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**COUNCIL OF DELEGATES**  
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**REPORT ON THE**  
**EMBLEM**

**(item 8 of the provisional agenda)**

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

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## **Executive summary**

Resolutions by Council of Delegates –meetings in 1997-2003 and by the last two International Conferences – the 27<sup>th</sup> and the 28<sup>th</sup> held in 1999 and in 2003 respectively - have addressed extensively the emblems issue and work to find a comprehensive and lasting solution. Since the year 2000, when the draft third Protocol additional to the Geneva Conventions was established, it has been referred to in the mentioned resolutions as an "acceptable working basis" for the resumption of negotiations when circumstances permit. Political developments since 2000, which lead to the postponement of the already convened diplomatic conference expected to examine and adopt the draft third Protocol, have since continued to stall progress on the issue.

In 2003, the Council of Delegates and the 28<sup>th</sup>IC "requested 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".

To assist and advise it in this work, the Commission appointed an ad hoc Movement Working Group (WG) for the follow-up of the 2003 Resolutions. Ambassador Philippe Cuvillier, also the SC's Special Representative on the Emblem, chaired the WG, which was also asked to look into the question of respect for and misuse of the emblems.

With encouraging political developments in early 2005, the additional Protocol issue re-emerged onto the political agenda. Preliminary informal consultations by Ambassador Cuvillier and by the President of the ICRC were conducted with representatives of governments, mainly through their Permanent Missions in Geneva. Discussions were also held with the National Societies (NS) concerned, such as the MDA in Israel, and with NS leaders on various fora.

The Swiss Government, as Depositary of the Geneva Conventions, was approached at the end of January with a request to resume consultations with a view to reconvene the diplomatic conference (DC), which had been postponed in October 2000. The demarche was followed up in frequent contacts between the RC/RC Movement and the Swiss Government.

In March 2005 the Swiss Government appointed Didier Pfirter as Ambassador on Special Mission, who since has conducted extensive consultations with States Parties to the Geneva Conventions and with representatives of the Movement (SC/ICRC/Federation). He has met with a large number of representatives of governments, in Geneva and in a number of capitals. On May 27<sup>th</sup>, the Swiss Government forwarded a Diplomatic Note to all States Parties to inform them of the re-opened informal consultations, which by then had shown continuing and broad support for the substance of the third additional Protocol as the way forward to a comprehensive solution to the matter of the emblem and a widely shared commitment to strive for its adoption.

The Note alerted governments that the Swiss would continue their consultations and undertake the necessary preparatory steps to be in a position to convene the conference at short notice for the end of October. On July 25<sup>th</sup> the Swiss Government approached States Parties with a second Note inviting them to an informal consultation meeting in Mid September on the modalities of the diplomatic conference, which it prepared to convene for the last week in October 2005.

The September consultation meeting concluded that the Depositary would continue consultations on key issues and concerns with the intent to convene the diplomatic conference in a near future, at the latest by the end of this year.

The dialogue between the leadership of the MDA of Israel and of the Palestine Red Crescent Society to pave the way for closer cooperation in humanitarian operations on the ground and to address outstanding issues between the two future NS also intensified after the consultations. It is anticipated that once the additional emblem has been adopted through an additional Protocol, it would be taken into use where applicable also in this context and the principle of universality of the Movement could be realised.

## **1. Introduction**

Resolution 5 at the Council of Delegates (CoD) in 2003 was unanimously adopted and it *requested* 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."

The 28<sup>th</sup> International Conference, which convened immediately after the CoD in December 2003, unanimously adopted the same Resolution (Resolution 3/28<sup>th</sup> IC). The full text of the Resolution is in Annex 1.

The above-mentioned Resolutions build logically on previous resolutions adopted by the 27<sup>th</sup> IC in 1999 and by the Movement at its Council meetings in 1999 and in 2001. The common denominator is the need to find a comprehensive and lasting solution to the question on the emblems acceptable to all. A draft third additional Protocol to the Geneva Conventions had been established in 2000 after numerous consultations and negotiations with States. It has since been referred to as an 'acceptable working basis' for the sought-for solution. The Swiss Government as Depositary had already convened a conference scheduled for October 2000 but had to postpone it due to political developments in the Middle East.

Following the Council and the International Conference in 2003, the Standing Commission decided in January 2004 to appoint a new Movement Working Group (WG) to assist and advise it in its work on the follow-up of the adopted resolutions.

The Terms of Reference and the composition of the WG are in Annex 2.

The WG has at its meetings concentrated on analysis of the circumstances, which could lead to a resumption of negotiations with the view to reconvening the diplomatic conference and, to a lesser extent, on the second task on its agenda: respect for and proper use of the emblems.

In 2001, the CoD in Resolution 6 called on "the International Federation of the Red Cross and Red Crescent Societies (International Federation) and the International Committee of the Red Cross (ICRC) to initiate and pursue operational cooperation with the National Societies (NS) not yet recognised".

Significant progress has since been recorded in the area of operational cooperation with NS awaiting recognition and admission. The issue was highlighted in Resolution 7 of the 2003 Council, which in referring it to the context of the Strategy for the Movement "further called upon the International Federation and the ICRC to promote capacity building of National Societies and to continue to extend operational cooperation also to National Societies awaiting recognition and admission with the aim of preparing for their membership in the Movement."

## **2. Consultations**

In early 2005, changes in the political environment in the Middle East, in particular the agreed cease fire in the Israeli-Palestinian conflict raised the hope of 'opening the window of opportunity' to resume the process of adoption of the third draft additional Protocol (3P) to the Geneva Conventions. There was a resolve within the WG and the SC to ask the Swiss Government as Depositary to initiate fresh consultations with States Parties to the Geneva Conventions on the convening of a diplomatic conference to adopt the Protocol.

The Special Representative on the Emblem, Ambassador Philippe Cuvillier, carried out preliminary consultations supported by the SC secretariat, the ICRC and the International Federation with the main parties concerned with the issue. Those discussions involved Permanent Representatives of the Middle East and North Africa and of the United States and European Union members. Missions were undertaken to Israel to meet with the Magen David Adom (MDA) in Israel and with the Israeli Ministry of Foreign Affairs in Jerusalem to discuss the situation and developments needed within the MDA in preparation for an eventual successful outcome regarding the draft Protocol. Representatives of the Organisation of the Arab Red Crescent and Red Cross, the President of the Palestinian Red Crescent and other individual leaders of National Societies in the Middle East and elsewhere were also consulted.

President Jakob Kellenberger of the ICRC consulted a large number of governments and heads of state on the emblem / third Protocol question, while the International Federation consulted many National Society personalities. The two institutions and the Standing Commission maintained a joint team approach to all consultations.

The United States Ambassador to Switzerland made a formal demarche towards the Swiss government on the last of January requesting it to restart the process to reconvene the diplomatic conference, which was interrupted and postponed in October 2000. This demarche was followed up in discussions between the ICRC President and the Swiss government and in letters to the Swiss Minister of Foreign Affairs by the Chairman of the Standing Commission, the President of the ICRC and by the President of the International Federation.

The early consultations undertaken by the representatives of the Movement revealed broad agreement as to the substance of the draft Protocol, as had been the situation in September 2000. However, countries in the Middle East voiced their concern regarding the timing for bringing the process to conclusion.

Ambassador on Special Mission, Didier Pfirter, was appointed in March by the Swiss Government to resume consultations on the process and prospects for a diplomatic conference in 2005 with the representatives of governments in Geneva and in the Middle East. He also held discussions in a number of capitals in the Middle East and elsewhere. In Geneva all EU Ambassadors were consulted. While in the Middle East, he also met with the leaders of the National Societies in the countries he visited. In Geneva, discussions between Ambassador Pfirter and representatives of the Movement were frequent.

The emerging message from the Swiss consultations remained fairly constant and similar to the findings of the Movement consultations: no objections regarding the substance although the question of timing was raised among Arab governments.

A first Diplomatic Note by the Swiss Government to all States Parties informing them of the on-going consultations, opinions emerging and of preparations to convene a diplomatic conference at short notice at the end of October was sent on May 27<sup>th</sup>. It was accompanied by the draft Protocol text.

A 2<sup>nd</sup> note was sent to all States Parties on July 25<sup>th</sup> inviting to open consultations in Geneva on September 12-13 to discuss the modalities of a diplomatic conference. The note restated the main findings that "the consultations [had] produced a clear result regarding the desired timing of the Conference. The vast majority of responding States Parties are in favour of holding the Conference in October this year. Only very few States argue in their replies to the depositary that conditions are at this time not appropriate for holding the Conference. In the light of this clear result, the depositary, who is obliged to execute the will of the States Parties

as expressed within the consultation process, feels bound to continue with the preparations so as to be in a position to convene the Diplomatic Conference during the last week of October 2005."

### **3. Movement preparatory action**

In preparing for a diplomatic conference and subsequent consequential steps to be taken by the Movement, the Standing Commission has acknowledged two main developments needed to bring the entire process to a closure: An International Conference of the Red Cross and Red Crescent must be convened to introduce the additional emblem, once adopted, into the Statutes of the Movement, into article 4 on the conditions for recognition of National Societies.

Further, the Joint ICRC - International Federation Statutes Commission has worked closely with the MDA in Israel recommending that the MDA harmonise its statutes with Movement rules and requirements regarding the principles and policies it follows in its work, the way it elects its governance and the way the membership is represented in its governing bodies. The ICRC can recognise a new National Society only after the Statutes Commission has submitted its report to the ICRC regarding the fulfilment of the conditions for recognition. Once recognised, the Society can seek membership in the International Federation.

Although not related to the issue of a third Additional Protocol, humanitarian services within the framework of the Movement's Fundamental Principles and policies for the people in Palestine and in Israel has become an important element in the emblem negotiations. The Chairman of the Standing Commission initiated a dialogue between the leaders of the two National Societies, both awaiting recognition and admission, to address the main issues at hand. In addition to the needs for change in the MDA statutes, the focus has been on the legal frameworks within which and the areas where the Societies, especially the MDA, can carry out operations. In working towards improved operational cooperation and services, it became evident that the adoption of the draft Protocol could substantially further the resolution of current concerns. Therefore the dialogue is foreseen to continue towards that goal.

### **4. Towards a Diplomatic Conference**

A total of 123 States Parties were represented mainly through their Permanent Representatives in Geneva at the open consultations held in Geneva on September 12-13, 2005 on the modalities of a Diplomatic Conference. The high-level participation demonstrated the importance attached to the issue of an additional Protocol to the Geneva Conventions.

The meeting, chaired by the Depositary, heard views and positions outlined by more than 90 States. In the debate, which took place in a constructive atmosphere, all delegations committed to pursue consultations with a view to a positive outcome. They reaffirmed their commitment to international humanitarian law and the universality of the Movement and expressed a firm intent to find a comprehensive and sustainable solution to the question of the emblem.

The Chairman of the Standing Commission was invited by the Depositary to make an introductory keynote speech at the outset of the debate. He spoke of the Movement's commitment to the adoption of the draft Protocol, drafted by a Joint Working Group comprising States and National Societies in 2000. The draft is seen by the Movement as meeting the requirement for a comprehensive and lasting solution to the question of the

emblem. This was a requirement set by States and National Societies at the International Conference in 1999 and reaffirmed in 2003.

The numerous interventions further confirmed that there were no major concerns regarding the substance of the draft additional Protocol. The question of timing of a diplomatic conference was still a matter of concern for many States, as expressed by the Foreign Ministers of the Organisation of the Islamic Conference (OIC). On the eve of the consultations, in September, the Council of Ministers of the Arab League adopted a Resolution expressing similar concerns.

Representatives of both organisations voiced these concerns during the consultations. Strong support for the urgency of convening the planned diplomatic conference was voiced by the European Union and by representatives of a large number of States from all geographic regions.

Interventions on fulfilling the principle of universality and on the process of recognition and admission of National Societies were heard. Although not part of the process to adopt the additional Protocol, views and expectations were expressed on the conditions for recognition and the fulfilment of these along with responsibilities of National Societies to respect and comply with IHL.

Lengthy negotiations followed in which all delegations recognised the need for dialogue to build an outcome, which met the needs of all. In its concluding statement, the Depositary expressed its intent to proceed as follows: It will convene a diplomatic conference in the near future, at the latest by the end of this year. For this purpose it undertakes to pursue the process of consultations with a view to taking due consideration of the concerns expressed by certain delegations. In their concluding statements representatives of the EU countries welcomed the holding of the conference latest by the end of the year and the OIC wished to see tangible progress towards solving the concerns expressed before setting a definite date for the diplomatic conference.

It was understood by all delegations that intensive work on the issues raised needed to be undertaken to ensure that when the diplomatic conference convenes these concerns have been addressed. It was also clear that States expected that the Movement would contribute to this process on matters within its scope.

At its meeting on 19 September, the Standing Commission expressed its support for the process of finalising a comprehensive and lasting solution to the question of the emblem on the basis of the draft third Protocol. It further encouraged all National RC/RC Societies to engage in dialogue with their governments to underline the need for settling this issue exclusively on humanitarian ground in respect for the Movement's fundamental principles and in particular for that of universality.

***At the time of finalising this report to the Council, the Standing Commission awaits information from the Depositary as to the exact date of the diplomatic conference. The subsequent timing of an International Conference to integrate the consequential changes into the Statutes of the Movement is therefore open as well. The Commission will present a further update on developments when the Council convenes.***

**RESOLUTION 5**

**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 27<sup>th</sup> 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 27<sup>th</sup> 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 28<sup>th</sup> International Conference of the Red Cross and Red Crescent.

## **Working Group on the Emblem**

The general mandate of the Working Group (WG) is to advise the Standing Commission (SC) on future strategies and actions on the emblem in response to the task given to it by Resolution 5 of the 2003 Council of Delegates and by Resolution 3 of the 28<sup>th</sup> IC.

The SC may review the mandate and the composition of the WG in 2005.

### **Tasks and working methods**

The WG is requested specifically

- To identify measures, approaches and initiatives promoting the implementation of Resolutions 5 (CoD) and 3 (IC);
- To examine and submit its proposals on the issue of respect for and proper use of the emblem, particularly in situations of armed conflict with the aim of improved protection of war victims, medical personnel and humanitarian workers in all circumstances as stipulated in International Humanitarian Law (IHL);
- To keep contact through its Chair with concerned governments, especially with the Swiss government as depositary of the Geneva Conventions, with the aim of restarting the diplomatic process to secure a comprehensive and lasting solution to the question of the emblem based on the proposed draft Third Additional Protocol as soon as circumstances permit;
- To liaise and coordinate with the WG/Task Force on the Strategy for the Movement regarding operational cooperation initiatives with National Societies (NS) awaiting recognition and admission insofar as this relates to NS, which are directly concerned by the emblem question;
- To consult with NS concerned and to associate them with its work;
- To submit regular reports on its deliberations with its proposals for action to the Standing Commission.

### **Composition of WG**

**Chair:** Ambassador Philippe Cuvillier,  
SC Special Representative

#### **Africa:**

Dr Mamdouh Gabr, Egypt (Vice Chair)  
Ms Mary Kuria, Kenya (until March 2005)  
Dr Thabelo Ramatlapeng, Lesotho (June 2005 -)

#### **Americas:**

Mr Gerald Jones, USA

#### **Asia:**

Dr Abdul Rahman Attar, Syria  
Mr Mostafa Mohagheg, Iran  
Mr Mar'ie Muhammad, Indonesia

#### **Europe:**

Prof. John McClure, Great Britain  
Dr Heike Spieker, Germany

**ICRC:** Dr François Bugnion  
**Int. Fed:** Mr Ibrahim Osman

