The emblems and the Third Additional Protocol
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Cover Image - A test flag bearing the emblem of the red crystal flutters in the wind
Photo: © ICRC / Thierry Gasmann

Editorial

In this edition of our international humanitarian law magazine the focus is on the red cross, red crescent and red crystal emblems. These emblems are internationally recognised symbols of protection and neutrality. They save lives in times of armed conflict. The legal protections accorded to these emblems allow humanitarian workers, in particular representatives from the International Committee of the Red Cross and National Societies across the world, to evacuate and care for wounded civilians without delay or discrimination. Medical and religious personnel within Defence Forces also use the emblem in their activities. Such life-saving work is not possible without respect for these emblems; ensuring their correct use in times of war and peace is a fundamental part of the protection of civilians.

International Humanitarian Law (IHL) establishes which persons and institutions are entitled to use the red cross and red crescent emblems, under what conditions they may do so, and the measures that may be taken to punish any emblem misuse. The national implementation of IHL treaties is the responsibility of States, who then become responsible for ensuring respect for the emblems. Australian Red Cross has been granted permission by the Minister of Defence to use the emblem to identify people, programs and objects connected with its humanitarian activities. It also assists the government to ensure the emblem is not misused within Australia.

In January 2007, a third Additional Protocol to the Geneva Conventions entered into force. This completed the process of establishing an additional emblem for use by Governments and the International Red Cross and Red Crescent Movement. The coming into force of the Protocol – and with it the additional emblem of the red crystal – is warmly welcomed by Australian Red Cross.

Those of us who live without armed conflict must protect, nurture and educate people about the meaning of the red cross emblems. The emblems must be readily recognised and respected around the world as a trusted symbol of protection and humanitarian aid.

Robert Tickner
Chief Executive Officer
Australian Red Cross

Disclaimer: The articles contained within represent the views of the authors and not necessarily those of Australian Red Cross.
“During a battle, a black flag floating from a high place is the usual means of showing the location of first-aid posts or field ambulances, and it is tacitly agreed that no one shall fire in their direction.”

This is Henry Dunant’s observation, from the battlefield at Solferino on 25 June 1859. Later in his famous Memoir of Solferino, Dunant notes with great regret that it will probably prove impossible to end the practice of warfare, or even to end the development of new and even more dangerous weapons, but he looks for a solution. He then asks:

“Would it not be possible, in time of peace and quiet, to form relief societies for the purpose of having care given to the wounded in wartime by zealous, devoted and thoroughly qualified volunteers?”

Continuing this search, he makes a suggestion:

“On certain special occasions, as, for example, when princes of the military art belonging to different nationalities meet ..., would it not be desirable that they should take advantage of this sort of congress to formulate some international principle, sanctioned by a Convention inviolate in character, which, once agreed upon and ratified, might constitute the basis for societies for the relief of the wounded in the different European countries? It is the more important to reach an agreement and concert measures in advance, because when hostilities once begin, the belligerents are already ill-disposed to each other, and thenceforth regard all questions from the one limited standpoint of their own subjects.”

He concludes that this can be done, or at least an agreement can be found, but:

“The whole problem lies in serious preparation for work of this kind, and in the actual formation of the proposed societies”.

Dunant witnessed the battle of Solferino soon after his 31st birthday. His memoir was published three years later, in 1862, and in less than two more years his central ideas – the creation of voluntary aid societies and the establishment of a treaty to protect the wounded and those providing assistance to them – had been realised.

The first steps towards the creation of societies were taken at a conference convened in Geneva in October 1863 at the initiative of the newly formed committee which was soon to become the International Committee of the Red Cross, and in August 1864 the representatives of 13 European countries adopted the first Geneva Convention at a conference convened by the Swiss Federal Council. The Convention adopted the emblem formula which had been accepted for societies by the 1863 Conference, and so the black flag seen by Dunant...
rebellion against it by Knez Milos in Serbia in 1815.

The Turkish choice of the red crescent is interesting for many reasons. It is the reversal of the Turkish colours, and also a reversal of the direction of the national crescent – the national flag has a white crescent opening to the right on a red background, while the red crescent opens to the left on a white background. The crescent itself is not an Islamic religious symbol, although it is commonly positioned on mosque minarets and in other similar settings and is now generally seen as an indicator of the faith. Its origins are, in fact, much older than any modern religion, and has been identified in links to the Greek Goddess Artemis and, separately, to the Sassanid dynasty which ruled Persia. It was used as a symbol of Byzantium long before the days of the Roman Empire.

The ideal of neutral voluntary relief societies quickly became a reality after these events. Some were adapted from pre-existing peace or welfare societies, and others were established fresh on the basis of the Convention. Their use of the red cross on a white background, as prescribed by Article 7 of the Convention, as the symbol of their neutrality, and the introduction of the red cross into modern international humanitarian law had begun.

Turkey’s society was formed in 1868, with the red cross as its emblem. But, during the Russo-Turkish War of 1876-78 the Ottoman Porte decided not to use this emblem, and opted for a red crescent instead. Although it is commonly believed that the reason for this was that the red cross could give offence to Muslim soldiers, it is also relevant that, for the Ottoman Empire, the neutrality of the red cross was compromised by the fact that an equilateral red cross on a white background had been raised in rebellion against it by Knez Milos in Serbia in 1815.

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Red Cross action on battlefields was visible even before the Convention was done, and the newly established International Committee of the Red Cross sent delegates to the battlefields of the German-Danish war in February 1864. Both sides of the conflict respected the role of the delegates as neutral intermediaries on behalf of the wounded and prisoners, and the action of the delegates led to the formation of red cross Societies in Denmark and Prussia. Similar responses to red cross action followed in other conflicts in Europe from then on.

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The first country to use the red crescent after Turkey was Egypt, which chose to re-reverse the direction of the crescent, and open it to the right. This denoted Egypt's independence from Turkey, and the practice was followed by most of the countries which later adopted the red crescent as their emblem. At present, 152 countries use the red cross and 33 the red crescent (of which 27 open to the right and 6 to the left).

The use of emblems other than the red cross was not properly formalised in international humanitarian law until the Geneva Convention of 1929, which also recognised the Red Lion and Sun used by the Persian Empire as a distinctive emblem. By then, however, the world community had accepted that the responsibilities of National Societies went well beyond wartime situations and that the emblems had both protective and indicative purposes.

The Covenant of the League of Nations, adopted in 1919, specifically recognised in its Article 25 that “The Members of the League agree to encourage and promote the establishment and co-operation of duly authorised voluntary national Red Cross organisations having as purposes the improvement of health, the prevention of disease and the mitigation of suffering throughout the world”.

When the time came for the Geneva Convention to be updated in 1949, emblem issues arose from several different directions: either to return to the ideal of a single emblem used throughout the world, or to add another emblem to cope with Israel's inability to use either the red cross or the red crescent because of perceptions of religious connotations, or to admit other emblems corresponding to national or religious identifications.

The result was the maintenance of the 1929 status quo, but the consequence was that when Israel ratified the 1949 Conventions it lodged a reservation maintaining its right to continue to use the red shield of David as its emblem. The red lion and sun continued to be used by Iran, but that country moved to the red crescent in 1980, leaving two emblems in active use.

Israel's refusal to use any of the Convention emblems meant that applications by its Society, Magen David Adom (MDA), to join the International Red Cross and Red Crescent Movement could not be accepted. The Statutes of the Movement, which are adopted by Governments and National Societies sitting together in the International Conference of the Red Cross and Red Crescent, require that a Society, to be a member, must use one of these accepted emblems. Israel nevertheless maintained its Society and repeatedly sought recognition for it.

There was widespread recognition in the Movement that the Israeli Society was a capable and well-functioning National Society, and by the early 1990s discussion had begun about how to find a solution which would accommodate MDA without disturbing the principle that there should ideally be a single emblem for use worldwide.

This discussion coincided with a rise in conflict in the world on religious or sectarian lines, with consequent jeopardy for Movement personnel carrying an emblem which might not be respected because of misperceptions as to its origin or purpose. By then, both the ICRC and the International Federation of Red Cross and Red Crescent Societies (IFRC) believed that the problems of misperception were so deeply grounded in some communities that the most practical way of ensuring protection for the Movement would include an option to use an emblem without any religious connotations.

Work towards a practical solution on these lines began in earnest after the 26th International Red Cross and Red Crescent Conference in 1995. All options were considered, including those rejected in 1949. The result, less than five years later, was a decision to negotiate the adoption by governments of a Third Additional Protocol to the Geneva Conventions to establish an additional emblem, but one with quite different characteristics from the red cross and red crescent now in use.

It was decided, for example, that the additional emblem should not seek to replace the existing emblems, but to stand alongside them on an equal basis. It would, however, be an emblem that could be used differently as a protective emblem in conflict situations and as an indicative emblem in peacetime circumstances. It would also be without any form of religious, national or other connotations, and hence address all the problems identified with the other emblems.

At present, 152 countries use the red cross and 33 the red crescent (of which 27 open to the right and 6 to the left).
It was designed in recognition that many, if not most, countries would be reluctant to give up the use of their existing emblems. This was for natural reasons: the population knew of their own emblem, it was closely associated with fundraising, and it had come to be seen as a national sign. The negotiators in Geneva understood that this point applied around the world, not just to Israel, and so the decision was to promote a design which could be used flexibly for indicative purposes by Societies operating in their own domestic environments.

So, the design chosen in 2000 allowed for the incorporation into its frame shape any of the existing emblems, or any combination of them, or any other emblem which, in the words of the Protocol, had “been in effective use by a High Contracting Party and was the subject of a communication to the other High Contracting Parties and the International Committee of the Red Cross through the depositary prior to the adoption of this Protocol”.

At the time of the adoption of the Protocol by governments on 8 December 2005 at a Diplomatic Conference, the only emblem this covered was the red shield of David.

The design also took account of the fact that the IFRC had adopted the so-called “double emblem” or the red cross and red crescent in 1982, shortly after Iran ceased using the red lion and sun. This device, which appeared to cover all misperceptions derived from the use of either of those emblems alone, had come to be seen ten years later as another valid option for some purposes, particularly in countries where both Christianity and Islam had a strong presence.

This combination of flexibility for indicative purposes and certainty for protective purposes was seen as effectively ending calls for revisions of emblem provisions to allow for new emblems. Although its early days were marred by political disputations, the additional emblem, known as the red crystal, is now widely accepted as a distinctive emblem with the same protective and indicative authority as the red cross and the red crescent.

The red crystal now stands alongside the red cross and the red crescent as emblems protected by international law under which all States have agreed to implement domestic legal provisions to prohibit the misuse or abuse of the emblems. This is essential, for without that protection they cannot serve their fundamental purpose of identifying as neutral and impartial the operations managed by the Movement’s components.

This protection is unique. No other emblem, except of course the national emblems of countries, has similar protection. This also underlines the fact that the emblems are granted by international law to countries for their use, and then through domestic law to National Societies which, as auxiliaries to their public authorities in the humanitarian field, use them with the permission of their governments.

We are still some way from the dream of 1863 for a single symbol of neutrality, respected everywhere in the world. But the red crystal provides the way forward to that dream, and it is now necessary for all governments to take the steps set out in the Third Protocol to the Geneva Conventions and, working with the ICRC and the IFRC, to make it happen.
Garanswayn, Bakool region, Somalia.

A sick child undergoes a medical examination in a local clinic.

Photo: © ICRC / P. Yazdi
The Australian Defence Force (ADF) has a deep understanding of the importance of the distinctive emblems of the Geneva Conventions – an understanding that has been forged on operations across the world in which members of the ADF have served.

Humanitarian personnel working under the protection of the distinctive emblems – in particular, members of the International Committee of the Red Cross (ICRC) – have provided lifesaving assistance, aid, and succour to ADF members during times of conflict in the past century. This practical experience underpins our particular pride in protecting the distinctive emblems and the people working under them.

Regrettably, events abroad have shown that the protective purpose of the distinctive emblems continues to be challenged during times of conflict. Attacks on ICRC personnel in Chechnya in 1996, East Timor in 1999 and Iraq in 2003 have starkly demonstrated that humanitarian workers operating under the distinctive emblems continue to face serious threats in conflict zones across our region and the world.

Notwithstanding these challenges, the ADF remains committed to preserving the integrity of the distinctive emblems. For example:

- The ADF in its policies, training and operations specifically recognises the red cross and crescent as internationally accepted emblems for medical and religious personnel, facilities, transports and activities.
- The ADF strives to ensure that medical and religious personnel, Red Cross and ICRC personnel are afforded the fullest protection possible during times of conflict.
- Our personnel who wear the red cross emblem – like all Australian troops – act at all times in accordance with their obligations under the Geneva Conventions, and more generally, their obligations at international law.

These actions are part of the ADF’s broader commitment to uphold and promote international humanitarian law.

Our role in protecting the emblem of Red Cross is not limited to the battlefield. In peacetime, too, the Australian Government is proud to protect the distinctive emblems in accordance with Australia’s obligations as a party to the Geneva Conventions.

Australia’s obligations to protect the emblems are implemented under the Geneva Conventions Act 1957. This Act gives the Minister for Defence a special responsibility to protect the distinctive emblems and prevent their misuse. This Act prevents the emblems being used – whether inadvertently or deliberately – without the express consent of the Minister for Defence. Indeed, the Act makes it a crime to use the emblem without the Minister’s permission. The purpose of these provisions is to ensure that the distinctive emblems retain universal acceptance and recognition on operations and the battlefield, and, in practical terms, to ensure that the protective purpose of the emblems remains strong and is not diluted.

Australia has been a strong supporter of the need for an additional protective emblem for the Red Cross/Red Crescent Movement (the Movement) that is devoid of any religious, ethnic or political connotations. The Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III), establishes a third universal and distinctive emblem for the Movement which has no such connotations and will enable those National Societies which do not use either the red cross or red crescent to join the Movement, by adopting the proposed Protocol.

Australia signed the Third Additional Protocol on 8 March 2006. The Joint Standing Committee on Treaties considered the Third Additional Protocol and recommended binding treaty action be taken on 16 August 2007.
Acceding to the Third Additional Protocol will require Australia to make minor amendments to the Geneva Conventions Act 1957 (Cth) and the Criminal Code Act 1995 (Cth) to include the new emblem and provide penalties for its misuse. The implementing legislation, the Defence Legislation (Miscellaneous Amendments) Bill 2008, was introduced in Parliament on 3 December 2008 and was referred to the Senate Foreign Affairs, Defence and Trade Committee for Inquiry on 4 December 2008. The Committee’s report is due on 20 February 2009.

Once the legislation is passed by parliament, the approval of the Federal Executive Council will be required for Australia to ratify the Third Additional Protocol.

Once Australia has ratified Third Additional Protocol and the amending legislation has taken effect, the red crystal will enjoy the same status in Australia as the existing red cross and red crescent emblems.

The Minister for Defence, is committed to protecting the emblems under his obligations in the Geneva Conventions Act. The Minister will only give his permission to use the distinctive emblems if he is satisfied that the proposed use will not jeopardise the protective purpose of the emblems.

Australians have a strong respect for the distinctive emblems. Nevertheless, individuals and firms who are considering use of a distinctive emblem (most commonly a red cross) – or a design so resembling an emblem as to be capable of being mistaken for one of them – should seek the Minister’s permission.

The ADF keenly appreciates the work of Australian Red Cross and the ICRC in upholding and promoting international humanitarian law, and we will continue to champion the principles represented by the distinctive emblems. Our appreciation of the power of the emblems is acute. We recognise that they warrant the utmost respect and protection possible.
The red cross emblem is one of the most widely recognised symbols in the world. This is as it should be: the emblem, along with the red crescent and the recently adopted red crystal, plays an indispensable role in protecting humanitarian workers during armed conflicts. Misuse of the protected emblems has long been a problem recognised by international humanitarian law. Traditionally, efforts to preserve the sanctity of the emblems have centred on combating perfidious uses, where the emblem is deliberately employed by combatants to gain a military advantage.

Nowadays, however, the ubiquity of the red cross in popular culture also poses another type of problem: its use on television and in movies, as well as in computer games and on the internet, poses the risk that its protective function will gradually come to be diluted. The problem here is not deliberate abuse of the emblem in the context of armed conflict, but rather its casual or inadvertent misuse in peacetime contexts unconnected to its proper function under the Geneva Conventions.

A recent example of misuse of the red cross emblem in armed conflict arose in the context of the civil war in Colombia. On 2 July 2008, Colombian security forces rescued 15 hostages, including former presidential candidate Ingrid Betancourt, who had been held for up to ten years by the Revolutionary Armed Forces of Colombia (FARC). The rescue was widely hailed as a daring coup: it involved the use of bogus communications to persuade FARC rebels to release the hostages to a group posing as aid workers. Photographs and video footage taken of soldiers about to embark on the mission appeared to show one man wearing a bib bearing the red cross emblem.

The use of the red cross symbol in this context constitutes a clear violation of international humanitarian law. Article 44 of the First Geneva Convention of 1949 reserves the emblem for use by medical units and other humanitarian personnel, while Articles 37 and 38 of the First Additional Protocol of 1977 expressly prohibit its use as a ruse to invite the confidence of the enemy. Although the above conventions only cover international armed conflicts, the same principles are widely recognised as applying in all forms of warfare. Article 12 of the Second Additional Protocol of 1977 prohibits the improper use of the protected emblems in internal conflicts.

The Colombian civil war has also thrown up other instances of the peridious use of the red cross symbol. The two main rebel groups, FARC and the smaller National Liberation Army, have been known to exploit the protected emblems, sometimes transporting armed combatants in ambulances. These examples illustrate the importance of dissemination, monitoring and political pressure in ensuring that all parties in contemporary conflicts respect the significance of the emblems.

The task of making combatants, officials and members of the public aware of the importance of the red cross emblem has not been aided by inappropriate uses in peacetime. A famous example arose in relation to the 1987 James Bond film, The Living Daylights, which depicted opium being smuggled in sacks marked with the red cross and a man being kidnapped in a helicopter bearing the emblem.

More recently, similar issues have arisen in relation to depictions of the red cross symbol in computer games and on the internet. The red cross is widely used in war-based computer games to denote medical equipment or installations, and is sometimes shown on personnel or vehicles taking part in combat. The use of the emblem in these contexts led Canadian Red Cross society to write to game manufacturers in early 2006, but the practice has proved difficult to change. This is no doubt partly due to the ubiquitous and unauthorised use of the emblem in other forms of popular culture, which belies the seriousness of the underlying issue.

The contemporary importance of the internet as a source of information and entertainment has introduced a new challenge in monitoring and discouraging unauthorised use of the protected emblems.
A report by the World Intellectual Property Organisation in April 2002 noted a range of misuses of the emblems in domain names and on websites, including their association with pornography, online retailers and various political groups. The transnational and rapidly evolving nature of online information makes these types of abuses particularly difficult to counteract.

The abuses of the red cross emblem in Colombia and its inappropriate depiction in popular culture may appear to raise quite different issues. It is tempting to view misuses of the protected emblems in peacetime as trivial compared to perfidious uses in wartime. However, the effectiveness of the emblems relies on participants in armed conflicts recognising and respecting their protective function. Their misuse in popular culture holds clear potential to dilute this significance, fuelling a blasé attitude that can only encourage abuses such as those in the Colombian conflict.

The use of the red cross on television and in movies, as well as in computer games and on the internet, poses the risk that its protective function will gradually come to be diluted.

Displaying the emblem to protect combatants or military equipment engaging in hostile acts is a clear case of misuse. Perfidious use of the emblem, when causing death or serious personal injury, is considered a war crime.
During armed conflict the emblem is worn by military and civilian medical personnel and shown on medical facilities, vehicles, stores and equipment. The ICRC also uses the emblem in its humanitarian work. Targeting or misuse may amount to war crimes. Misuse during peacetime is an offence punished by a fine.

(above) Sri Lanka, Medawachchi, Trincomalee region - A relief distribution for people displaced by conflict who also became survivors of the tsunami.

(right) Central African Republic, near Kaga Bandoro - Displaced families carrying household items received from the ICRC.
Somalia, K50 airport - Medical supplies being unloaded. The Red Cross emblem displayed on the wings of the ICRC aircrafts ensures their safety.

Timor-Leste 2000, Leorema village, water supply.

Somalia, K50 airport - Medical supplies being unloaded. The red cross emblem displayed on the wings of the ICRC aircrafts ensures their safety.

Afghanistan - An ICRC medical convoy carrying fresh supplies for the Kabul hospital makes its way from Peshawar.
International law, Red Cross and a biscuit

by Dr Helen Durham - Strategic Adviser, International Law and Special Projects, Australian Red Cross

The domestic regulation of the red cross emblem within Australia is not the easiest job. Over five years ago I was employed by Australian Red Cross as IHL Manager and one of my duties was to contact companies and individuals who were misusing the red cross emblem and advise them that this was against the law. In some instances the response was extremely positive. The representatives of some companies were unaware that the Geneva Conventions Act (Cth) 1957 prohibited the use of this symbol and would then agree to cease using this international protection emblem. Often those who had inadvertently misused the red cross would be very interested to hear that Australian Red Cross was sending humanitarian workers into conflict zones under the protection of this emblem and that respect for the symbol would mean the difference between life and death. However ready compliance was not always the case. At times companies, investing much in their logo or

The Law

Domestic law in Australia regulates the use of the emblem and states the following:

Art 15 - 1957 Geneva Convention Act

Part IV— Abuse of the Red Cross and other emblems, signs, signals, identity cards, insignia and uniforms

15 Use of Red Cross and other emblems, signs, signals, identity cards, insignia and uniforms

(1) Subject to this section, a person shall not, without the consent in writing of the Minister or of a person authorized in writing by the Minister to give consents under this section, use for any purpose whatsoever any of the following:

(a) the emblem of a red cross with vertical and horizontal arms of the same length on, and completely surrounded by, a white ground, or the designation “Red Cross” or “Geneva Cross”;  
(b) the emblem of a red crescent moon on, and completely surrounded by, a white ground, or the designation “Red Crescent”.  
(c) the following emblem in red on, and completely surrounded by, a white ground, that is to say, a lion passing from right to left of, and with its face turned towards, the observer, holding erect in its raised right forepaw a scimitar, with, appearing above the lion’s back, the upper half of the sun shooting forth rays, or the designation “Red Lion and Sun”;  
(d) the emblem of a white or silver cross with vertical and horizontal arms of the same length on, and completely surrounded by, a red ground, being the heraldic emblem of the Swiss Confederation;  
(e) a design or wording so nearly resembling any of the emblems or designations specified in paragraph (a), (b), (c) or (d) as to be capable of being mistaken for, or, as the case may be, understood as referring to, one of those emblems;  
(f) such other emblems, identity cards, signs, signals, insignia or uniforms as are prescribed for the purpose of giving effect to Protocol I.

Penalty: $1,000
signage, would not welcome such discussions and I would find it difficult to explain connections between international law and a red cross emblem in a local chemist or on a product for ‘emergency chocolate’. Australian Red Cross has never pressed for a prosecution under the domestic act and always aims to resolve the issues in a harmonious manner. The penalty for a misuse is the fine of $1,000 per misuse - this can be dire for many companies who produce thousands upon thousands of items with a misuse. Over the years, clear and polite explanation has resulted in many cases of a change of ‘logo’ and this will always be the preferred action.

One example stays in my mind and it involved the connection between international law and a biscuit. A well known biscuit company had developed an advertising campaign focusing upon the various designs of food that could be placed on a savoy biscuit. One of these designs involved a white cream cheese background with a red cross made out of capsicum. As a full page advertisement this stood out as a clear breach of Article 15 of the Geneva Conventions Act 1957. The response from senior management of the company when approached by Australian Red Cross on this matter was positive, but it was explained that the image was in a major magazine which they could not ‘pull’ immediately. However, an agreement was reached that in the next and subsequent additions the image would not appear and that some media on this matter should be sought. I was then interviewed by a journalist about the issues surrounding the need to protect the red cross emblem and the article was placed in a widely read newspaper with a supportive comment from the company. This provided Australian Red Cross with a unique opportunity to disseminate the correct use of the red cross emblem to a broader audience while the company also received some positive press.

Australian Red Cross continues to regulate the correct use of the emblem. Having undertaken some short missions with the ICRC I have personally experienced the extraordinary value of the red cross as a protective symbol. It is indeed a luxury to live in a country where much of the population has never needed to seek support, protection or refuge under this emblem. Yet the need to continue to provide the public with information about the red cross, red crescent and now red crystal is required in times of peace as well as times of war. To correctly use the emblem is to be part of the international community which understand that “even wars have limits”.

Sri Lanka 1990 - The red cross emblem is painted on “Amazon” to signify its role as a hospital ship.
The adoption of the red crystal under the Third Additional Protocol to the Geneva Conventions represents an important step in the history of the Red Cross movement and the resolution of decades of debate over whether a third emblem should be added to the existing red cross and red crescent emblems.

Since 1929 the red cross and red crescent have been the only emblems recognised by the Red Cross movement internationally, with the exception of the red lion and sun which is now no longer in use. The red crystal symbol, which is now recognised by the Movement, is a red frame in the shape of a square on edge, against a white background.

The emblems of the red cross and red crescent are of great significance in international humanitarian law (IHL). They are used to distinguish personnel, vehicles and installations as belonging to the medical services of armed forces, or to national Red Cross and Red Crescent societies, the International Committee of the Red Cross, and the International Federation of Red Cross and Red Crescent Societies. Under the rules of IHL, vehicles, installations and persons bearing the emblems are subject to certain protections. The emblems are symbols of neutrality. Accordingly, their recognition and acceptance internationally is of the utmost importance.

To understand how the red crystal first came to be suggested as a symbol, it is necessary to consider briefly the history of the emblems. During the Geneva Conferences of 1863 and 1864, a red cross on a white background, the symbol we now know as the red cross, was chosen; this symbol was the reversal of the Swiss flag and was intended as a universal representation of neutrality. However, despite the intentions of those who adopted the symbol, it has for some represented a symbol of Christianity. Thus during the war between Russia and Turkey in 1876-78, the Ottoman Empire declared its intention to use instead the red crescent emblem.

The red crescent, and the red lion and sun, along with the red cross, were accepted as emblems by the 1929 diplomatic conference; at the same time it was noted that no new emblems would be recognised. The red lion and sun had been used for Iran (then Persia) but Iran switched to the red crescent in 1980. The red lion and sun emblem is no longer in use.

The emblem continued to be the subject of ongoing debate, however, due to the fact that both the red cross and red crescent emblems were perceived by some nations as having religious or political affiliations. This created two problems. First, it meant that there was a danger that the emblems would not provide protection in countries where the emblems were not accepted as symbols of neutrality. Secondly, some National Societies were unable to join the Movement because of their reluctance to use either the red cross or the red crescent emblem.
The desire for recognition of a new emblem and the associated benefits had also to be balanced against the need for uniformity and the concern that recognition of too many emblems would compromise the neutrality that the emblems stand for.

In 2000, governments and national societies endorsed the decision to accept the red crystal as having the same status in international law as the other two emblems. The ICRC together with the International Federation of Red Cross and Red Crescent Societies prepared a Third Additional Protocol to the Geneva Conventions, setting out the mechanism for the acceptance of the red crystal. The decision to adopt a Third Additional Protocol was made on 8 December 2005 following months of international negotiations. The red crystal was formally incorporated into the Statutes of the Movement at the International Conference of the Red Cross and Red Crescent in June 2006. The Protocol formally entered into force on 14 January 2007.

Adoption of the third emblem took place against the background of negotiations between Palestine Red Crescent and Magen David Adom (MDA) in Israel, neither of which had been a member of the Movement before 2006. The MDA had for years used the Star of David as its emblem, however the Star of David is primarily a national symbol for Israel and was not recognised by Arab states. Its use precluded MDA from being accepted into the Red Cross Movement, despite its history of participation in humanitarian relief.

After lengthy negotiations, both the MDA and Palestine Red Crescent agreed to accept the red crystal for use in the occupied territories. At the close of the International Conference in June 2006 both societies were formally recognised. MDA has now adopted the red crystal for use in international relief efforts outside Israeli territory.

States and national societies that use the red cross and red crescent emblems will continue to do so unless they decide to change to the new emblem. The Protocol also allows for National Societies to use, for indicative purposes only, another emblem or combination of emblems within the red crystal, or a symbol that has been in effective use by a party and has been notified to other State parties.

It remains to be seen whether any countries that currently use the red cross or red crescent will opt under the new arrangements to change their emblem to a combination of any two or three of the emblems, which may be a particularly attractive option for countries with mixed cultural populations.
views from a delegate: an interview with Christopher Cliff

by Branka Gajic - NSW IHL Officer, Australian Red Cross

(above) Democratic Republic of the Congo (DRC), South Kivu province, Shabuna. DRC Red Cross volunteers unload a plane during a non-food relief distribution for 2,500 beneficiaries.
As a health professional, Christopher Cliff travels to some of Australia’s remotest areas. This is an altogether different life from his former days as a health delegate with International Committee of the Red Cross (ICRC) where he was posted to war zones around the world.

Christopher provided essential medical assistance to large civilian populations. When evacuations were required due to security issues, it was necessary to rapidly mobilise health workers as well. With a lack of military escorts, Christopher and his colleagues at ICRC relied on the red cross emblem to protect them from being targeted.

Christopher tells of one situation in Africa where during an evacuation of war-wounded Red Cross personnel relied on the Red Cross emblem to protect them from being evacuated.

Christopher’s missions have taken him to just about all corners of the globe, especially to those trouble spots often forgotten by the international community. Distributing food and medical care means visiting remote communities and patients who are unable to make the long journeys to get to hospitals. Red Cross emblems are displayed across the vehicles to ensure protection. Further, ICRC teams work with local populations to explain and educate them about the protective role of Red Cross.

One of the biggest dangers was unexploded ordinance. Even in these situations the emblem helped to protect ICRC workers and ultimately enabled the safe delivery of food parcels to those most in need. “By being accepted, accessible and neutral we were given clear advice about when and where to travel, avoiding the landmines” he says.

The ongoing efforts to obtain access to some of the most dangerous and volatile locations are illustrated by Christopher: “[in some places] ICRC and Red Cross were seen as food security. ICRC ran food kitchens and provided the entire population with two meals a day!”

In places where security was unstable and the nature of warfare irregular and unpredictable, providing basic health services across the front lines became a dangerous exercise. Christopher gives an example from Afghanistan. The red cross emblem was clearly displayed at all times when working with ICRC in Afghanistan’s volatile north. The ICRC has a long presence in Afghanistan: Christopher describes the practicalities of the Red Cross and the Red Crescent working together to facilitate delivery of essential supplies.

“The Red Crescent was well known locally … but having the ICRC logo added to our capacity to be viewed as neutral. This really assisted our own security. Buildings and residences housing ICRC staff [were] painted with a big Red Cross.”

In insecure and rapidly changing armed conflict situations, access to key parties is critical in order to collect information and prioritise action. Insecurity hindered this. In Northern Sri Lanka the emblem gave access to key institutions and agencies affected by the hostilities. Clearly marked ICRC vehicles and staff carrying the red cross emblem allowed for this to occur. Further, the emblem protected civilians and captured and injured combatants. For Christopher the emblem was the ultimate guarantee of safety, “clearly displaying the emblem ensured that although we could have been caught up in a battle I was never targeted; in fact we felt protected and our safety guaranteed”.

Asked if he has seen the emblem misused, Christopher lists plenty of examples: “It is such a sign of protection and security in most parts of the world where it’s needed, [it is also] a very tempting logo/marketing thing.” It is a war crime to misuse the emblem in times of conflict; in Australia it is a criminal offence to misuse the emblem in peacetime, attracting an AUD$1000 fine and possible prosecution by the Minister for Defence. There are other instances where the emblem is not respected, but the fact remains that there is no other way to say “Don’t shoot!” in 350 languages.
Lebanon, ICRC vehicle gets stuck attempting to cross the Litani river near Tyre, 2006
International Humanitarian Law (IHL) program

Australian Red Cross is part of the International Red Cross and Red Crescent Movement, the largest humanitarian network in the world.

IHL is something Red Cross thinks everyone should be aware of. We run an IHL Program providing training and education highlighting IHL issues to key target groups identified as having a role to play in situations of armed conflict.

The IHL Program focuses on the following target groups:

- Australian Defence Force
- Australian Federal Police
- Non-government organisations
- Commonwealth Government agencies
- Key professions (law, medicine, journalism)
- Tertiary and secondary education sectors
- Wider community.

The IHL Program specifically offers training programs to sectors of the Australian Defence Force such as military medics and military police, in addition to being invited to participate in Australian Defence Force training exercises. More broadly, we run education seminars for members of the general community who have an interest in humanitarian issues and whose work is affected by the application of IHL.

For more information on the IHL Program please visit: www.redcross.org.au/ihl or email: redcrossihlinfo@redcross.org.au

Red Cross has a mandate to promote an understanding of, and respect for, the law in times of armed conflict - International Humanitarian Law (IHL).
**Fundamental Principles**

In all activities our volunteers and staff are guided by the **Fundamental Principles of the Red Cross and Red Crescent Movement.**

**Humanity**
The International Red Cross and Red Crescent Movement, born of a desire to bring assistance without discrimination to the wounded on the battlefield, endeavours, in its international and national capacity, to prevent and alleviate human suffering wherever it may be found. Its purpose is to protect life and health and ensure respect for the human being. It promotes mutual understanding, friendship, co-operation and lasting peace amongst all people.

**Impartiality**
It makes no discrimination as to nationality, race, religious beliefs, class or political opinions. It endeavours to relieve the suffering of individuals, being guided solely by their needs, and to give priority to the most urgent cases of distress.

**Neutrality**
In order to continue to enjoy the confidence of all, the Movement may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature.

**Independence**
The Movement is independent. The National Societies, while auxiliaries in the humanitarian services of their governments and subject to the laws of their respective countries, must always maintain their autonomy so that they may be able at all times to act in accordance with the principles of the Movement.

**Voluntary Service**
It is a voluntary relief movement not prompted in any manner by desire for gain.

**Unity**
There can be only one Red Cross or Red Crescent Society in any one country. It must be open to all. It must carry on its humanitarian work throughout its territory.

**Universality**
The International Red Cross and Red Crescent Movement, in which all Societies have equal status and share equal responsibilities and duties in helping each other, is worldwide.

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**Sudan**
The ongoing humanitarian crisis in the Darfur region of Sudan has prompted Red Cross to undertake one of its largest responses anywhere in the world.

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**General enquiries** 1 800 246 850  
**Donations** 1 800 811 700  
**First Aid enquiries** 1 300 367 428  
**Blood Donor enquiries** 13 14 95

**Mailing address** 159 Clarence Street  
Sydney NSW 2000

**Editor** Tony Morris

**Sub-editors**
Rebecca Dodd  
Kelly Gwyn  
Annabel McConnachie  
Nada de Murashkin  
Isabelle Rorive

**Designer** Elizabeth Cook

**Printer** Peachy Print

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**CRISIS CARE COMMITMENT**

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