

**TITLE 18 – COOPERATIVES AND NON-PROFIT CORPORATIONS
CHAPTER 3 - MARSHALL ISLANDS RED CROSS SOCIETY**



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

**MARSHALL ISLANDS RED CROSS SOCIETY
(INCORPORATION AND RECOGNITION) ACT 2013**

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(INCORPORATION AND RECOGNITION) ACT 2013**

AN ACT to establish, recognize and regulate the Marshall Islands Red Cross Society (hereinafter “ the Society”) in the Republic of the Marshall Islands.

Commencement:

November 26, 2013

Source:

P.L. 2013-27

PART I - PRELIMINARY

§301. Short Title.

This Act may be cited as the Marshall Islands Red Cross Society (Incorporation and Recognition) Act, 2013.

§302. Interpretation.

In this Act unless the context otherwise requires:

- (a) “**Geneva Conventions**” means the four (4) Geneva Conventions of 1949 to which the Republic of the Marshall Islands is party;
- (b) “**Constitution**” means such Constitution of the Marshall Islands Red Cross Society as may be approved by the Society, consistent with this Act, the Geneva Conventions and the Fundamental Principles and Resolutions of the International Conference of the Red Cross and Red Crescent;

- (c) **“Fundamental Principles”** means the seven Fundamental Principles of the International Red Cross and Red Crescent Movement as adopted by the International Conferences of the Red Cross and Red Crescent, and which include Humanity, Impartiality, Neutrality, Independence, Voluntary service, Unity and universality;
- (d) **“Local Branch(es)”** means local branches established under the Constitution;
- (e) **“Movement”** means the International Red Cross and Red Crescent Movement; and
- (f) **“Society”** means the Marshall Islands Red Cross Society.

PART II - ESTABLISHMENT AND OBJECTIVES OF THE SOCIETY

§303. Establishment of the Society.

- (1) There is hereby established a Society to be known as the Marshall Islands Red Cross Society which shall be the sole national Red Cross Society in the Marshall Islands.
- (2) The Society shall be a body corporate under the name of the Marshall Islands Red Cross Society, having perpetual succession and a common seal, with power to sue and be sued, purchase, acquire, hold, manage and dispose of movable and immovable property and to enter into such contracts as it may consider to be necessary or expedient for the purpose of performing its functions or achieving its objects under this Act.
- (3) The Society is a voluntary aid society, auxiliary to the public authorities in the humanitarian field, recognized and authorized on the basis of the Geneva Conventions to render assistance to the medical services of the armed forces in times of armed conflict and to provide humanitarian and disaster relief services:
 - (a) The public authorities shall at all times respect the adherence of the Society to the Fundamental Principles. They shall also respect at all times the independent and voluntary nature of the Society, in accordance with Resolution 55(1) relating to National Red Cross Societies, as adopted by the General Assembly of the United Nations on November 19, 1946; and

- (b) The public authorities shall facilitate the voluntary work of the Society and support the Society in its efforts to mobilize, recruit, train and retain volunteers that will play an important role in fulfilling its objects and its auxiliary status.

§304. Objects of the Society.

- (1) In addition to enjoying a mandate to render assistance to the medical services of the armed forces in times of armed conflict in accordance with the 1949 Geneva Conventions, the objects of the Society are:
 - (a) To prevent and help alleviate the suffering of any person without adverse discrimination as to nationality, race, ethnicity, religious belief, color, status, wealth, sex, language or political opinion, or similar criteria;
 - (b) To lay down and implement programs to provide humanitarian aid and relief for members of armed forces and civilians in distress and alleviation of their suffering in time of armed conflict, other situations of violence or peace in accordance with the Geneva Conventions and other relevant treaties and laws
 - (c) To be a leading organization and to take part in national preparedness and response plans in situations of natural or man-made disasters or other emergencies which may strike within the territory of the State;
 - (d) To provide community services to the general population through the Society's own programs in such fields as health, the prevention of diseases, social welfare and education;
 - (e) To manage an effective national network to restore family links between people separated as a consequence of armed conflict, other situations of violence, natural or man-made disasters or other situations requiring a humanitarian response;
 - (f) To cooperate with the Public Authorities and public service personnel in the activities of the State designed to promote and implement international humanitarian law, as well as to monitor and prevent misuse of the Red Cross and of the other distinctive emblems and designations recognized under the Geneva Conventions;

- (g) To promote and disseminate knowledge of international humanitarian law, the Fundamental Principles of the International Red Cross and Red Crescent Movement and the spirit of volunteerism; and
 - (h) To cooperate with the international Red Cross and Red Crescent organizations in carrying out activities freely and independently in accordance with the Fundamental Principles of the Red Cross and Red Crescent Movement.
- (2) The Society shall comply with its duties as a component of the Movement and as a member of the International Federation of Red Cross and Red Crescent Societies.
 - (3) The Society shall act at all times in conformity with its Statutes as adopted by its General Assembly, the 1949 Geneva Conventions, the laws of the Marshall Islands, as well as the Fundamental Principles and the Resolutions of the International Conference of the Red Cross and Red Crescent.

PART III - GOVERNING STRUCTURE OF THE SOCIETY

§305. Governing body of the Society.

- (1) The supreme governing body of the Society shall be a General Assembly constituted in accordance with the Society's Constitution.
- (2) The Society shall also establish a National Governing Board and a Secretariat with such duties and powers as may be prescribed under the Constitution referred to in subsection (1) of this section.
- (3) With the object of ensuring that the Society's activities extend throughout the whole of the nation, the Society may consider establishing local branches as it deems necessary.

§306. Statutes and By-laws of the Society.

- (1) The Society's Constitution referred to in subsection (1) of section 5 shall be adopted by the Society's General Assembly and shall come into effect in accordance with the Constitution.
- (2) Consistent with the provisions of the Constitution and subject to the approval of the Society's General Assembly, the Regulations and

Rules of procedures shall be promulgated for the orderly conduct of the business of the Society.

- (3) Without limiting the generality of subsection (1) of this section the Constitution may provide that:
 - (a) membership of the Society shall not be withheld from any person on the ground of sex, race, nationality, religion or faith, political opinion, ethnicity, language or any other similar criteria; and;
 - (b) all members of the Society shall be represented on the General Assembly of the Society.

PART IV - FINANCIAL PROVISIONS

§307. Contributions.

The 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.

§308. Funds.

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

§309. Costs for Entrusted Services.

The public authorities shall make provisions for covering the cost of any service or activity which they may entrust to the Society within the scope of the Society's object and functions. The conditions for the implementation of such services or activities shall be laid down in agreements between the Society and the relevant public authority.

§310. Exemption from Taxes and Duties.

- (1) The assets of the 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 imposed by national and local governments or under any other law.

- (2) Donations made to the Society by any individual or legal body shall benefit from applicable tax exemptions.

PART V - MISCELLANEOUS

§311. Use and Protection of the Emblem.

- (1) In conformity with the Geneva Conventions of 1949, the 1991 Regulations on the use of the emblem by National Societies adopted by the International Conference of the Red Cross and Red Crescent, and the present Act, the Society, for all the purposes foreseen by the International Conference of the Red Cross and Red Crescent, shall be authorized to use:
 - (a) the emblem of a red cross with vertical and horizontal arms of the same length on, and completely surrounded by a white ground, or the designation "Red Cross" or "Geneva Cross";
 - (b) the emblem of a red crescent moon on, and completely surrounded by, a white ground, or the designation "Red Crescent".
- (2) The Society shall use its distinctive logo and seal consisting of the heraldic sign of the red cross on a white background accompanied by the words Marshall Islands Red Cross Society.
- (3) Any use of the red cross emblem and name other than foreseen in the Geneva Conventions or in paragraphs 1 and 2 of the present Section, or of any other emblem, sign, signal or designation protected under international humanitarian law, is prohibited and shall be punished in accordance with Section 12 of this Act and with any other applicable laws of the Republic.

§312. Offence.

Any person who contravenes any of the provisions of section 11(3) of this Act commits an offence and shall be liable upon conviction to a fine not exceeding \$1000.00 or to imprisonment for a term not exceeding 6 months or both.