

The British Red Cross's humanitarian auxiliary role to the British government and armed forces

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1 Introduction

- 1.1 The British Red Cross, like other National Red Cross and Red Crescent Societies, has a special, officially recognised status and role as an auxiliary to its country's public authorities in the humanitarian field. This auxiliary or support function, which derives from both international and national laws, and is a condition for recognition as a National Red Cross or Red Crescent Society, applies at all times, both in peace and in war. This means that the British Red Cross has a unique legal status: it is a private organisation with certain recognised public functions; it is neither part of government nor a non-governmental organisation (NGO).
- 1.2 The auxiliary status and role are a National Society's standing invitation to participate in public humanitarian services; they provide an automatic relationship between a National Society and its government. However, a National Society still needs the appropriate capacity to be able to fulfil the auxiliary role in a meaningful way.

2 Overview of the National Society auxiliary status and role

- 2.1 **Auxiliary status** is permanent. It occurs once a National Society has been recognised by the legal government of its country, on the basis of the 1949 Geneva Conventions and of national legislation, as a voluntary aid society and auxiliary to the public authorities in the humanitarian field. For the British Red Cross, such recognition is contained in its Royal Charter of Incorporation, in Article 3: "The Society is recognised by Our Ministers as a voluntary aid society, auxiliary to the public authorities and particularly to the medical services of the armed forces in accordance with the Geneva Conventions for the Protection of War Victims of 12 August 1949 (as amended from time to time), ...".
- 2.2 The "**auxiliary role**" is the embodiment of a National Society's auxiliary status in concrete activities, i.e. the implementation in actual practice, of its permanent status as auxiliary to the public authorities, as opposed to other tasks which a National Society undertakes in a private capacity and outside of its relationship of auxiliaryity.

2.3 In practice, the auxiliary role brings with it mutual benefits and responsibilities. The **benefits for the Red Cross** include the ability to use the Red Cross/Crescent name and emblem; a distinct identity, clearly separate from NGOs; access to decision-makers in government and the armed forces; a recognised part in national plans and policies in the health and social welfare sectors and in disaster preparedness and relief; involvement in the State's implementation of international humanitarian law; participation with governments in the International Conference of the Red Cross and Red Crescent; service as a link between government and civil society.

2.4 **Obligations and responsibilities**

- a) The relationship envisaged by the auxiliary role should be such that it is better to use the word “responsibilities” rather than “obligations”, particularly in the case of the United Kingdom. In a functioning democracy, much of the relationship between Government and “civil society” should be based on trust and a sense of mutual responsibility rather than on legal obligation. In countries with a less mature political system, legal obligation may be more relevant. The auxiliary role grows out of the auxiliary status, which is indeed defined by law.
- b) The **responsibilities of the National Society** include the duty to consider seriously any request of their public authorities to carry out humanitarian activities within their mandate; the willingness to fulfil statutory obligations e.g. under international humanitarian law, the Movement's Statutes, the Society's law of recognition (Royal Charter) or national laws; to work co-operatively, not confrontationally, establishing a relationship with the authorities based on mutual trust, respect, dialogue and support; and where it is necessary to take up an opposing public position, to do so in a way which will not do lasting damage to the long term relationship.
- c) On the **Government** side, specific **responsibilities** are imposed by Article 2 of the Statutes of the Movement. These include the encouragement of the development of the National Society and a requirement to support the National Society wherever possible. In addition, States are required to respect that the National Society is bound by the Movement's Fundamental Principles. Some of these Principles may not always sit easily with the auxiliary role as seen from the Government side but are fundamental to the auxiliary role as they differentiate the National Society from other auxiliary organisations such as the Royal Auxiliary Air Force.

2.5 **The tension between being auxiliary and being independent**

- a) In the definition of the Fundamental Principle of Independence, this tension is recognised when it states “National Societies, while auxiliaries in the humanitarian services of their governments and subject to the laws of their respective countries, must always maintain their autonomy so that they may be able at all times to act in accordance with the principles of the Movement.”

- b) The auxiliary role inevitably involves some loss of full independence but the key is to maintain autonomy. The value to Governments of the autonomy of their respective National Societies is recognised in Resolution 2 of the 30th International Conference of the Red Cross and Red Crescent (2007), which acknowledged “that the autonomy of National Societies and their commitment to neutrality and impartial assistance, provides the best available means to gain the confidence of all in order to have access to those in need”.

3 **Examples of the National Society humanitarian auxiliary role to government**

- 3.1 Every National Society has the legal status of an auxiliary to its public authorities in the humanitarian field. As every National Society supports the public authorities in their humanitarian tasks according to the needs of the people of its country, so the manifestation of the National Society auxiliary role also differs.
- 3.2 In **Botswana**, the National Society is involved in programmes which address aspects of the HIV/AIDS pandemic. A main focus is the provision of psycho-social support to orphans and vulnerable children, to supplement government programmes which target the basic needs of HIV/AIDS orphans. The Botswana Red Cross also helped the Ministry of Health in a measles vaccine campaign, assists the Department of Social Welfare (Ministry of Local Government) provide food to destitute persons in remote rural areas, supports the Ministry of Sports, Youth and Culture by providing services to youth, and is represented on the National Disaster Committee. It works with a range of other government ministries, from the Ministry of Education (to assist people living with disabilities), Ministry of Works and Transport (on road safety), the Office of the President (on issues of refugee health), and the Ministry of Foreign Affairs (on Movement issues and treaty ratification, and, where necessary, seeks their help with other Ministries).
- 3.3 The **Italian Red Cross** provides medical and nursing personnel in support of the medical services of its country’s armed forces, and helps train the armed forces in international humanitarian law. The Society offers a range of services, often in co-operation with the public authorities, in the areas of civil defence (protection), international assistance, health and social services.
- 3.4 The **British Red Cross** provides significant humanitarian support to the UK government, sometimes without realising that these activities are a function of our auxiliary role. Some examples are as follows:
 - a) In the field of emergency response and resilience, the BRCS has a pre-designated role in emergency response in the UK, often at local level. In the longer term we administer and manage funds for the victims of disasters, such as the London Bombings Relief Charitable Fund, established at the request of the Mayor of London.

- b) The Service Level Agreement between the Foreign & Commonwealth Office (FCO) and the British Red Cross for the provision of psycho-social support to British nationals following a mass casualty event or terrorist activity overseas makes specific reference to the British Red Cross's auxiliary role.
- c) The BRCS works in partnership with DFID in our response to international humanitarian emergencies. The Society has also supported the UK government's response to overseas emergencies through the provision of reception and resettlement services in the UK, notably in the case of refugees from Bosnia and Kosovo.
- d) The BRCS works with the NHS and Social Services in the field of health and social care in the community, including providing short-term care and support in the home for those recovering from accident or illness, and managing local authority contracts for the provision of community equipment for people with a disability or illness (medical loan). Although these activities are normally carried out under contractual arrangements, it is our auxiliary role, as outlined in our Charter that gives us the authority to enter into these contractual arrangements in the first place.
- e) The Society helped the Driving Standards Agency in improving the first aid questions in the driving tests, and co-operates with DFID and the Department for Education and Skills in the provision of citizenship education in schools.
- f) Our auxiliary role is well-developed in the field of international humanitarian law. The Society supports the FCO and the Ministry of Defence in the implementation of the law, including in protection of the emblem and the provision of operational advice. The BRCS also retains part of its original support function to the military medical services, with a role in the reception of military patients in the UK from overseas

4 **The Movement perspective**

4.1 In 2001, as part of the Strategy for the Movement, the **Council of Delegates agreed to carry out "a comprehensive study ... on the working relationship between States and National Societies, taking into account the changing needs in the humanitarian, health and social fields, the auxiliary role of National Societies and the evolving role of the State, the private sector and voluntary organisations in service provision"** (Action 14).

- a) The expected result was that "components of the Movement and States [would] have a clearer and more common understanding of the National Society auxiliary role, its advantages and restrictions, in the light of changing needs and of the evolving roles of other service providers" (*ibid.*).
- b) The Movement was also aware that, in some cases, there had been difficulties where the independence of the National Society had been compromised in the fulfilment of auxiliary services. There needs to be an

appropriate balance between the need for close relations between a State and the National Society of its country on the one hand, and the need to maintain the autonomy of the National Society on the other, so that it is always able to act in accordance with the Movement's Fundamental Principles.

- c) **The study, produced by the Federation, was published in 2003.** It contains a useful document entitled the “**Characteristics of a balanced relationship between States and National Societies as auxiliaries to the public authorities in the humanitarian field**” as guidance for governments and National Societies in developing their relations. The Study, in particular the “Characteristics” document, was noted at the 28th International Conference of the Red Cross and Red Crescent in 2003. The Conference decided that further consultations were required with States and with National Societies to clarify the general understanding of what the auxiliary role entails.

4.2 Since then work has been done on a **definition of the auxiliary role** which could serve as guidance for national contexts and help to ensure a more consistent public message of the role of National Societies. The British Red Cross played a significant role in this work, which culminated in operative paragraph 3 of Resolution 2, “**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**”, adopted by the 30th International Conference of the Red Cross and Red Crescent in Geneva in November 2007.

- a) This paragraph 3 states that: “**...public authorities and National Societies as auxiliaries enjoy a specific and distinctive partnership, entailing mutual responsibilities and benefits, based on international and national laws, in which the national public authorities and the National Society agree on the areas in which the National Society supplements or substitutes public humanitarian services; the National Society must be able to deliver its humanitarian services at all times in conformity with the Fundamental Principles, in particular that of neutrality and independence, and with its other obligations under the Statutes of the International Red Cross and Red Crescent Movement as agreed by States in the International Conference of the Red Cross and Red Crescent**”.
- b) This definition will be of most assistance to those countries which have a problem with the National Society auxiliary role, either because the Society is too close to their authorities or because it does not have any auxiliary function.
- c) At the same time, the International Conference resolution calls upon all National Societies and their respective public authorities “**to consolidate a balanced relationship with clear and reciprocal responsibilities, maintaining and enhancing a permanent dialogue at all levels within the**

agreed framework for humanitarian action” (operative paragraph 2). The definition of the auxiliary relationship cited above provides an “agreed framework for humanitarian action”. The resolution also **“invites National Societies and Governments to clarify and consolidate the areas in which National Societies as auxiliaries cooperate at all levels with the public authorities”** (operative paragraph 5).

4.3 **The meaning of substitution of public humanitarian services**

- a) The full phrase in the definition of the auxiliary role contained in Resolution 2 of the 30th International Conference is **“supplements or substitutes public humanitarian services”**. The specific role to be played will depend on the National Society and its relationship with the Government. In the United Kingdom, we would usually see our role as “supplementary”. It would be unusual for us to seek to replace Government in this task. On the other hand, there are National Societies in countries where the Government has limited capabilities who do indeed find it necessary to “substitute public humanitarian services”.
- b) In the past, the British Red Cross has pioneered certain services, such as the blood transfusion service, which today would be considered as substituting public humanitarian services. On occasion, the Society may fill a gap in service provision until the State or another service provider can assure it.
- c) The recent International Conference resolution **“reaffirms that it is the primary responsibility of States and their respective public authorities to provide humanitarian assistance to vulnerable persons on their respective territories and that the primary purpose of National Societies as auxiliaries to the public authorities in the humanitarian field is to supplement them in the fulfilment of this responsibility”**.