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**29th International Conference
of the Red Cross and Red Crescent**
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REPORT

**FOLLOW-UP TO RESOLUTION 3 ON THE EMBLEM
OF THE 28TH INTERNATIONAL CONFERENCE (2003)**

(item 3 of the provisional agenda)

Document prepared by the
Standing Commission
of the Red Cross and Red Crescent

May 2006

Follow-up to Resolution 3 on the Emblem of the 28th International Conference (2003)

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Executive summary

Resolutions by Council of Delegates (CoD) – meetings 1997-2003 and by the 27th and the 28th International Conferences of the Red Cross and Red Crescent (IC) held in 1999 and in 2003 respectively have extensively addressed the emblems issue and the need to find “a comprehensive and lasting solution”. A draft third Protocol additional to the Geneva Conventions was established and circulated already in October 2000.

The Council of Delegates and the 28th Conference in 2003 "requested the Standing Commission [of the Red Cross and Red Crescent] to continue to give high priority to securing, as soon as circumstances permit, a comprehensive and lasting solution to the question of the emblem, in cooperation with the Swiss government as depositary of the Geneva Conventions and with other concerned governments and components of the Movement, on the basis of the proposed draft third additional Protocol". The full text of the resolution is in [annex 1](#). This formed the most recent basis for the Movement's actions aiming at the adoption of an additional Protocol.

The Swiss Government as depositary of the Geneva Conventions undertook extensive consultations in 2005 with States party to the Geneva Conventions and with representatives of the Movement, with the aim of convening a diplomatic conference to adopt the third additional Protocol.

States Parties were invited in September 2005 to informal consultations in Geneva. On the basis of the discussions the Chairman of the meeting concluded that the Depositary was to continue consultations with the intent to convene the diplomatic conference at the latest by the end of year 2005.

The diplomatic conference of the High Contracting Parties in order to adopt a Third Protocol Additional to the Geneva Conventions, recognizing an Additional Distinctive Emblem was convened by the depositary for December 5-6, 2005 in Geneva.

This conference adopted the third Protocol (Protocol III) additional to the Geneva Conventions on 8 December, 2005 after a vote with 98 states voting in favour, 27 against and with 10 abstentions.

Facilitated by the Swiss Government, consultations between Magen David Adom in Israel (MDA) and the Palestine Red Crescent Society (PRCS) led to the signing of a Memorandum of Understanding (MoU) and an Agreement on Operational Arrangements (AOA) on 28 November 2005 in Geneva. The aim was to facilitate the adoption of additional Protocol III and to pave the way for the admission of both societies to the International Red Cross and Red Crescent Movement. The Final Act of the Diplomatic Conference acknowledged the expectation of both Societies to become members of the Movement at the next International Conference of the Red Cross and the Red Crescent.

1. Background - Consultations with States Parties

In early 2005 changes in the political environment 'opened a window of opportunity' and the process towards adoption of an additional Protocol resumed. The Swiss Government as Depositary initiated fresh consultations with States Party to the Geneva Conventions on the convening of a diplomatic conference.

Findings from the early informal consultations undertaken by the representatives of the Red Cross/Red Crescent Movement were confirmed by the consultations carried out by the Depositary: there were no major objections regarding the substance of the draft Protocol. However, countries in the Middle East voiced their concern regarding the timing for bringing the process to conclusion.

The Depositary invited States Parties to an informal consultation meeting in Geneva on September 12-13 to discuss the modalities of a diplomatic conference.

A total of 133 States Parties were represented at the consultations mainly through their Permanent Representatives in Geneva. The high-level participation demonstrated the importance attached to the issue of an additional Protocol.

In his address on behalf of the Movement, the Chairman of the Standing Commission, H.E. Dr Mohammed Al-Hadid, spoke of the Movement's commitment to the draft Protocol. It was seen as meeting the requirement for a "comprehensive and lasting solution to the question of the emblem", a requirement set by States and National Societies at the International Conference in 1999 and reaffirmed in 2003. Explanatory statements on different issues were also delivered to the meeting by representatives of the ICRC and the International Federation.

Interventions at the consultation meeting confirmed that there were no major concerns regarding the *substance* of the draft Protocol. The question of *timing* of a diplomatic conference was still a matter of concern for many States.

The Depositary expressed in its concluding statement its intent to convene a diplomatic conference at the latest by the end of 2005. For this purpose it undertook to pursue the process of consultations with a view to taking due consideration of the concerns expressed at the meeting. It was also clear that States expected the Movement to contribute to this process on matters within its scope.

2. Movement action

The Standing Commission acknowledged two main developments that were necessary to bring the entire process to a closure once an additional Protocol was adopted:

1. An International Conference of the Red Cross and Red Crescent was needed to amend paragraph 5 of Article 4 of the Statutes of the Movement relating to the emblem usage condition for the recognition of National Societies.

2. The Joint ICRC - International Federation Commission for the Statutes of National Societies was to work closely with Magen David Adom (MDA) in Israel and with the Palestine Red Crescent Society (PRCS) as they prepared their applications for recognition and admission into the Movement based on the conditions for recognition established in the Statutes of the Movement (Article 4).

To underline the importance of the cooperation between the MDA and the PRCS the Swiss government as Depositary facilitated the continued dialogue to develop humanitarian services in cooperation between the two Societies. The consultations, which were conducted with the support of the ICRC and the International Federation, led to the signing of a Memorandum of Understanding (MoU) and an Agreement on Operational Arrangements (AOA) between MDA and PRCS on 28 November 2005 in Geneva. It was hoped that these agreements would facilitate the adoption of Protocol III and to pave the way for the admission of both societies into the Movement.

Switzerland accepted to monitor the implementation of the MoU and the AOA, in close co-operation with the ICRC and the International Federation and with respect for their mandates, and undertook to report to the 29th International Conference.

3. Diplomatic Conference

The Swiss Federal Council, in its capacity as Depositary of the Geneva Conventions convened for December 5-6 (7), 2005 the Diplomatic Conference of the High Contracting Parties in order to adopt a Third Protocol Additional to the Geneva Conventions, recognizing an Additional Distinctive Emblem.

The decision was based upon consultations undertaken since March 2005, including the results of the open consultations held in Geneva on 12 and 13 September. Important points for many delegations related to progress achieved regarding the territorial usage of the emblem and the geographical scope of the operational activities and of the competences of the National Societies in accordance with the statutes and rules of the International Red Cross and Red Crescent Movement, including the implementation of Resolution XI of the 10th International Conference in 1921.

A total of 144 delegations from States Parties participated in the diplomatic conference along with experts from the ICRC, the International Federation and the Standing Commission.

Debate at the Diplomatic Conference covered a wide range of issues, with particular emphasis on the implementation of the MoU and AOA between MDA and PRCS and Switzerland's role in monitoring that implementation. Many delegations expressed their appreciation to Switzerland for its willingness to monitor the implementation of the agreements and provide a report to the 29th International Conference.

Discussion of the agreements included many references to the importance of the 29th International Conference creating a framework for the recognition and admission of the Palestine Red Crescent Society, noting that the adoption of the Protocol would make it possible to amend the Statutes of the Movement and thereby permit Magen David Adom to lodge its application for recognition and admission.

During the Conference, and in response to the statements of several delegations, the ICRC explained that it carries out regular examinations of the humanitarian situation in Golan. On

the basis of its findings, the ICRC declared its readiness to develop a medical structure in Golan based on self-assessed needs. Currently, the ICRC is engaged in detailed planning for the construction in Majdel Shams of an emergency and diagnosis centre. The centre is in its final design phase.

During the debates the delegations of Pakistan and Yemen, with the support of other delegations representing members of the Organization of the Islamic Conference, proposed thirteen amendments to the draft Protocol. Ultimately, a roll-call vote was held on the amendments as a package, and a total of 107 votes were cast of which 35 were in favour of the proposed amendments, 72 against, with 29 states abstaining.

Draft Protocol III was then put to a vote with the following outcome: A total of 125 votes were cast of which 98 were in favour of adopting the Protocol, 27 against the adoption and 10 abstentions. Having obtained the necessary two-thirds majority (84 votes), Additional Protocol III was adopted on December 8, 2005. Explanations of vote were made by 12 delegations. Most of them submitted that they had no objections to the Protocol or the emblem it established, but would have preferred to see the amendments accepted and the Protocol itself adopted by consensus.

Protocol III has been signed by 54 States to date (1 May 2006). The Protocol requires ratification by two (2) states to enter into force, and several States have initiated the formal parliamentary processes necessary under their legislation before ratification can take place.

4. Towards universality

Following the closure of the Diplomatic Conference on 8 December 2005, Switzerland, as Chair, undertook consultations concerning the content of the Final Act of the Conference (see [Annex 2](#)). The Final Act, dated 31 January 2006, confirms the understandings evident at the Conference, namely that an International Conference of the Red Cross and Red Crescent should be convened with three objectives:

- the amendment to the Statutes of the Movement consequent upon the adoption of Protocol III relating to the Adoption of an Additional Distinctive Emblem,
- the introduction to the Movement of the name "red crystal" for the additional emblem, and
- the creation of a framework for the recognition and admission of the Palestine Red Crescent Society.

Accordingly, the convocation of 16 December 2005 establishes the purpose of the 29th Conference.

With the integration of Protocol III into the Statutes of the Movement, through the amendment of the Statutes, National Societies which have until now not been able to join the Movement because of their inability to use any of the previously established emblems, can do so by adopting and using the red crystal and fulfilling the other nine conditions for recognition contained in Article 4 of the Statutes of the Movement.

The Standing Commission therefore requests that the 29th International Conference be held by consensus

1. adopt the proposed changes to the Statutes of the Movement;

2. adopt the name 'red crystal' for the new additional emblem; and
3. invite the ICRC to recognise and the International Federation to admit the Palestine Red Crescent Society into the Movement with reference to the expressed will of both Societies and that of States as expressed in the Final Act of the Diplomatic Conference.

The Standing Commission's reports on the emblem to the 28th International Conference in 2003 and to the Council of Delegates in November 2005 are available on and can be downloaded from the Standing Commission's website www.rcstandcom.info. They provide a detailed account on developments since 1999.

RESOLUTION 5 (Council of Delegates 2003)
Also adopted by the 28th International Conference as Resolution 3

**FOLLOW-UP TO RESOLUTION 6
OF THE COUNCIL OF DELEGATES IN 2001**

EMBLEM

The Council of Delegates

taking note of the report submitted by the Standing Commission as requested by the 27th International Conference of the Red Cross and Red Crescent, held in Geneva in 1999, and Resolution 6 of the Council of Delegates in 2001,

reiterating the commitment of the International Red Cross and Red Crescent Movement to achieve, with the support of the States Parties to the 1949 Geneva Conventions, a comprehensive and lasting solution to the question of the emblem, on the basis of the proposed draft Third Protocol Additional to the Geneva Conventions, once it is adopted, as soon as circumstances permit,

recalling the legal and protective value of the emblems used by the International Red Cross and Red Crescent Movement, which, by virtue of their inclusion in the Geneva Conventions and continuous practice for over a century, have become universally recognised symbols of impartial and neutral aid and protection to the victims of war, natural disasters and other catastrophes,

1. *welcomes* the work of the Standing Commission, its Special Representative on the Emblem and its ad hoc Working Group, the ICRC and the International Federation to develop the basis for a comprehensive and lasting solution to the question of the emblem;
2. *further welcomes* the progress made since the 27th International Conference, in particular the drafting of the proposed Third Protocol Additional to the Geneva Conventions on the Emblem (12 October 2000) as well as the adoption of Resolution 6 of the 2001 Council of Delegates;
3. *deeply regrets* developments which have made it impossible to bring the process to its expected outcome with the adoption of the draft Third Additional Protocol;

4. *recalls* the Fundamental Principles of the Red Cross and Red Crescent, in particular the principle of universality;
5. *underlines* the urgency of reinforcing measures for the protection of war victims, medical personnel and humanitarian workers in all circumstances, and the significance in this context of the proposed Third Additional Protocol;
6. *requests* the Standing Commission to continue to give high priority to securing, as soon as circumstances permit, a comprehensive and lasting solution to the question of the emblem, in cooperation with the Swiss government as depositary of the Geneva Conventions and with other concerned governments and components of the Movement, on the basis of the proposed draft Third Additional Protocol;
7. *requests* the Special Representative of the Standing Commission on the Emblem to bring this resolution to the attention of the 28th International Conference of the Red Cross and Red Crescent.

Final Act of the Diplomatic Conference

FINAL ACT OF THE DIPLOMATIC CONFERENCE ON THE ADOPTION OF THE THIRD PROTOCOL ADDITIONAL TO THE GENEVA CONVENTIONS OF 12 AUGUST 1949, AND RELATING TO THE ADOPTION OF AN ADDITIONAL DISTINCTIVE EMBLEM (PROTOCOL III)

1. The Diplomatic Conference convened by the Swiss Federal Council, as the depositary of the Geneva Conventions of 1949 and their Additional Protocols of 1977, with a view to adopting the Third Protocol Additional to the Geneva Conventions, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III), was held in Geneva, Switzerland, from 5 to 8 December 2005.
2. The delegations of 144 High Contracting Parties to the Geneva Conventions participated in the Conference. The list of participating High Contracting Parties is enclosed in [Annex 1](#).
3. The list of observers which were present at the Conference is enclosed in [Annex 2](#).
4. The International Committee of the Red Cross (ICRC), the International Federation of the Red Cross and Red Crescent Societies (IFRC), and the Standing Commission of the Red Cross and Red Crescent participated in the work of the Conference as experts.
5. The Conference had before it a draft of Protocol III prepared by the ICRC in consultation with the IFRC, following discussions within a Joint Working Group established by the Standing Commission of the Red Cross and Red Crescent pursuant to the mandate assigned to it by Resolution 3 of the 27th International Conference of the Red Cross and Red Crescent and subsequent consultations, and circulated on 12 October 2000 by the depositary.
6. Under agenda item 1, the Secretary General of the Conference, Ambassador Didier Pfirter (Switzerland) opened the Conference on 5 December 2005.
7. Under agenda item 2, Federal Councillor Micheline Calmy-Rey, Head of the Swiss Federal Department of Foreign Affairs, and Mr. Jakob Kellenberger, President of the International Committee of the Red Cross, made opening statements.
8. Under agenda item 3, the Conference then proceeded to the election of Ambassador Blaise Godet, Permanent Representative of Switzerland to the United Nations Office in Geneva, as its President.
9. Under agenda item 4, the Conference adopted its rules of procedure based on the draft rules transmitted on 30 May 2005 by the depositary to the High Contracting Parties of the Geneva Conventions of 1949.
10. Under agenda item 5, the Conference approved the draft agenda presented by the depositary ([Annex 3](#)).
11. Under agenda item 6, the Conference elected the representatives of the following High Contracting Parties as Vice-Presidents: Afghanistan, Austria, Chile, the People's Republic of

China, the Democratic Republic of the Congo, Croatia, Ecuador, Ghana, Honduras, the Republic of Korea, Libya, Mauritania, Mexico, Nepal, Norway, the Russian Federation, Pakistan, Slovakia, Spain, Tanzania, Timor-Leste, Uganda, the United States of America.

12. Under agenda items 7 and 8, the Conference established the following organs in accordance with its rules of procedure:

General Committee: The President of the Conference, the Vice-Presidents of the Conference, the Chairpersons of the Drafting Committee and of the Credentials Committee and the Secretary General.

Drafting Committee: South Africa (chair), Brazil, Costa Rica, Ethiopia, the Hashemite Kingdom of Jordan, Japan, New Zealand, Nigeria, Pakistan, Romania, Senegal, Slovenia, the Syrian Arab Republic, the United Kingdom, the United States of America.

Credentials Committee: Chile (chair), Australia, Canada, the Republic of the Congo, Guatemala, Republic of Korea, Madagascar, the Syrian Arab Republic, Ukraine.

13. Under agenda item 9, the Conference held a general debate during which statements were made by representatives of 57 High Contracting Parties, some of whom spoke on behalf of groups of States. The Conference also heard statements by observers and by participants invited in an expert capacity.

14. The Conference heard statements by the ICRC and the IFRC concerning the name of the additional emblem. Although Protocol III referred to the additional emblem as the “third Protocol emblem”, the ICRC and the IFRC informed the Conference that the designation “red crystal” had gained currency and would be introduced formally at the next International Conference of the Red Cross and Red Crescent.

15. The President informed the Conference that, following the Informal Discussions among High Contracting Parties on 12-13 September 2005, Switzerland, as the depositary of the Geneva Conventions, had conducted intensive consultations. These latter led to the signing of a Memorandum of Understanding (MoU) and an Agreement on Operational Arrangements (AOA) between Magen David Adom in Israel (MDA) and the Palestine Red Crescent Society (PRCS) on 28 November 2005 in Geneva, which were concluded in an effort to facilitate the adoption of Protocol III and to pave the way for the admission of both societies to the International Red Cross and Red Crescent Movement at the next International Conference of the Red Cross and the Red Crescent.

16. The Conference was also informed that Switzerland accepts to monitor the implementation of the MoU and the AOA, in close co-operation with the ICRC and the IFRC and with respect for their mandates, as well as to report to the next International Conference of the Red Cross and Red Crescent.

17. The President of the Credentials Committee presented its report: The Committee proposed to accept the credentials of 144 delegations, entitling them to take part in the voting. The Conference adopted the Committee's report, thus closing the debate under agenda item 9.

18. In accordance with agenda item 10, the Conference proceeded to the adoption of Protocol III. The delegations of Pakistan and Yemen had previously proposed thirteen amendments, which enjoyed the support of Organization of the Islamic Conference (OIC) countries. At the request of Pakistan, a roll-call vote was held on these amendments to the Protocol III as a whole with the following results:

Votes cast	107
Votes in favour of the amendments:	35
Votes against the amendments:	72
Abstentions	29
Required 2/3 majority to accept the amendments in accordance with Art. 37 para. 2 of the rules of procedure:	72

19. Explanations of vote were made by the delegations of India, Chile, Colombia, the Russian Federation, Brazil and Venezuela.

20. Having failed to gain the necessary two-thirds majority, the amendments, in accordance with Article 37 para. 2 of the rules of procedure, were thus rejected by the Conference.

21. At the request of the Syrian Arab Republic, Protocol III was then put to a roll-call vote with the following results:

Votes cast	125
Votes in favour of the adoption of Protocol III:	98
Votes against the adoption of Protocol III:	27
Abstentions	10
Required 2/3 majority to accept Protocol III in accordance with Art. 37 para. 1 of the rules of procedure:	84

22. Explanations of vote were made by the delegations of the People's Republic of China, the Hashemite Kingdom of Jordan, the Democratic Republic of the Congo, Lebanon, Singapore, the Russian Federation, Kenya, Turkey, the Holy See, Pakistan, the Arab Republic of Egypt and Israel.

23. Having thus obtained the necessary two-thirds majority in accordance with Article 37 para. 1 of the rules of procedure, the Conference adopted on 8 December 2005 the Third Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem whose certified true copies of the English, French and Spanish texts are annexed to this Final Act ([Annex 4](#)).

24. Upon the proposal of its President, the Conference mandated the depositary of the Geneva Conventions of 1949 and their Additional Protocols to establish the Final Act of the Conference. The President then closed the Conference on 8 December 2005.

25. Protocol III was opened for signature subject to ratification on the same day, in accordance with its provisions under Article 8. It will remain open for signature subject to ratification at the Swiss Federal Department of Foreign Affairs, Berne, until 7 December 2006, whereupon it will be opened for accession in accordance with its provisions under Article 10.

26. After entry into force, Protocol III shall be transmitted by the depositary to the Secretary General of the United Nations for registration and publication.

27. This Final Act has been established by the depositary of the Geneva Conventions of 1949 and their Additional Protocols in conformity with the mandate given by the Conference on 8 December 2005.

DONE at Berne on 31 January 2006 in Arabic, Chinese, English, French, Russian and Spanish, the original and the accompanying documents to be deposited in the archives of the Swiss Confederation.