activities and often by providing resources. Although raising funds is not the primary goal of the auxiliary role, the trust built through a well functioning auxiliary relationship makes the National Society an ideal partner and an attractive funding option for government.

Support for National Societies may take place in a number of ways, including tax exempt status, exemption from customs duties, and beneficial rates on governmental services such as telephone or petrol. Governments may provide extensive and varied in-kind support for National Societies, such as the provision of land or office space, or giving licenses for a National Society to provide fee-based services like first aid training. Some National Societies benefit from government lotteries and others receive annual contributions for core costs.

All of these forms of support assist a National Society in being able to provide a greater amount of high quality humanitarian services in their role of assisting and supplementing the public authorities in the humanitarian field.

In summary, as key decision makers and community opinion leaders, parliamentarians are encouraged to be responsive to requests for meetings and discussions on humanitarian issues when requested by the Movement. As auxiliaries to their public authorities, National Societies have a responsibility to build relationships of trust and openness with their parliaments, and to bring humanitarian concerns to the attention of parliamentarians. National Societies greatly ap-

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preciate the support, collaboration and highly constructive relationships with parliamentarians.

Parliamentarians are encouraged to take an active interest in the Movement and the activities of its National Society and to give close and careful consideration to all instances of policy development, debate and legislation, which may have humanitarian implications.