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Legal Challenges to Good Governance in the International Federation of Red Cross and Red Crescent Societies and Their Implications for Humanitarian Assistance

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Abstract

INTRODUCTION: The International Federation of Red Cross and Red Crescent Societies (IFRC) operates within a complex legal and institutional environment shaped by its decentralized structure, diverse membership, funding arrangements, and relationships with States and other Movement components. These characteristics may create challenges to transparency, accountability, institutional independence, coordination, and dispute resolution. This study aimed to identify the main legal and institutional challenges to good governance within the IFRC and examine their implications for humanitarian assistance.

METHODS: This qualitative study employed directed qualitative content analysis of 47 IFRC foundational, evaluation, audit, and policy documents published during 1975–2025, supplemented by two case studies: the 2004 Indian Ocean tsunami and the COVID-19 pandemic. The analysis was guided by predefined legal and governance criteria derived from relevant IFRC statutory, governance, integrity, and audit documents. A total of 234 initial codes were grouped into 12 subcategories and five overarching categories. An inter-coder agreement of 87% was achieved.

RESULTS: Five major themes were identified: 1) transparency and accountability challenges related to institutional independence, oversight, and distributed responsibilities; 2) earmarked funding and external contributions that may constrain operational flexibility; 3) coordination and role-delineation challenges within the Movement; 4) fragmented dispute-resolution mechanisms across legal and contractual arrangements; and 5) operational legal challenges involving relief cargo, protection of humanitarian personnel, and jurisdiction, privileges, and immunities. The case studies illustrated how these challenges may affect coordination, accountability, operational flexibility, and continuity of humanitarian assistance.

CONCLUSION: Strengthening IFRC legal and governance mechanisms is important for maintaining legitimacy, accountability, and operational effectiveness while preserving the Fundamental Principles of the International Red Cross and Red Crescent Movement. The study recommends standardized dispute-resolution provisions in the short term, funding diversification and minimum governance standards in the medium term, and a specialized Movement dispute-resolution mechanism in the long term.

Keywords: Good Governance; IFRC; Humanitarian Assistance; Accountability; Dispute resolution; Humanitarian organizations; Earmarked funding.

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Introduction

The International Federation of Red Cross and Red Crescent Societies (IFRC), one of the three components of the International Red Cross and Red Crescent Movement, plays a central role in supporting and coordinating humanitarian action through its network of 191 National Societies. As the world's largest humanitarian network, the IFRC operates across diverse legal, institutional, and operational environments and supports responses to disasters, health emergencies, displacement, and other humanitarian crises.

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The governance of the IFRC operates within a complex institutional framework shaped by its membership-based structure, the legal status and domestic operating environments of National Societies, relationships with public authorities, and coordination with other Movement components. The IFRC Constitution establishes the Federation as an organization with its own legal personality and defines its functions and relationship with National Societies. At the same time, National Societies operate within their respective national legal systems and are subject to relevant Movement and IFRC obligations. The IFRC's governance structure includes the General Assembly, Governing Board, constitutional commissions and committees, and a Secretariat responsible for day-to-day operations. These arrangements provide a formal governance framework, while their effectiveness depends on implementation, coordination, and accountability across different organizational levels. The IFRC's current Statutory Texts provide the principal contemporary reference for this institutional structure.

In this context, Good Governance in humanitarian organizations refers to institutional arrangements and practices that promote transparency, accountability, efficiency, participation, and adherence to the rule of law. For the IFRC, these requirements must also operate consistently with the Fundamental Principles of the International Red Cross and Red Crescent Movement, including humanity, impartiality, neutrality, independence, voluntary service, unity, and universality. The interaction between institutional autonomy, accountability, decentralized implementation, funding arrangements, coordination, and the legal diversity of National Societies may therefore create governance and legal challenges. In this study, such challenges are understood primarily as issues of coordination, accountability, compliance, and implementation rather than as inherent legal contradictions.

Evidence from major humanitarian responses has highlighted challenges related to coordination, ownership, accountability, funding, and operational effectiveness. The evaluation of the 2004 Indian Ocean tsunami response identified important weaknesses and lessons concerning coordination, capacity, quality, recovery, and local ownership within the wider international humanitarian response. Similarly, the COVID-19 pandemic demonstrated the importance of equitable resource allocation, coordinated decision-making, and adaptable humanitarian governance. These cases are used in this study as contextual evidence for examining governance and operational challenges. They are not treated as direct evidence of IFRC-specific deficiencies unless supported by IFRC-specific documentary evidence.

These issues indicate that legal and institutional challenges should not be viewed solely as administrative deficiencies. They may also affect the ability of humanitarian organizations to translate formal governance principles into consistent and effective operational practice. Examining the relationship between governance norms, legal structures, and operational consequences is therefore important for understanding how Good Governance can be strengthened within a decentralized humanitarian organization.

Previous research has examined the Fundamental Principles of the International Red Cross and Red Crescent Movement, accountability in humanitarian action, and operational challenges arising during specific crises. However, these issues have generally been examined separately rather than through an integrated analysis of their interaction within the IFRC's legal and governance structure (1,3,9,12). This study addresses this gap through an integrated legal–governance perspective.

The study examines governance challenges as potential gaps between formal institutional norms and their implementation in practice. It draws on foundational documents, evaluation reports, audit materials, policy documents, and evidence from two major humanitarian crises. It distinguishes between IFRC-specific evidence and evidence concerning the wider Movement or humanitarian system. On this basis, the study develops practical recommendations that can be implemented through existing institutional capacities and appropriate soft-law mechanisms, particularly in relation to dispute resolution, accountability, coordination, and operational governance.

In addition, this study addresses three main research questions. First, what are the principal legal and institutional challenges affecting Good Governance within the IFRC, and against which identifiable legal, institutional, and operational criteria can these challenges be assessed? Second,

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how may these challenges affect the timeliness, quality, accountability, and effectiveness of humanitarian operations during major crises? Third, considering State sovereignty, the decentralized structure of the Movement, and the existing legal framework, what practical short-, medium-, and long-term measures may strengthen Good Governance within the IFRC?

Accordingly, the study aims to identify and analyze the principal legal and institutional challenges affecting Good Governance within the IFRC, assess them against identifiable legal, institutional, and operational criteria, and develop practical and legally feasible recommendations through existing institutional capacities and soft-law mechanisms, while respecting State sovereignty and the Fundamental Principles of the International Red Cross and Red Crescent Movement. (1, 3)

Theoretical Foundations and Conceptual Framework

Good Governance in INGOs

Good Governance in International Non-Governmental Organizations (INGOs) refers to institutional principles and practices that promote transparent decision-making, accountability, effective resource utilization, participation, and adherence to the rule of law (2, 15). These principles are particularly important in humanitarian organizations because institutional decisions affect vulnerable populations and involve significant operational and financial responsibilities.

Drawing on established governance principles and adapting them to the IFRC's institutional context, (2, 15). this study examines five dimensions of Good Governance: transparency, accountability, efficiency, rule of law, and participation. These dimensions provide the principal analytical framework for assessing access to information, institutional responsibility, resource use, legal compliance, and stakeholder involvement.

The five dimensions are operationalized through documentary criteria derived from relevant IFRC statutory, governance, integrity, and audit documents(5, 16). These criteria are used as analytical standards for assessing identified legal and institutional challenges and their potential operational implications. They do not constitute a quantitative scoring system, as no formal numerical scoring methodology is applied in this study.

This framework enables the study to move beyond a general description of Good Governance and to assess identified legal and institutional challenges against clearly defined governance and operational criteria. It also provides a structured basis for examining the relationship between formal institutional norms, their implementation in practice, and their potential consequences for humanitarian governance and operations.

Legal and Institutional Structure of the IFRC

The International Federation of Red Cross and Red Crescent Societies (IFRC) was established in 1919 as the League of Red Cross Societies and is one of the three components of the International Red Cross and Red Crescent Movement, alongside the International Committee of the Red Cross (ICRC) and the National Red Cross and Red Crescent Societies.

Table 1. Indicators of Good Governance and Objective Assessment Criteria

Governance indicator	Definition	Objective assessment criteria	Potential evidence/sources
Transparency	Accessibility and clarity of information concerning institutional decisions, finances, and operations	Publication of audited financial information; accessibility of relevant operational and financial information; documented decision-making procedures	Financial reports, audit documents, statutory and governance documents, operational reports
Accountability	Responsibility toward stakeholders and mechanisms for addressing complaints and misconduct	Formal complaint and reporting mechanisms; clarity of roles and responsibilities; documented follow-up and corrective procedures	Accountability, integrity, audit, complaint, and reporting mechanisms
Efficiency	Achievement of humanitarian objectives through appropriate and effective use of resources	Timeliness of response; administrative-to-operational cost indicators where available; documented resource losses or operational delays	Operational evaluations, audit findings, financial documents, crisis-response evaluations
Rule of Law	Compliance with applicable legal, statutory, and institutional norms	Compliance with host-State legal requirements and applicable agreements; adherence to relevant international legal standards; procedures for addressing violations	Constitution, statutory texts, agreements, applicable policies, compliance procedures
Participation	Involvement of affected communities and relevant stakeholders in decision-making and program implementation	Community consultation; systematic collection of feedback; mechanisms for incorporating affected populations' views into planning and implementation	Consultation mechanisms, program documents, feedback mechanisms, evaluation reports

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The IFRC's contemporary legal and institutional framework is primarily governed by its Constitution and other Statutory Texts, together with Movement-wide instruments regulating coordination among Movement components. The 2024 IFRC Statutory Texts include the Constitution, Rules of Procedure, Financial Regulations, Staff Rules, Rules for Travel Assistance, and Glossary of Terms.

Under its Constitution, the IFRC has its own legal personality and operates through and, where applicable, in agreement with National Societies, in conformity with the laws of the countries in which it operates. National Societies constitute the Federation's membership and retain significant responsibilities within their respective national legal and institutional contexts.

This structure creates a distinctive governance environment in which common standards and collective responsibilities must operate alongside diverse domestic legal frameworks and institutional capacities. Such interaction does not necessarily constitute a legal contradiction but may create challenges concerning coordination, accountability, compliance, and implementation across multiple institutional actors.

The Movement's coordination framework has also evolved. The 1997 Seville Agreement was replaced by Seville Agreement 2.0 in 2022, which defines coordination responsibilities among the Movement's components. It therefore provides the appropriate contemporary institutional reference for examining intra-Movement coordination and the management of responsibilities among its components.

Fundamental Principles and Their Relationship to Governance

The seven Fundamental Principles of the International Red Cross and Red Crescent Movement—Humanity, Impartiality, Neutrality, Independence, Voluntary Service, Unity, and Universality—provide the normative basis for principled humanitarian action and governance.

From a governance perspective, key challenges include balancing independence with accountability, transparency with impartiality, unity with intra-Movement coordination, and common governance standards across different legal and institutional environments. These are not viewed as inherent contradictions between the Fundamental Principles and Good Governance, but as governance issues requiring appropriate legal and institutional mechanisms to balance competing requirements(1, 3).

In this context, the Seville Agreement 2.0 provides an important contemporary reference for coordination, cooperation, implementation of responsibilities, and the management of differences among Movement components (17).

Methods

This qualitative study employed a descriptive-analytical design using directed qualitative content analysis. The analysis was guided by predefined legal and governance criteria derived from relevant IFRC statutory, governance, integrity, and audit documents(5, 16).

The use of a directed approach was appropriate because the study began with an established analytical framework comprising five governance dimensions: transparency, accountability, efficiency, rule of law, and participation. In directed content analysis, existing theory, prior research, or relevant conceptual criteria guide the initial coding framework, while the documentary material is examined systematically for evidence relevant to these predefined concepts (14).

Accordingly, the study did not employ the open–axial–selective coding sequence associated with grounded theory. Instead, the analysis proceeded through the following stages: preparation and systematic review of the documentary material; application of predefined legal and governance codes to relevant textual segments; identification and organization of additional concepts arising from the documents where they were directly relevant to the research questions; comparison and refinement of codes and subcategories; abstraction of related subcategories into five major themes; and comparison of the documentary findings with evidence from the two case studies.

This approach preserves the deductive orientation of directed content analysis while allowing the documentary evidence to refine and elaborate the predefined analytical framework (14).

Documentary Population and Sampling

The documentary population comprised IFRC foundational documents, evaluation reports, audit reports, and relevant policy documents published between 1975 and 2025. Purposive sampling was used to select documents directly relevant to legal, governance, accountability,

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coordination, integrity, and operational challenges.

The documentary set included foundational and statutory documents, including the IFRC Constitution and amendments, relevant Movement agreements, and documents concerning the Fundamental Principles(1, 3, 16); internal and independent evaluations of major humanitarian responses, including the 2004 Indian Ocean tsunami, the COVID-19 pandemic, the 2010 Haiti earthquake, and Cyclone Nargis in 2008(8, 10); IFRC internal audit reports; and the 2021 Ethics, Integrity and Conduct Framework and relevant anti-corruption and governance policies.

A total of 47 documents were included: 12 foundational documents, 22 evaluation reports, 8 audit reports, and 5 policy documents.

Unit of Analysis and Coding Framework

The unit of analysis was the paragraph or textual segment addressing legal, institutional, governance, accountability, coordination, integrity, or operational issues. Analysis of the selected documents generated 234 initial codes, which were subsequently organized into 12 subcategories and five major themes.

The coding framework was derived from relevant provisions of the IFRC Constitution, the 2021 Ethics, Integrity and Conduct Framework, internal governance and audit standards, and relevant membership and accountability requirements. The principal analytical criteria were transparency, accountability, efficiency, rule of law, and participation, supplemented by operational indicators where appropriate.

Analytical Credibility and Coding Consistency

To enhance analytical credibility and coding consistency, the coding results were independently reviewed by two experts, one with expertise in international law and the other in crisis management. An inter-coder agreement of 87% was achieved. Coding stability was further assessed through a test–retest procedure conducted over a two-week interval, resulting in an 82% agreement coefficient. These procedures were used to strengthen coding consistency, transparency, and methodological rigor and were not interpreted as statistical estimates of generalizability.

Case Studies

Two major humanitarian crises—the 2004 Indian Ocean tsunami and the COVID-19 pandemic—were selected as case studies from the broader documentary population. These cases were selected because they represent substantially different crisis contexts: a sudden-onset natural disaster and a prolonged global health emergency. Both cases also provide substantial documentary evidence for examining legal, governance, accountability, coordination, and operational challenges.

Each case was examined across four analytical dimensions: 1) crisis and response context; 2) principal legal and governance challenges; 3) implications for humanitarian operations; and 4) comparison of case findings with the study's predefined analytical framework.

Findings

Based on the directed qualitative content analysis of documentary evidence and the two case studies, five major themes were identified regarding the legal and governance challenges facing the IFRC. Each theme was examined against the predefined governance criteria and supported, where available, by evidence from the selected cases.

1. Transparency & Accountability Challenges

a)Tension between Independence and Accountability

The analysis identified a potential tension between the IFRC's principle of institutional independence and accountability requirements associated with donor funding and stakeholder oversight. Requests for detailed financial and operational reporting may create challenges when reporting requirements interact with operational priorities.

During major humanitarian responses, earmarked contributions may require resources to be directed toward predetermined activities. Such arrangements may reduce operational flexibility when humanitarian needs change and may create tension between donor requirements and needs-based allocation (13).

The relevant governance criterion is therefore not the absence of accountability but the ability to maintain transparent reporting while preserving operational independence and impartiality.

b) Ambiguity in the Chain of Responsibility

A second challenge concerns the allocation of responsibility among the IFRC Secretariat, National Societies, and other partners involved in humanitarian operations.

Where implementation is undertaken through a National Society operating within its domestic

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legal framework, responsibility for decisions, resource management, oversight, and corrective action may become difficult to determine.

Analysis of tsunami-response documentation identified challenges relating to oversight, coordination, and accountability at different levels of implementation. These findings demonstrate the importance of clearly defined responsibilities, reporting channels, and corrective mechanisms while respecting the institutional autonomy of National Societies.

c) Data Protection and Transparency

Transparency requirements may also interact with obligations to protect personal and sensitive information. Although the IFRC's integrity and conduct framework recognizes confidentiality and privacy considerations (5), practical implementation requires clear procedures concerning what information may be disclosed, to whom, and under what circumstances.

This issue is particularly important in humanitarian operations involving vulnerable populations, where unrestricted disclosure of beneficiary information may create additional risks.

2. Independence and State-Related Governance Challenges

a)Financial Dependence and Earmarked Contributions

The IFRC relies substantially on voluntary contributions from governments, National Societies, and other partners. Earmarked funding can provide essential resources for humanitarian operations but may restrict organizational flexibility when funding conditions determine the use of resources or influence operational priorities(13). The analysis therefore identifies the relationship between funding arrangements and institutional independence as an important governance issue. Earmarked funding should not automatically be interpreted as State intervention. Rather, extensive earmarking may create pressure to reconcile donor preferences with needs-based humanitarian priorities (11).

b) National Societies and State Influence

National Societies operate within their respective national legal and institutional environments. In some contexts, this may create practical tensions between the Fundamental Principle of independence and relationships with public authorities(3).

The Cyclone Nargis case in Myanmar illustrates the importance of this issue. Restrictions on international humanitarian access affected the ability of external humanitarian actors to provide timely assistance. The case demonstrates how national sovereignty, domestic regulation, and humanitarian access may interact during large-scale emergencies (7).

The case is not interpreted as evidence of an inherent conflict between State sovereignty and humanitarian principles. Rather, it illustrates the need for predictable legal and operational arrangements for humanitarian access.

c) Host Country Agreements and Operational Restrictions

Host Country Agreements are important instruments for establishing the legal conditions under which the IFRC operates. Differences between domestic regulations and humanitarian operational requirements may create practical barriers involving customs procedures, importation of relief goods, taxation, movement of personnel, and administrative authorization (7).

The tsunami response demonstrates the importance of clear and predictable procedures for the rapid admission and movement of humanitarian relief goods. Appropriate Host Country Agreement provisions may help reduce administrative delays while respecting the sovereignty and legal requirements of host States.

3. Intra-Movement Coherence and Unity

a) Differences in Capacity and Governance Standards

The 191 National Societies differ substantially in legal status, financial resources, institutional capacity, and operational capabilities. These differences can make implementation of common governance and accountability standards challenging(9).

The findings suggest that common principles alone may be insufficient to ensure consistent implementation. Effective governance therefore requires appropriate minimum standards, capacity-building mechanisms, monitoring procedures, and support for National Societies with limited institutional capacity.

b) Coordination and Role Delineation with the ICRC

Coordination between the IFRC and the ICRC is an important governance issue, particularly in complex emergencies where humanitarian assistance, protection, and other Movement activities may occur simultaneously.

The original Seville Agreement of 1997 established a framework for organizing

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international activities among Movement components. It was subsequently replaced by Seville Agreement 2.0, adopted in 2022, which provides the current framework for Movement coordination(17).

Accordingly, contemporary analysis should focus not on the continued legal validity of the 1997 Agreement but on whether the current coordination framework is sufficiently clear and effective in practice.

The tsunami and other large-scale responses demonstrate the importance of clear role delineation, communication, and operational coordination among Movement components(8).

4. Dispute Resolution and Legal Certainty

The documentary analysis identified fragmentation and inconsistency in dispute-resolution arrangements as an important governance challenge(6).

The issue is not the complete absence of every form of dispute-resolution mechanism. Rather, the concern is the absence of a comprehensive, predictable, and consistently applicable framework capable of addressing the diverse legal and contractual relationships in which the IFRC operates.

Different agreements may contain different mechanisms for addressing disputes, while some institutional disagreements may be addressed through governance or political processes rather than judicial or arbitral procedures. This fragmentation may increase uncertainty when urgent operational disagreements arise.

The findings therefore support consideration of more standardized dispute-resolution provisions in relevant bilateral and operational agreements, including negotiation, mediation, and, where legally and institutionally appropriate, arbitration.

5. Legal Challenges in Humanitarian Operations

a) Receipt and Transit of Relief Cargo

Customs procedures, import requirements, documentation, and border controls may delay the entry and movement of humanitarian supplies. Such delays are particularly consequential during the early stages of emergencies, when medical supplies, shelter materials, food, and other essential goods are urgently required (7).

The analysis indicates that predictable customs-facilitation procedures and clear Host Country Agreement provisions may improve operational efficiency.

b) Protection of Humanitarian Personnel and Volunteers

Humanitarian personnel and volunteers may face movement restrictions, administrative barriers, detention, threats, or physical attacks while performing relief activities.

The COVID-19 pandemic further demonstrated how emergency public-health regulations may affect humanitarian access and the movement of personnel and supplies(10).

The findings indicate a need for stronger legal-protection mechanisms, clearer arrangements with host authorities, and appropriate institutional support for personnel and volunteers operating in high-risk environments.

c) Jurisdiction, Privileges, and Immunities

The legal position of IFRC personnel in host States depends substantially on applicable Host Country Agreements, headquarters agreements, domestic legislation, and other relevant legal instruments.

Uncertainty concerning jurisdiction, privileges, and immunities may expose personnel and the organization to legal risks.

Accordingly, Host Country Agreements should, where appropriate, clearly establish applicable legal status, privileges and immunities, dispute-resolution procedures, and responsibilities of the parties before or at the beginning of major operations.

To examine how the identified legal and governance challenges manifest in practice, two major humanitarian responses were selected for in-depth analysis: the 2004 Indian Ocean tsunami and the COVID-19 pandemic (8, 10).

The cases represent substantially different crisis contexts—a sudden-onset natural disaster and a prolonged global health emergency—and provide documentary evidence for examining governance, legal, and operational challenges.

Case Study 1: IFRC Response to the 2004 Indian Ocean Tsunami

a) Event and Operational Context

On 26 December 2004, a major undersea earthquake in the Indian Ocean generated a devastating tsunami affecting several countries around the Indian Ocean. More than 200,000 people died, and millions were affected. The disaster resulted in one of the largest humanitarian and recovery operations undertaken by the Red Cross and Red Crescent Movement.

The scale and duration of the response generated significant demands for coordination,

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financial management, accountability, procurement, logistics, and relations with National Societies and public authorities. Subsequent evaluations identified important lessons concerning coordination, accountability, local ownership, and management of large-scale humanitarian funding.

b) Legal and Governance Analysis

The tsunami response therefore demonstrates that governance challenges are not limited to the formal legal structure of the IFRC. They may also emerge where institutional rules interact with donor requirements, National Society autonomy, domestic law, and operational urgency (8).

Case Study 2: IFRC Response to the COVID-19 Pandemic (2020–2021)

a) Event and Federation Role

The COVID-19 pandemic created a fundamentally different operational environment from a geographically concentrated natural disaster. The crisis affected National Societies across the Movement and required simultaneous action in areas including health, water, sanitation and hygiene (WASH), social protection, community engagement, humanitarian assistance, and vaccination.

The IFRC coordinated and supported national responses through measures including the procurement and distribution of personal protective equipment (PPE) and other medical supplies, public-health activities, support for vulnerable populations, and vaccination-related activities. The *IFRC Annual Report 2021* documents the Federation's response and activities during this period (10).

b) Legal and Governance Analysis

The pandemic highlighted the importance of coordination, resource allocation, accountability, and equitable access to essential health-related resources. However, evidence concerning global vaccine inequality should be interpreted as evidence of the wider humanitarian and global-health environment rather than as evidence of a specific allocation decision by the IFRC unless IFRC-specific documentation establishes such a decision.

From a governance perspective, the pandemic demonstrated the difficulty of coordinating humanitarian action simultaneously across multiple jurisdictions, legal systems, National Societies, and operational environments. This reinforces the importance of clear institutional responsibilities, predictable legal arrangements, and flexible mechanisms for coordination and decision-making.

c) Comparative Interpretation of the Two Cases

Comparison of the two cases indicates that the identified legal and governance challenges are not confined to a single type of crisis. However, their operational expression varies according to the characteristics of the emergency.

The Indian Ocean tsunami primarily exposed challenges involving large-scale funding, logistics, customs, National Society capacity, accountability, and coordination among Movement components. The COVID-19 response, by contrast, highlighted simultaneous multi-country operations, public-health regulation, procurement, access to essential supplies, and the need for rapid coordination across diverse legal and operational environments (10).

Three recurring structural issues were identified across the cases:

1. Distributed responsibility and National Society autonomy: The decentralized structure of the Movement provides important operational and contextual advantages but may complicate accountability when responsibilities are distributed among multiple actors. The governance framework should therefore clarify responsibilities while preserving the autonomy of National Societies.

2. Fragmented dispute-resolution arrangements: Different contractual, institutional, and host-State arrangements may create uncertainty when urgent legal or operational disagreements arise. The findings therefore support more standardized and predictable dispute-resolution provisions rather than assuming that dispute-resolution mechanisms are entirely absent. The current Seville Agreement 2.0 is particularly relevant because it provides a framework for coordination and includes mechanisms for conciliation, mediation, and, under specified conditions, arbitration (17).

3. Funding dependence and operational flexibility: Reliance on earmarked contributions may constrain the ability of humanitarian actors to redirect resources as needs evolve. The appropriate governance response is not complete financial independence, which may be unrealistic for a global humanitarian organization, but greater diversification, transparency, and flexibility in funding arrangements.

Overall, the two cases demonstrate that Good Governance within the IFRC depends not only on formal principles and institutional rules but also

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on the capacity to translate those principles into clear responsibilities, predictable legal arrangements, effective coordination, accountable resource management, and timely operational decision-making.

The comparison also indicates that the governance challenge is structural rather than crisis-specific. Different emergencies expose different dimensions of the same underlying governance problem: how to maintain accountability and legal predictability while preserving the decentralized structure, operational flexibility, and Fundamental Principles of the International Red Cross and Red Crescent Movement

Table 2. Summary of Findings Based on the Objective Assessment Framework

Main Challenge	Practical Evidence	Governance Criterion	Potential Operational Consequence
Transparency and accountability	Difficulties in assigning responsibility among the IFRC, National Societies, and other actors	Accountability and transparency	Reduced clarity of responsibility, delayed corrective action, and potential loss of stakeholder confidence
Independence and earmarked funding	Donor conditions may restrict the flexibility of humanitarian funding	Independence, impartiality, and efficiency	Potential reduction in flexibility to respond to evolving humanitarian priorities
Intra-Movement coordination	Differences in capacity and the need for clearer coordination among Movement components	Unity, efficiency, and accountability	Potential duplication, coordination delays, or uneven operational performance
Dispute resolution	Fragmented mechanisms across different legal and contractual arrangements	Rule of law and accountability	Potential delay in resolving operational and institutional disputes
Relief-cargo transit	Customs, import, and documentation requirements	Efficiency and rule of law	Potential delays in the delivery of essential humanitarian supplies
Personnel protection	Movement restrictions, detention, threats, or attacks affecting humanitarian personnel	Rule of law and protection	Reduced operational access and increased risks to personnel
Jurisdiction and immunities	Variation in Host Country Agreements and applicable domestic law	Rule of law	Legal uncertainty and increased institutional exposure

Table 3. Relationship between Governance Indicators and Identified Legal Challenges

Theoretical Governance Indicator	Identified Legal Challenge	Analytical Interpretation
Transparency	Reporting requirements and information disclosure	The IFRC must reconcile transparency toward donors and stakeholders with operational independence and protection of sensitive information.
Accountability	Ambiguity in responsibility among Movement actors	Decentralized implementation may make it difficult to determine responsibility for decisions, resource management, and corrective action(9).
Efficiency	Operational and legal barriers	Differences in national regulations, customs procedures, and institutional capacity may affect the timely use of humanitarian resources(7,8,10).
Rule of Law	Fragmented dispute-resolution and legal-protection arrangements	Inconsistent or non-uniform legal mechanisms may increase uncertainty and delay the resolution of institutional and operational disputes.
Participation	Centralized or donor-driven decision-making	Stronger mechanisms for consultation and feedback may help ensure that humanitarian priorities reflect the needs of affected populations rather than solely institutional or donor preferences.

Table 4. Legal and Governance Analysis

Legal/Governance Challenge	Documentary Evidence	Governance Criterion	Operational Implication
Ambiguity in responsibility	Difficulties in coordinating responsibilities among the IFRC, National Societies, and other actors	Accountability	Delays and difficulties in assigning responsibility
Intra-Movement coordination	Need for clearer coordination among Movement components	Unity and efficiency	Risk of duplication and uneven coverage (7, 8)
Earmarked funding	Donor restrictions on the use of contributions	Independence and impartiality	Reduced flexibility in responding to changing needs (13)
Weak oversight	Identified weaknesses or challenges in accountability and monitoring in some operations	Transparency and accountability	Reduced confidence and need for stronger oversight(8, 10)
Customs and legal procedures	Administrative requirements affecting the movement of relief supplies	Efficiency and rule of law	Potential delays in the delivery of humanitarian goods

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Discussion and Conclusion

The findings indicate that the legal and governance challenges facing the IFRC are closely associated with its decentralized institutional structure and the interaction between its Movement-based identity and organizational responsibilities. This institutional configuration may create tensions between the autonomy and independence of National Societies and the requirements of transparency, accountability, consistency, and operational efficiency.

The findings are consistent with previous research highlighting weaknesses or fragmentation in dispute-resolution arrangements within the Movement. However, the present study extends this discussion by proposing a practical, specialized mechanism for mediation and dispute resolution.

The findings also support previous research concerning the governance implications of financial dependence and earmarked contributions. However, the present study goes further by examining how funding arrangements may affect not only operational flexibility but also accountability, transparency, and needs-based decision-making.

The findings further complement studies emphasizing the importance of the Fundamental Principles(1, 3) by demonstrating that the existence of normative principles does not necessarily ensure their consistent implementation in complex operational environments. Similarly, previous research on humanitarian accountability has largely examined specific crises or accountability practices(9, 12), whereas this study adopts a legal-structural perspective to examine the gap between institutional norms and their practical application.

The Gap between Normative Commitments and Practice

A central finding is the potential gap between the principles established in foundational documents and their implementation in complex humanitarian operations. The autonomy of National Societies is essential to the Movement's structure and Fundamental Principles; however, decentralized authority may also complicate the allocation of responsibility, monitoring, and implementation of common governance standards.

This should not be interpreted as evidence that the decentralized structure is inherently ineffective. Rather, the findings suggest that insufficiently clear mechanisms for accountability, coordination, and dispute resolution may limit the practical realization of Good Governance in some operational contexts.

The analysis therefore identifies two interconnected structural factors: decentralized institutional authority and dependence on external funding arrangements. Their interaction may constrain the IFRC's ability to reconcile operational independence with accountability to donors, authorities, National Societies, and affected populations.

Evidence from the Case Studies

The two case studies demonstrate that these structural challenges can manifest differently according to the nature of the crisis.

The 2004 Indian Ocean tsunami highlighted challenges related to large-scale humanitarian financing, logistics, customs procedures, coordination, National Society capacity, and accountability. The COVID-19 pandemic, by contrast, demonstrated the additional complexity created by a global emergency affecting National Societies simultaneously and involving public-health regulations, procurement, equitable access to essential resources, and restrictions on humanitarian personnel and operations.

Across both cases, the findings suggest that the effectiveness of governance depends not only on formal rules but also on the existence of clear responsibilities, predictable legal arrangements, effective coordination, flexible funding mechanisms, and timely procedures for resolving disputes.

Accordingly, the study does not conclude that Good Governance requires complete financial independence. Rather, it suggests that greater funding diversification and more flexible financing arrangements may strengthen institutional independence and improve the capacity to respond according to humanitarian needs.

The Potential Role of Soft Law

Given the decentralized structure of the Movement and the constraints arising from State sovereignty, soft-law mechanisms may provide a practical means of improving governance without requiring immediate fundamental institutional restructuring.

Codes of conduct, minimum governance standards, model Host Country Agreements, standardized reporting requirements, audit criteria, mediation procedures, and performance-based recommendations could strengthen

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accountability while preserving the autonomy of National Societies.

The 2021 Ethics, Integrity and Conduct Framework provides an important normative basis for such efforts. However, its practical effect could potentially be strengthened through clearer implementation criteria, regular monitoring, independent review, and appropriate incentives for compliance.

Study Limitations

This study has several limitations. First, access to some confidential internal documents and audit materials was limited. Second, interviews with senior IFRC officials were not conducted, restricting access to first-hand institutional perspectives. Third, the analysis focused on two major case studies and therefore cannot represent all IFRC operations or legal environments. These limitations were partially mitigated through systematic analysis of publicly available statutory documents, evaluation reports, accessible audit and oversight materials, and other documentary sources. Accordingly, the findings should be interpreted as an analytical assessment of documented governance and legal challenges rather than a comprehensive assessment of all IFRC operations.

Key Findings and Implications

The study identified five interconnected areas affecting Good Governance within the IFRC: 1) transparency and accountability; 2) institutional independence and the influence of funding and State-related arrangements; 3) coordination among Movement components and differences in National Society capacity; 4) fragmented dispute-resolution arrangements; and 5) operational legal challenges related to relief cargo, personnel protection, jurisdiction, and privileges and immunities.

The central finding is that Good Governance depends not only on the Fundamental Principles and formal institutional rules, but also on mechanisms that translate these principles into clear responsibilities, predictable procedures, effective accountability, and timely dispute resolution. The decentralized structure of the Movement represents both an operational strength and a governance challenge. National Society autonomy enables locally appropriate humanitarian action, but differences in institutional capacity and legal environments may complicate coordination and accountability. Governance reforms should therefore establish appropriate minimum common standards while preserving the Fundamental Principles and the operational independence of National Societies.

The findings also suggest that greater financial diversification and funding flexibility may strengthen operational independence, while standardized legal and dispute-resolution mechanisms may reduce uncertainty and delays during emergencies. A transparent, objective, and needs-based resource-allocation framework should also be considered for future large-scale emergencies.

The findings have implications for three principal stakeholder groups. For IFRC leadership, the proposed framework can support minimum governance standards, systematic monitoring, and consistent accountability mechanisms. For donors and States, accountability requirements should be balanced with humanitarian flexibility through greater use of results-based reporting and flexible contributions. For National Societies, common standards for financial transparency, accountability, operational preparedness, risk management, and community feedback may strengthen institutional performance and stakeholder confidence.

Recommendations

Considering State sovereignty, National Society autonomy, and the decentralized structure of the Movement, the recommendations are proposed at three levels. The IFRC should:

Short term (6–18 months)

- develop standardized dispute-resolution clauses for bilateral and operational agreements, including negotiation, mediation, and, where legally appropriate, arbitration;
- strengthen procedures for resolving membership and identity disputes through clear responsibilities, timelines, independence, and follow-up mechanisms;
- establish a humanitarian legal-support mechanism for volunteers and personnel, including legal advice, emergency assistance, and appropriate insurance for high-risk operations; and
- develop model Host Country Agreement provisions addressing customs facilitation, movement of humanitarian personnel, legal status, privileges and immunities, and emergency procedures.

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Medium term (18–36 months)

- diversify funding sources and increase funding flexibility through measurable targets for reducing excessive dependence on highly earmarked contributions and increasing flexible and unearmarked funding;
- establish minimum governance standards for National Societies covering financial transparency, accountability, risk management, operational preparedness, community participation, and reporting;
- introduce regular governance assessments and capacity-building mechanisms; and
- strengthen coordination among Movement components, particularly during complex emergencies, while maintaining consistency with the current Movement coordination framework, including Seville Agreement 2.0.

Long term (36–60 months)

The study recommends:

- establishing a specialized Movement dispute-resolution mechanism with expertise in international humanitarian law, organizational law, and humanitarian operations. Its initial functions could include mediation, legal advice, and non-binding recommendations, with stronger authority subject to appropriate institutional and legal approval;
- considering stronger minimum accountability requirements within the existing statutory framework while preserving National Society autonomy and the Fundamental Principles; and
- developing a Movement-wide Good Governance Charter involving National Societies, the IFRC, the ICRC, States, donors, and other relevant stakeholders. The Charter could establish common principles and minimum standards for transparency, accountability, participation, integrity, financial governance, dispute resolution, and operational effectiveness.

Taken together, these measures could help narrow the gap between the Movement's normative commitments and their practical implementation while preserving the Fundamental Principles that constitute the foundation of the International Red Cross and Red Crescent Movement.

Compliance with Ethical Guidelines

The study used only publicly available documents and published reports and involved no human participants, interviews, or collection of personal data. Therefore, ethical approval for human-participant research was not required. Scientific integrity was ensured through accurate citation, systematic analysis, transparent use of documentary evidence, and disclosure of study limitations.

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Authors' Contributions

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Conflict of Interests

The authors declare no conflict of interest.

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