

REPORT ON THE FOLLOW-UP OF THE RESOLUTION 3 OF THE 27TH INTERNATIONAL CONFERENCE ON THE EMBLEM

1. INTRODUCTION

The Council of Delegates meeting that took place in Geneva in October 1999 and the 27th International Conference of the Red Cross and Red Crescent held in November 1999 requested the Standing Commission of the Red Cross and Red Crescent to set up a joint working group composed of representatives of the Movement and of States with a view to seeking a comprehensive and lasting solution to the question of the emblem. Throughout the ensuing four years, this issue has been one of the Standing Commission's primary concerns.

The purpose of the present report is to give an account of the initiatives which the Standing Commission has taken to fulfil the mandate it received from the Council of Delegates and the 27th International Conference of the Red Cross and Red Crescent.

2. THE MANDATE GIVEN TO THE STANDING COMMISSION

At its meeting in Geneva in October 1999, the Council of Delegates adopted the following resolution (Resolution 2):

"The Council of Delegates,
recognizing the International Red Cross and Red Crescent Movement's Fundamental Principle of universality and the common goal of States, which are parties to the Geneva Conventions, and of the Movement to remove any obstacles to the universal application of the 1949 Geneva Conventions,
further recognising the current problems in some States and National Societies regarding the emblems of the red cross or red crescent,
taking into account and commending the work and consultations undertaken since 1995 by the Standing Commission of the Red Cross and Red Crescent at the request of the Movement, and in particular resolution 2 of the 1997 Council of Delegates,

1. calls upon the 27th International Conference

a) to invite the Standing Commission of the Red Cross and Red Crescent to establish a joint working group from the Movement and States on the emblems with a mandate to find a comprehensive solution, as rapidly as possible, which is acceptable to all parties in terms of substance and procedure;

b) to invite *the Standing Commission of the Red Cross and Red Crescent, to nominate the membership of the joint working group which will represent the shared responsibility of the Movement and States on the emblem, and to establish its terms of reference;*

c) to request *the Standing Commission of the Red Cross and Red Crescent to establish the practical arrangements with States to carry out the tasks of the joint working group;*

d) to request *the joint working group to report back, through the Standing Commission, to the 2001 Council of Delegates and to the 28th International Conference of the Red Cross and Red Crescent.*"¹

The 27th International Conference endorsed the proposal of the Council of Delegates by adopting the following resolution (Resolution 3):

"The 27th International Conference,

taking into account Resolution 2 concerning the establishment of a working group on the emblems adopted by the Council of Delegates on 29 October 1999 (attached),

recognizing the points raised in the above-mentioned Resolution,

accepts the proposals made in the Resolution."²

3. THE ORIGINS OF THE PROBLEM

Right from the outset the adoption of a uniform distinctive sign emerged as one of the prerequisites for the inviolability of armed forces medical services, ambulances and volunteer nurses.

The principal of the unity of the distinctive sign was laid down in Resolution 8 of the International Conference of Experts, which was convened in Geneva in October 1863 and gave birth to the International Red Cross and Red Crescent Movement; this resolution refers to the unity of the distinctive sign to be worn by volunteer nurses:

*"They shall wear in all countries, as a uniform distinctive sign, a white armlet with a red cross."*³

Likewise, the Conference expressed the wish that an identical distinctive sign be adopted for all military medical personnel. Not being empowered to take the decision, the Conference recommended:

¹ Council of Delegates, Geneva, 1999, Resolution 2.

² 27th International Conference of the Red Cross and Red Crescent, Geneva, 1999, Resolution 3.

³ *Compte rendu de la Conférence internationale réunie à Genève les 26, 27, 28 et 29 octobre 1863 pour étudier les moyens de pourvoir à l'insuffisance du service sanitaire dans les armées en campagne (Report on the International Conference held in Geneva on 26, 27, 28 and 29 October 1863 to examine ways of remedying shortcomings in the medical services of armies in the field)*, excerpt from the *Bulletin de la Société genevoise d'utilité publique*, No. 24, Imprimerie Jules-Guillaume Fick, Geneva, 1863 (hereinafter *Compte rendu 1863*), p. 148; *Handbook of the International Red Cross and Red Crescent Movement*, International Committee of the Red Cross and International Federation of Red Cross and Red Crescent Societies, 13th ed., Geneva, 1994 (hereinafter *Handbook*), p. 614; Dietrich Schindler, Jiri Toman (eds), *The Laws of Armed Conflicts: A Collection of Conventions, Resolutions and Other Documents*, Martinus Nijhoff Publishers, Dordrecht / Henry Dunant Institute, Geneva, 1988 (hereinafter *The Laws of Armed Conflicts*), p. 276.

"that a uniform distinctive sign be recognized for the Medical Corps of all armies, or at least for all persons of the same army belonging to this Service; and

"that a uniform flag also be adopted in all countries for ambulances and hospitals."⁴

In order to follow up the resolutions and wishes of the International Conference of October 1863, the Swiss Federal Council convened a Diplomatic Conference in August 1864, which adopted the first Geneva Convention of 22 August 1864; Article 7 of the Convention also provided that military hospitals and medical personnel be identified by the same emblem in all countries and in all armed forces:

"A distinctive and uniform flag shall be adopted for hospitals, ambulances and evacuation parties. It should in all circumstances be accompanied by the national flag.

"An armband may also be worn by personnel enjoying neutrality but its issue shall be left to the military authorities.

Both flag and armband shall bear a red cross on a white ground."⁵

For reasons which it was not considered necessary to record in the minutes of the October 1863 Conference, the emblem chosen was the red cross on a white ground. Documents contemporaneous to the Conference shed no further light on this choice. We are therefore reduced to conjecture.

Since the dawn of time, the white flag had been recognized as a sign of the wish to negotiate or of surrender; firing on anyone displaying it in good faith was forbidden. With the addition of a red cross, the flag's message was taken a stage further, demanding respect for the wounded and for anyone coming to their aid. Furthermore, the resulting sign had the advantage of being easy to make and recognizable at a distance because of its contrasting colours.

There is nothing in the preparatory documents to suggest that the October 1863 Conference had the slightest intention of conferring any religious significance whatsoever on the distinctive sign for volunteer nurses and military medical services, nor that it was at all aware that any religious significance could be attached to the emblem, since the aim of the founders of the Red Cross was precisely to set up an institution which would transcend national borders and religious differences.

However, from the Russo-Turkish war of 1876-1878 the Ottoman Empire, although it had acceded to the Geneva Convention of 22 August 1864 without any reservation, declared unilaterally that it would thenceforth use the red crescent on a white ground to distinguish the medical services of its own armed forces, while respecting the red cross sign protecting enemy ambulances.

At the Diplomatic Conference in 1929, which undertook to revise the Geneva Convention in the light of the experiences of the First World War, the Turkish, Persian and Egyptian delegates requested that the emblems of the red cross and red lion and sun, which were used by the medical services of their countries' armed forces, be recognized. The

⁴ *Compte rendu 1863*, p. 149; *Handbook*, p. 615; *The Laws of Armed Conflicts*, p. 277.

⁵ *Compte rendu de la Conférence internationale pour la Neutralisation du Service de Santé militaire en Campagne (Report on the International Conference for the Neutralization of Army Medical Services in the Field)*, Geneva, 8-22 August 1864, handwritten copy in the ICRC library, Annex B, Art. 7; *Handbook*, plate facing p. 21; *The Laws of Armed Conflicts*, p. 281.

Conference decided to grant their request but, to avoid any proliferation of protective emblems, limited the derogation to the three countries that had asked for recognition of the emblems actually in use by their armed forces medical services.

The result was Article 19 of the Geneva Convention of 27 July 1929:

"As a compliment to Switzerland, the heraldic emblem of the red cross on a white ground, formed by reversing the Federal colours, is retained as the emblem and distinctive sign of the medical service of armed forces.

*Nevertheless, in the case of countries which already use, in place of the red cross, the red crescent or the red lion and sun on a white ground as a distinctive sign, these emblems are also recognized by the terms of the present Convention."*⁶

Although the wording of Article 19, paragraph 2, of the 1929 Geneva Convention restricts the use of the red crescent and red lion and sun to those countries which already used those symbols at the time, the Official Records of the Conference prompt the question whether the intention of the Conference was to limit the number of protective symbols, or the number of countries authorized to use those symbols.⁷ In any case, several countries which later acceded to the 1929 Convention have adopted the red crescent as the distinctive sign of the medical services of their armed forces and this use was accepted by the international community.

The Magen David Adom Society was established in 1930 in Mandatory Palestine, and wrote to the ICRC seeking recognition as a member of the Movement. However, the response was negative since the Society was not established on the territory of an independent State; the Society was also advised that, in order to be recognised as a member of the Movement, it should use one of the emblems provided for the Geneva Conventions.

The emblem issue was again to give rise to lengthy debate at the 1949 Diplomatic Conference, which revised the Geneva Conventions in the aftermath of the Second World War. The State of Israel asked for the recognition of an additional emblem, the red shield of David, used by the medical services of its armed forces and by its relief society. At the conclusion of this debate the Conference adopted Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, of 12 August 1949, which repeats almost word for word Article 19 of the 1929 Convention:

"As a compliment to Switzerland, the heraldic emblem of the red cross on a white ground, formed by reversing the Federal colours, is retained as the emblem and distinctive sign of the Medical Service of armed forces.

*Nevertheless, in the case of countries which already use as emblem, in place of the red cross, the red crescent or the red lion and sun on a white ground, those emblems are also recognized by the terms of the present Convention."*⁸

⁶ *Actes de la Conférence diplomatique convoquée par le Conseil fédéral suisse pour la révision de la Convention du 6 juillet 1906 pour l'amélioration du sort des blessés et malades dans les armées en campagne et pour l'élaboration d'une convention relative au traitement des prisonniers de guerre, réunie à Genève du 1er au 27 juillet 1929*, Imprimerie du Journal de Genève, Geneva, 1930 (hereinafter : *Actes 1929*), p. 666; *The Laws of Armed Conflicts*, p. 330.

⁷ *Actes 1929*, pp. 252-253.

⁸ *Final Record of the Diplomatic Conference of Geneva of 1949*, Federal Political Department, Bern, 1949, 4 vols, Vol. I, p. 213 ; *Handbook*, p. 37; *The Laws of Armed Conflicts*, p. 330.

The Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts, which was convened in Geneva from 1974 to 1977, did not change the legal rules relating to the emblems of military or civilian medical services.

And finally, in a note dated 4 September 1980, the Islamic Republic of Iran declared that it was renouncing its right to use the emblem of the red lion and sun and that it would in future use the red crescent as the distinctive sign of its armed forces medical services, while reserving the right to return to the lion and sun should new emblems be recognized in future.⁹

The Statutes of the International Red Cross and Red Crescent Movement, which were revised in 1986, do not mention either this emblem or the corresponding designation.

4. THE CURRENT LEGAL SITUATION

The emblem fulfills two separate purposes:

- it is the visible manifestation of the protection that the Geneva Conventions afford to military and civilian medical services; in this case, it is customary practice to refer to the *protective* use of the emblem;
- it indicates membership in the International Red Cross and Red Crescent Movement; in this case, it is customary practice to refer to the *indicative* use of the emblem.¹⁰

Use of the emblem by medical services is governed essentially by the relevant provisions of the Geneva Conventions and their Additional Protocols, in particular Article 38 of the above-mentioned Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, of 12 August 1949.

Use of the emblem for indicative purposes is governed essentially by Article 44, paragraph 2, of the first Geneva Convention, and by the relevant provisions of the Statutes of the International Red Cross and Red Crescent Movement and the Regulations on the use of the emblem of the red cross or red crescent by National Societies, both of which were adopted by International Conferences of the Red Cross and Red Crescent. The main provision in respect of National Societies seeking membership of the Movement is Article 4, paragraph 5, of the Statutes, which stipulates the following:

"In order to be recognized in terms of Article 5, paragraph 2 b) as a National Society, the Society shall meet the following conditions:

[...]

*5. Use the name and emblem of the Red Cross or Red Crescent in conformity with the Geneva Conventions."*¹¹

The provisions relating to indicative use have been expanded over time by practice, especially since the development of traditions of international assistance in the field beyond the original humanitarian law mandate flowing from the Geneva Conventions. It is now common for National Societies to work in other countries in peace-time, in harmony with the national Society of that country and under conditions originally set by

⁹ "Adoption of the red crescent by the Islamic Republic of Iran", *International Review of the Red Cross (IRRC)*, No. 219, November-December 1980, pp. 316-317; *The Laws of Armed Conflicts*, p. 576.

¹⁰ Jean S. Pictet (ed.), *The Geneva Conventions of 12 August 1949: Commentary*, 4 vols, Vol. I, *Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field*, ICRC, Geneva, 1952, pp. 306-307.

¹¹ *Handbook*, p. 421.

a resolution adopted by the Tenth International Conference of the Red Cross which met in Geneva in 1921.¹²

5. CONSEQUENCES OF THE PRESENT SITUATION

The legal situation as it now stands presents serious disadvantages, which have long been recognized¹³ and which should be pointed out:

- (a) It may legitimately be asked whether the current situation is truly consistent with the principle of equality which should govern international relations, since some States and National Societies can easily identify with either the red cross or the red crescent, while other States and National Societies cannot.
- (b) The present situation undermines the universality of the International Red Cross and Red Crescent Movement, since the majority of the Israeli population feels that it cannot identify with either the red cross or the red crescent, whereas the Movement's Statutes require each and every National Society to use one or other of those emblems. Consequently the Magen David Adom in Israel, which has been in existence for 70 years, could not become a full member of our Movement. The Eritrean Red Cross Society is in the same position. Since the population of Eritrea is almost equally divided between Christians and Muslims, the National Society decided to use the double emblem of the red cross and red crescent, whereas the Geneva Conventions and the Statutes of our Movement provide for use of either the red cross or the red crescent.
- (c) The continuation of the current legal situation is an open invitation to further splits. The Israeli request is not unique. Over the years, the ICRC has received others, and the risk of proliferation cannot be ignored.
- (d) The coexistence of two emblems at the international level – three if one counts the red lion and sun - causes many problems in countries where different religious communities live together. However great the efforts made by the National Society to serve the whole population, it will be identified with the community suggested by its emblem. This will impede its ability to develop its operational capacity. In the event of civil war, there is the risk that the Society might split up and its relief work be paralysed.
- (e) Finally and most seriously, the coexistence of different emblems weakens their protective force in the event of conflict, in particular when two opposing parties use different emblems. Instead of appearing as a symbol of neutrality, the distinctive sign may be identified with one or other of the parties to the conflict.

For, over and above the provisions of the Geneva Conventions, the protective value of the emblem derives from the fact that the same sign is used by friend and foe. Once the unity of the emblem is breached, its protective value - and hence the safety of the wounded and medical personnel - is threatened.

¹² "No Red Cross Society shall ... have any activity in a foreign country without the consent of the National Society of that country ... especially as far as the use of the name and emblem of the Red Cross is concerned" Resolution XI of the Tenth International Conference of the Red Cross, *Handbook*, pp. 729-730.

¹³ Donald D. Tansley, *Final Report: An Agenda for Red Cross – Reappraisal of the Role of the Red Cross*, Henry Dunant Institute, Geneva, 1975, pp. 125-127; "Documents of the Manila Conference: The question of the emblem", *IRRC*, No. 226, January-February 1982, pp. 35-37.

For all these reasons, efforts to seek a solution to the emblem issue have become more crucial than ever. The preliminary discussions which have been ongoing for many years led to the adoption of the above-mentioned 1999 resolutions of the Council of Delegates and of the 27th International Conference of the Red Cross and Red Crescent.

6. TOWARDS A COMPREHENSIVE SOLUTION TO THE QUESTION OF THE EMBLEM

At its meeting of 18 and 19 January 2000, the Standing Commission adopted the mandate of the joint working group on the emblems in accordance with the 1997 and 1999 resolutions of the Council of Delegates and of the 27th International Conference.

The following three points should be underlined:

- The 1999 Council of Delegates requested the Standing Commission to *"establish a joint working group [...] with a mandate to find a comprehensive solution, as rapidly as possible, which is acceptable to all parties in terms of substance and procedure."* (1999 Council of Delegates, Res. 2)
- *"The comprehensive solution should be evaluated on the basis of the criteria established by the International Red Cross and Red Crescent Movement."* (1997 Council of Delegates, Res. 2)
- *"The comprehensive solution should aim to be durable for the long term; it should, as far as possible, address all presently known problems and those likely to arise in the future. In particular, the comprehensive solution should aim to meet the needs of those countries having problems with the existing emblems without encouraging the proliferation of protective emblems."¹⁴*

Sixteen States and eight representatives of institutions of the Movement were invited to take part in the activities of the Joint Working Group:

- China, Colombia, Egypt, France, India, Iran, Israel, Kazakhstan, Lebanon, Malaysia, Nigeria, the Russian Federation, Senegal, Switzerland, the United Kingdom and the United States of America;
- four of the elected members of the Standing Commission, namely Ms Christina Magnuson, President of the Swedish Red Cross; Dr Mohammed Al Hadid, President of the Jordan National Red Crescent Society; Mr Tadateru Konoe, Vice President of the Japanese Red Cross Society, Dr Abdul Rahman Al Swailem, President of the Saudi Arabian Red Crescent Society;
- Dr Ahmed Mohammed Hassan, President of the Somali Red Crescent Society; Mr Lawrence Eagelburger, member of the Governing Board of the American Red Cross;
- the ICRC and the International Federation.

¹⁴ Joint Working Group of States and the International Red Cross and Red Crescent Movement on the Emblems, terms of reference approved by the Standing Commission on 19 January 2000, Standing Commission of the Red Cross and Red Crescent, Memorandum, Documents approved at the Standing Commission meeting on 18-19 and on 27 January 2000.

The Joint Working Group held two meetings, on 13 and 14 April and on 13 and 14 June 2000, co-chaired respectively by Ms Christina Magnuson, President of the Swedish Red Cross and member of the Standing Commission, and by Ms Absa Claude Diallo, Ambassador and Permanent Representative of Senegal to the United Nations and the other international organizations in Geneva.

The Joint Working Group recognized without hesitation the deep attachment of the great majority of States and National Societies to the existing red cross and red crescent emblems; it therefore determined at its first meeting that the only way of finding a comprehensive and widely accepted solution to the emblem issue was to adopt a third protocol additional to the Geneva Conventions of 12 August 1949. That protocol would establish a further protective emblem devoid of any national, political or religious connotation whatever, in addition to the existing emblems described in the Geneva Conventions. The new emblem should be designed in such a way as to enable a National Society that uses it to insert its own sign by way of indication.

It was also recognized that extensive consultations would have to be held on the matter. The ICRC was entrusted with the task of elaborating a draft protocol in consultation with the International Federation.

Furthermore, the Joint Working Group took note of the generous offer made by the Swiss Government to help organize a Diplomatic Conference whose purpose would be to examine and adopt the third additional protocol.

Switzerland proposed that the conference be held in Geneva on 25 and 26 October 2000 and immediately undertook consultations to that purpose.

At a special session held in Nice on 11 May 2000, the Standing Commission decided, in accordance with Article 11, point 2, of the Statutes of the Movement, to change the date of the 28th International Conference of the Red Cross and Red Crescent, which was initially scheduled for autumn 2003, to 14 November 2000. The Conference could thus make the amendments to those Statutes that would be essential in order to allow for the adoption of the third protocol additional to the Geneva Conventions.

Convening letters were sent immediately to the States party to the Geneva Conventions, the National Societies and the observers invited to attend the Conference.

All of the essential arrangements had thus been made to resolve the question of the emblem in the course of 2000, and the objective was in sight.

The Joint Working Group held a further meeting with the same composition on 13 and 14 June 2000 in order to examine the draft of the third protocol additional to the Geneva Conventions which the ICRC had drawn up in consultation with the International Federation. This meeting provided an opportunity to identify points of agreement and areas where consultations were still required.

On 5 July 2000, the ICRC forwarded the draft third additional protocol to the Swiss Government, which, in its capacity as the depositary, circulated the text to all the States party to the Geneva Conventions and took over the conduct of consultations from that date, with the ICRC and the Federation continuing to take an active part. Numerous consultations were held, either in Geneva or in the field, through the delegation of goodwill missions or through the Swiss embassies.

On 5 and 6 September 2000, an informal preparatory conference ahead of the Diplomatic Conference brought together in Geneva representatives of all the States party to the Geneva

Conventions. It was followed on 6 September by a preparatory meeting ahead of the 28th International Conference, convened by the ICRC and the International Federation; this meeting was attended by the representatives of the States and of the National Societies. At the conclusion of these meetings the Swiss authorities considered that the conditions for reaching a consensus were fulfilled and thus decided formally to invite the States to take part in the Diplomatic Conference on the emblem scheduled for 25 October in Geneva.

The intensive consultations which continued throughout the month of September 2000 provided an opportunity to smooth out most difficulties that still subsisted with regard to the text of the draft third protocol. Agreement was also reached on a broadly accepted design for which no trace was found of any prior international use. Although there had as yet been no decision on the new emblem's name, it soon appeared that the term "red crystal" presented undeniable advantages: it is identical in all three of the Movement's statutory languages and in many other languages; it has no negative connotations in any of the numerous languages tested; in French and in English the initials are the same as for the red cross and red crescent; and lastly, crystals are a symbol of purity and transparency, and they bring to mind water, the source of life.

So a comprehensive solution to the question of the emblem, acceptable to all parties in terms of substance and procedure, seemed to be within reach, only to be called in question by the events that occurred in the Middle East at the end of September 2000.

With the renewal of clashes in the Middle East, Switzerland noted that the preconditions for the adoption of the third protocol were no longer fulfilled and decided to postpone the Diplomatic Conference. At the request of the ICRC and the International Federation, however, Switzerland agreed to circulate the draft of the third protocol additional to the Geneva Conventions, dated 12 October 2000, so that the progress made could be assessed and the numerous points on which it had been possible to reach agreement could be noted. The draft protocol was also circulated to National Societies by the ICRC and International Federation. That draft is appended to the present report.

Since the Diplomatic Conference had been postponed, the Standing Commission had no other choice but likewise to postpone the 28th International Conference of the Red Cross and Red Crescent, which should have been held on 14 November 2000.

On 12 November 2000, the situation was reviewed by the Governing Board of the International Federation. It adopted a decision in which it considered the 12 October draft as a sound basis for the proposed third additional protocol and urged all national Societies to actively and publicly support the work under way to resolve the issue through the adoption of the protocol.¹⁵

Since then, the ICRC and the Federation have continued to undertake consultations with the permanent missions of the various States in order to obtain their comments on the draft third additional protocol and on the future of the process. This has ensured that governments also understand that the Movement has not allowed the priority for the issue to recede. These consultations have shown that the 12 October 2000 version of the draft third additional protocol is still widely accepted as the basis for discussion on which negotiations can be resumed as soon as circumstances permit. The representatives of many States have expressed the wish that a solution be found which can be adopted by consensus.

¹⁵ Decision 15, 12 November 2000.

On 16 May 2001, the Governing Board of the Federation reaffirmed its November 2000 decision and declared that the 12 October draft remained a sound basis for agreement among States party to the Geneva Conventions as soon as circumstances allow.¹⁶

Similarly, the Assembly of the ICRC regularly confirmed its support for the process and for the draft third protocol.

The Standing Commission took a similar position. In a decision adopted on 12 June 2001, it strongly endorsed the work being done towards the proposed third additional protocol and reaffirmed its position that a comprehensive solution, acceptable to all Parties, can only be found through the adoption of the proposed protocol, as well as its determination to continue consultations towards a comprehensive and lasting solution.¹⁷

Last but not least, the Council of Delegates, meeting in Geneva from 11 to 14 November 2001, adopted an important resolution by consensus, under the terms of which the Council:

- commended the efforts made by the Joint Working Group on the Emblem;
- confirmed its objective of finding a comprehensive solution to the question of the emblem;
- noted that the adoption of an additional emblem devoid of any political, national or religious connotation whatsoever would be conducive to strengthening the protection of the victims of war and other situations of violence;
- noted that the draft third additional protocol to the Geneva Conventions drawn up by the ICRC in consultation with the International Federation and circulated on 12 October 2000 by Switzerland constituted an acceptable working basis for the resumption of negotiations when circumstances permitted;
- expressed the wish that a diplomatic conference convened with a view to the adoption of the third protocol could meet as soon as circumstances suggested favourable prospects for reaching an agreement;
- invited the International Federation and the ICRC to take all possible initiatives with a view to pursuing cooperation - in particular in the operational field - with the National Societies that were not yet recognized;
- requested the Standing Commission to continue consultations with a view to finding a comprehensive solution to the question of the emblem on the basis of the work already carried out.¹⁸

Since the adoption of the resolution, the ICRC and the International Federation have taken what is essentially a two-pronged approach.

- ❖ First, they stand ready to resume the process of consultation and negotiation with a view to the adoption of the third additional protocol as soon as the circumstances would seem to allow for a reasonable chance of success. From this point of view, the decisive factor will be the resumption of genuine dialogue in the Middle East, leading to a true easing of tension on the ground. Specific measures have been taken to polish the draft third protocol; with the support of the Swiss army, the ICRC has conducted visibility tests to ensure that the new emblem has the same visual qualities as the red cross and the red crescent; inquiries have been made to ascertain the most appropriate name; and the ICRC and the International Federation

¹⁶ Decision 15.3, 16 May 2001.

¹⁷ Decision 9, 12 June 2001.

¹⁸ The text of the resolution adopted on 14 November 2001 by the Council of Delegates (Resolution 6) is appended (Annex 2).

have taken care to ensure that the matter remains on the agenda of the international community until such time as the circumstances provide fresh impetus to the process of negotiation.

- ❖ Secondly, the ICRC and the International Federation are striving to enhance cooperation, in particular in the operational field, with the National Societies that have not yet been recognized, so as to give those Societies a stronger sense of belonging to the Movement and to pave the way for their incorporation into the Movement as soon as the present obstacles to formal recognition have been removed. The ICRC and the International Federation are also encouraging the development of bilateral cooperation between non-recognized and other National Societies.

Pursuant to a recommendation issued by the ICRC and the International Federation, the Standing Commission established a new working group on the emblem made up exclusively of well-known members of the Movement and tasked with examining the means of following up the Council of Delegates resolution.¹⁹

The members of the Working Group, drawn from the American Red Cross, the British Red Cross, the Egyptian Red Crescent Society, the Ecuadorian Red Cross, the Indian Red Cross Society, the Red Crescent Society of the Islamic Republic of Iran, the Jordan National Red Crescent Society, the Uganda Red Cross Society, the Senegalese Red Cross Society, the ICRC and the Federation, met several times in 2002 and 2003 under the chairmanship of Mrs Magnuson. The President of the Magen David Adom and the Secretary General of the Red Cross Society of Eritrea took part in one session. The Working Group focused on two possibilities: that of resuming the process of consultation on the emblem, and that of enhancing operational cooperation with non-recognized National Societies.

On the first point, the Working Group observed that the circumstances were not yet such that a resumption of the process of consultation would have the least chance of resulting in a solution accepted by consensus. It remained convinced, having considered alternative solutions, that in the circumstances the only realistic option was that adopted by the Standing Commission and that the draft third protocol held out the only possibility of reaching a comprehensive and lasting solution. On the second point, the Working Group identified a series of measures that served to strengthen operational cooperation with non-recognized National Societies.

Having concluded its deliberations, the Working Group recommended that the Standing Commission:

- continue its efforts, in cooperation with the Swiss Government and all components of the Movement, to achieve the adoption of the third protocol additional to the Geneva Conventions based on the draft circulated on 12 October 2000, as soon as circumstances allow for a resumption of negotiations;
- actively inform and demonstrate within the Movement and among States that the issue is one of utmost importance and highest priority for its worldwide value, but also one that the Movement will only be able to solve with the proactive support of States;
- invite the 28th International Conference of the Red Cross and Red Crescent, which will be held in December 2003, to adopt a resolution which proactively advances the objective to adopt the third protocol as soon as possible, thus achieving the comprehensive and lasting solution to the emblem question as requested by the 27th International Conference in 1999, and seek endorsement for this objective from the Council of Delegates preceding the 28th International Conference;

¹⁹ 10th meeting of the Standing Commission, 6 February 2002, Decision 3.

- should it prove possible to adopt the third additional protocol before December 2003, prepare for the rapid revision of the Movement's Statutes so as to allow for the recognition and admission of the National Societies concerned without delay;
- promote and extend operational cooperation initiatives to all National Societies awaiting recognition and admission with the aim of preparing for their membership in the Movement;
- propose to the next Standing Commission that it establish a methodology for following up these recommendations.²⁰

In its meeting of 13 May 2003, the Standing Commission endorsed all the recommendations made by the Working Group, recalling that any National Society asking to be recognized had to meet the conditions for recognition in force.²¹

Thus the way is open and the necessary mechanisms are in place. The Movement has acquired the means to resolve a pressing problem that has threatened its unity and undermined the effectiveness of its operations, and that for more than 50 years has prevented it from achieving the full universality to which it aspires.

7. CONCLUSIONS

The negotiations conducted between January and September 2000 under the auspices of the Standing Commission provided the basis for establishing a broad consensus with a view to finding a comprehensive and lasting solution, acceptable in terms of substance and procedure, to the question of the emblem.

Unfortunately, unforeseen events totally beyond the control of the Movement and of Switzerland in its capacity as depositary of the Conventions have paralysed proceedings since the end of September 2000.

However, the Standing Commission, which has examined the emblem issue anew at each of its sessions, remains convinced of the need to maintain the strategy proposed and to resume consultations with a view to adopting the third additional protocol as soon as circumstances permit.

The Governing Board of the International Federation and the ICRC Assembly have adopted an identical position.

Furthermore, the ICRC and the International Federation have decided to develop and to step up their cooperation – particularly in the operational field – with those National Societies which have not yet been admitted as full members of the Movement, owing to difficulties relating to the emblem, and with the Palestine Red Crescent Society.

The Standing Commission therefore requests the Council of Delegates and the 28th International Conference of the Red Cross and Red Crescent:

- **to approve the measures it has taken to date to implement Resolution 2 of the 1999 Council of Delegates and Resolution 3 of the 27th International Conference;**

²⁰ Report to the Standing Commission by the Working Group on the Follow-up to Resolution 6 of the Council of Delegates 2001, 5 May 2003, p. 7.

²¹ 14th meeting of the Standing Commission, 13 May 2003, Decision 13.

- to welcome the decisions adopted by the Federation Governing Board, the ICRC Assembly and the 2001 Council of Delegates on the subject:
- to authorize the Standing Commission to continue consultations with a view to the adoption of the third protocol additional to the Geneva Conventions as soon as circumstances allow;
- to express their support for the draft third additional protocol and to recognize that the text circulated by the Government of Switzerland on 12 October 2000 constitutes a sound basis for pursuing negotiations as soon as circumstances allow the depositary to convene the required Diplomatic Conference of States party to the Geneva Conventions;
- to encourage the International Federation and the ICRC to develop, on a pragmatic basis, cooperation with the National Societies whose recognition still depends on the adoption of the third protocol and thus promote their integration in and subsequent admission to the Movement.

* * *

Appended:

- Council of Delegates, Geneva, 11-14 November 2001, Resolution 6.

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RESOLUTION 6

EMBLEM

Council of Delegates, 2001

The Council of Delegates,

having taken note of the report presented by the Standing Commission of the Red Cross and Red Crescent (Standing Commission) on the follow-up given to Resolution 2 of the Council of Delegates convened in Geneva on 29 and 30 October 1999 and Resolution 3 of the 27th International Conference of the Red Cross and Red Crescent,

1. *commends* the efforts made by the joint working group on the emblems, which was set up by the Standing Commission with a view to finding a comprehensive solution to the question of the emblem and is composed of representatives of the Movement and of States;
2. *recalls* the Fundamental Principles of the International Red Cross and Red Crescent Movement, in particular the Principle of the Universality of the Movement;
3. *confirms* its objective of finding, as rapidly as possible, a comprehensive solution to the emblem issue which is acceptable to all parties in terms of substance and procedure;
4. *recognizes* 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 1949 Geneva Conventions and continuous practice for over a century, have become universally recognized symbols of impartial and neutral aid and protection to the victims of war, natural disasters and other catastrophes;
5. *notes* that the adoption of an additional emblem which is devoid of any political, national or religious connotation whatsoever will be conducive to strengthening the protection of the victims of war and other situations of violence;
6. *notes* that the draft third protocol additional to the Geneva Conventions, which was drawn up by the International Committee of the Red Cross (ICRC) in consultation with the International Federation of Red Cross and Red Crescent Societies (International Federation) and was circulated on 12 October 2000 by Switzerland in its capacity as the depositary of the Geneva Conventions, constitutes an acceptable working basis for the resumption of negotiations when circumstances permit;
7. *sincerely regrets* the fact that developments in the Middle East in September 2000 created a situation which compelled Switzerland to postpone the Diplomatic Conference which was to be convened with a view to examining and, if possible, adopting the third protocol;
8. *expresses* the wish that the Diplomatic Conference can meet as soon as circumstances suggest favourable prospects for reaching an agreement;
9. *invites* the International Federation and the ICRC to take all possible initiatives with a view to pursuing cooperation – in particular in the operational field – with the National Societies which are not yet recognised;
10. *requests* the Standing Commission to continue consultations with a view to finding a comprehensive solution to the question of the emblem on the basis of the work already carried out and to report on the implementation of the present resolution at the next Council of Delegates and the 28th International Conference of the Red Cross and Red Crescent.