



Canadian Red Cross / Croix-Rouge canadienne

Toward A Renewed Canadian Red Cross – Forging Stronger Partnerships In Support Of A Humanitarian Agenda

Executive Summary

In 1859, a Swiss businessman travelling through northern Italy witnessed the tragedy of thousands lying wounded and dying following the Battle of Solferino. Recognizing the lack of medical aid for the injured soldiers, Henry Dunant coaxed a small band of volunteers to help him minister to their wounds. Amid the terrible suffering and carnage of Solferino, Dunant could not have predicted that much of the remainder of his life would be devoted to the protection and care of the wounded on the battlefield. His legacy to humankind was twofold: the *Geneva Conventions* and the Red Cross. The former is the cornerstone of international humanitarian law and the latter, now the International Red Cross and Red Crescent Movement (the Movement), numbers almost 100 million volunteers worldwide. The Movement, now the world’s largest humanitarian network, includes the International Committee of the Red Cross (ICRC), the International Federation of Red Cross and Red Crescent Societies (the Federation) and 185 National Red Cross and Red Crescent Societies. With 194 States Parties, the *Geneva Conventions* of 1949 are also the first treaty in modern history to achieve universal acceptance.

While Dunant is one of history’s forgotten heroes, billions of people know something of his legacy through the Movement. Few, however, are aware of the Movement’s multi-faceted nature or its special relationship with government. Although independent of government, the Red Cross has a clearly established legislated mandate to act as “auxiliary to public authorities.”*

* The terms “auxiliary to government” and “auxiliary to public authorities” are used interchangeably.

It is this role that sets the Red Cross apart from other organizations in the voluntary sector, many of whom may be dedicated to some of the same purposes. However, the “special role” played by the Red Cross means that it pursues its responsibilities under different enabling criteria and that its scope of activity is often far wider than that of other humanitarian organizations.

The Role of the Canadian Red Cross as Auxiliary to Government

Over the course of its almost 100 year history, the auxiliary to government role of the Canadian Red Cross has evolved considerably. Under *The Canadian Red Cross Society Act* of 1909, its role was that of volunteer “relief society” – an auxiliary to the medical services of the Canadian Army in the field.

Today, the Canadian Red Cross’s strategic plan defines four areas of focus: emergency management, health and injury prevention, humanitarian issues, and organizational capacity. Pursuing this strategic plan has allowed the Canadian Red Cross to cooperate with governments on specific activities and on possible future areas of collaboration in fulfillment of the auxiliary role. In recent years, the Society has concentrated considerable efforts in the area of emergency management and has greatly increased its collaboration and cooperation with governments at the municipal, provincial/territorial and federal levels. These relationships, including the special one the Canadian Red Cross has with Public Safety Canada, are expected to continue to grow. It is important to note that although cooperation takes place at different levels of government, a strong Red Cross at the federal level results in the organization having a greater capacity to meet needs at the provincial and territorial levels.

In facing the future, another consideration for the Canadian Red Cross is that the types of disasters and conflicts have changed in recent years. Threats such as terrorism, pandemic diseases, refugee movements, intra-state conflict and climate change have presented States, National Societies, the ICRC, and the Federation with new and significant challenges. The auxiliary role needs to be better defined based on these new realities.

While the traditional relationships between the Canadian Red Cross and the Department of National Defence and Health Canada are still very important, the Society's organizational focus around emergency management means that Public Safety Canada has assumed more importance from the standpoint of the Society. It prompts the question of whether the Minister of Public Safety should be the "Minister responsible" for coordinating or overseeing the Canadian Red Cross auxiliary role at the federal level. Among other things, this might involve receiving and tabling the annual report of the Canadian Red Cross in Parliament.

The Society stresses that any revisions to *The Canadian Red Cross Society Act* could be based, in part, on the following precepts:

- A clear recognition that the Canadian Red Cross is a non-profit, volunteer, member-based humanitarian organization;
- The members of the Society are subject to an application process open to all Canadians and formally agree to uphold the Fundamental Principles of the Movement;
- The possibility that representatives of public authorities could be included on the Canadian Red Cross Board of Governors in order to better recognize and manage the "auxiliary to government" role;
- The provision in some circumstances for cost recovery for the Society's activities related to the auxiliary role;
- The need to provide better protection for the emblems of the Movement;
- The requirement that the Canadian Red Cross comply with its duties as a component of the Movement and that the federal government also accept its responsibilities to the Movement as a State Party to the *Geneva Conventions*.

What is needed is a single comprehensive statute that not only outlines the rights, duties, governance structures and activities of the Society, but that also establishes the

connection between the Canadian Red Cross and the *Geneva Conventions*, international humanitarian law, and the rights, responsibilities and duties of the federal government.

The Misuse of the Red Cross Emblem

The Movement has always been seen as a neutral, independent and impartial organization devoted to carrying out its humanitarian mission irrespective of creed or ideology. The moral character of that mission is represented by the various Movement emblems: the red cross, the red crescent, the red lion and sun and, most recently, the red crystal. These emblems are protected in international humanitarian law and it is therefore incumbent on national governments to ensure that misuse within their jurisdictions does not occur. Individual governments and National Societies jointly bear the responsibility to inform the public on the proper use of the emblems.

In most cases, the unauthorized use of the Movement's emblems is unintentional. In Canada, governments at all levels have inadvertently used the red cross emblem in ways inconsistent with the intent of the *Geneva Conventions*, leading one to surmise that a wide ranging educational program with respect to emblem use is needed.

Other parties most often associated with misuse include companies involved with first aid and health products, medical clinics, pharmaceutical manufacturers, toy makers, video games, and so on. The extent of the misuse suggests that the federal government and the Canadian Red Cross are losing control of the red cross emblem. The emblem is not "public property" and its display must conform to the conditions set by law. The fundamental concern is that such misuse can lead to the erosion of the protective value of the symbol, thereby placing at risk the lives of humanitarian workers and the people they seek to assist.

Consequently, at the appropriate time, there must be a discussion between the federal government and the Canadian Red Cross around their respective roles in safeguarding the emblem and how best to practically ensure the emblem is used properly. A legislative overhaul of existing emblem protection measures is required. The American example

might be instructive here, since amendments to the Congressional Charter of the American Red Cross in 1948 moved the penalties for emblem misuse from the Charter to the Federal Criminal Code.

Conclusion

The Canadian Red Cross and the Canadian government have always worked closely in addressing humanitarian needs, both at home and abroad. However, the Canadian Red Cross believes that it is time to re-examine the fundamentals of its relationship with public authorities at all levels in order to better address the humanitarian needs of the twenty-first century.

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