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## **COUNCIL OF DELEGATES**

### **OF THE INTERNATIONAL RED CROSS AND RED CRESCENT MOVEMENT**

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## **STUDY ON OPERATIONAL AND COMMERCIAL AND OTHER NON-OPERATIONAL ISSUES INVOLVING THE USE OF THE EMBLEMS**

**(Short version)**

**Document prepared by the International Committee of the Red Cross  
in consultation with the International Federation and National Societies**

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## ***FOREWORD***

For nearly 150 years, the universally known emblems of the red cross, red crescent and red crystal (the emblem) have signified assistance for people in need, particularly people affected by armed conflicts and natural disasters.

The emblem is the symbol of independent, neutral and impartial humanitarian action undertaken by all components of the International Red Cross and Red Crescent Movement (the Movement), preventing and alleviating human suffering in times of crisis. The emblem represents the core identity and spirit of the Movement.

Because of its significance, there are rules regulating the use of the emblem. The 1949 Geneva Conventions granted the Movement, military medical services and religious personnel the right to use it. This privilege in turn gives us the moral and legal responsibility to ensure, through our actions and compliance with the rules, that the prestige of and the respect for the emblem are upheld at all times.

While the components of the Movement need to reinforce their visibility in order to obtain support to assist victims, this should not be carried out in ways that erode the protective value of the emblem and its symbolic power.

In this spirit, the ICRC was inspired to prepare the “Study on Operational and Commercial and other Non-operational Issues involving the Use of the Emblems”. The ICRC hopes that it will be a valuable tool for all the components of the Movement, State authorities and beyond, in our work to promote and reinforce respect for the rules governing the use of the emblem.



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## INTRODUCTION

### *OBJECTIVES AND METHODOLOGY*

This Study on operational and commercial and other non-operational issues involving the use of the emblem – The Emblem Study – was prepared by the ICRC. It is distributed for information to the Council of Delegates, which takes place from 23-24 November 2007.

The term "emblem", in this document, includes all the distinctive emblems recognized in the 1949 GC and their AP of 1977 and 2005, i.e. the red cross, the red crescent, the red lion and sun<sup>1</sup> and the red crystal emblems.<sup>2</sup>

#### **Framework**

The Strategy for the International Red Cross and Red Crescent Movement (Strategy for the Movement), adopted by the Council of Delegates,<sup>3</sup> requested the ICRC to undertake a study on the use of the emblem. More specifically, Action 10 of the updated Strategy for the Movement provides that:

"The ICRC, in consultation with the International Federation Secretariat and National Societies, initiates a comprehensive study of operational and commercial issues involving the use of the emblems."

This document is the ICRC's response to the request made by the Council of Delegates. The ICRC has always considered the use of the emblem to be a very important issue for the Movement – as its identity is clearly linked to the emblems – and for ensuring general respect for IHL. The ICRC believes that the momentum created by the adoption in 2005 of AP III has increased interest in the subject and will have a positive impact on the dissemination of the content of the Study and on its impact and usefulness.

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<sup>1</sup> The red lion and sun has not been used since the Islamic Republic of Iran's declaration, on 4 September 1980, that expressed the wish to use the red crescent as its distinctive emblem instead of the red lion and sun.

<sup>2</sup> The Emblem Study does not cover the use of other signs and emblems recognized under IHL (e.g. the distinctive emblem of cultural property, the international distinctive sign of civil defence or the international special sign for works and installations containing dangerous forces).

<sup>3</sup> The Strategy for the Movement was adopted in 2001 by Resolution 3 of the Council of Delegates. It was updated in 2005 by Resolution 6 of the Council of Delegates.

## **Objectives and audience**

In preparing this Study, the ICRC had the following concrete objectives in mind:

- to address the most difficult questions associated with the use of the emblem, and/or those that recur with the greatest regularity, based on requests received from NS, ICRC and International Federation delegations, as well as from private individuals;
- to clarify some aspects of the 1991 Emblem Regulations, especially those related to commercial issues involving the use of the emblem;
- to strengthen the capacity of all the components of the Movement to provide explanations and guidance to their own members and employees, and to public and private actors, on the proper use of the emblem and on ways to tackle its misuse, particularly in conformity with their obligations as set out in Article 3(2) of the Statutes of the Movement;
- to develop a tool that can assist in reinforcing and strengthening the identity of the Movement around its recognized emblems;
- to provide States' authorities with a tool that will enable them to enhance their understanding of the many rules regulating the use of the emblem and of their obligations under IHL in this regard;
- to serve as a resource for developing dissemination tools for specific audiences, and for the general public, on the use of the emblem.

By strengthening the knowledge and understanding of the emblem and its use, the ultimate objective of this Study is to ensure greater respect for the emblem at all times from all section of society, and, particularly, to reinforce its protective value.<sup>4</sup> The Study, therefore, contains recommendations on the contents of the rules governing the use of the emblem, as well as on the procedure to follow when faced with its misuse.

Such an objective is in keeping with the mission of the Movement, which is to prevent and alleviate human suffering. Obviously, to fulfil their mission, components of the Movement must have access to victims and persons in need. In order to have access – especially in a situation of armed conflict – it is crucial that the components be able to count on the trust of the authorities and the parties to the conflict. There can be no doubt that misuse of the emblem, whenever committed, creates confusion and distrust in the minds of the public in general, and in the parties to an armed conflict in particular. This undermines confidence in the components of the Movement, and threatens their access to victims and even their own security. By adding to people's understanding of the emblem and by providing recommendations for tackling its misuse, the Study will, thus, also be serving the general mission of the Movement.

Similarly, the Emblem Study is conceived as a tool for reducing and eventually eradicating continual misuses of the emblem. Such misuses impair access by the medical services of States' armed forces to the persons they are assigned to assist and protect.

Lastly, it may be worth mentioning what the Emblem Study does not aim to do. In order, at the outset, to prevent the possibility of confusion and of having false expectations raised, the following considerations must be kept in mind:

- The Study has not been drafted with a view to amending the 1991 Emblem Regulations, but to clarify some of their provisions. The Regulations already constitute the most extensive interpretation acceptable of the 1949 Geneva Conventions. As stated in the Preamble, 4<sup>th</sup> para., to the Regulations, "the scope allowed by the revised version is as

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<sup>4</sup> The 2001 version of the Strategy for the Movement defined the expected result of the Study as follows: "Emblems are understood and respected both in conflict and non-conflict situations by all players and parts of society."

wide as it possibly can be within the framework of the Geneva Conventions."

- The Study is not intended as a commentary on AP III. Some aspects of AP III have an impact on the recommendations formulated in the Study. To that extent, AP III is, of course, taken into consideration and reference is made to its relevant provisions. However, a separate commentary on AP III has already been prepared.<sup>5</sup>

### **Method and working process**

As requested in the Strategy for the Movement, the Emblem Study has been drafted in wide consultation with the International Federation and NS.

In order to ensure the widest participation possible by all components of the Movement in the process, a group of experts from the International Federation and from NS was constituted. The group was able to provide very valuable and insightful comments and recommendations on identifying the questions to be discussed and at every subsequent stage of the drafting process. The experts have themselves also drafted some of the preliminary analyses and recommendations contained in the Study. Further advantage has been taken of every available opportunity for obtaining feedback and input from NS (e.g. the annual meeting of NS legal advisers organized by the ICRC, meetings of the European Legal Support Group, etc.). Discussions within the ICRC have also, of course, taken place. The contents of the Study are the result of wide consultations within the Movement.

Although the Study is submitted to the Council of Delegates, discussions have also been conducted with States, for two reasons mainly:

- States, in particular their military medical services, are the primary users of the emblem (under the conditions set out in IHL instruments) and numerous questions dealt with in the Study directly address States' use of the emblem;
- Because States are primarily responsible for ensuring respect for the emblem, it was logical to take their points of view into consideration when drafting the recommendations contained in the Study.

This consultation has been carried out mainly through Inter-ministerial Committees for the implementation of IHL.<sup>6</sup>

The ICRC is ultimately responsible for the recommendations contained in the Study.

### **Structure**

#### **Table of contents:**

The Emblem Study is divided into three main parts:

Part I ("Recommendations on operational issues involving the use of the emblem") deals with substantial questions. It attempts to identify what is legal, permissible or recommended when using the emblem in operational contexts.

<sup>5</sup> See Jean-François Quéguiner, "Commentary on the Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III)", *IRRC*, March 2007, No. 865, pp. 175-207.

<sup>6</sup> Inter-ministerial Committees on the implementation of IHL are competent to promote, advise on and coordinate all matters relating to the implementation of IHL at national level, and to compliance with and development of the law. Such bodies are usually composed of representatives of all government departments concerned with IHL, of the judicial and legislative branches, as well as of the NS.

Part II ("Recommendations on commercial and other non-operational issues involving the use of the emblem") also deals with substantial questions, but it concentrates on commercial issues involving the use of the emblem.

Each of the first two parts contains four Chapters, which address questions on the use of the emblem raised by the various actors involved:

- use by State authorities;
- use by NS;
- use by the ICRC;
- use by other actors.

Part III ("Recommendations for preventing and stopping misuses of the emblem") attempts to set out the obligations and roles of the various actors (States, the ICRC, NS, etc.) in preventing or stopping misuse of the emblem. Its chief aim is to provide some step-by-step guidelines on what to do when faced with misuses of the emblem and how to prevent their occurrence.

**Format for the questions:**

For each question that has been identified, the Study provides a recommendation on what is legal/permissible or, when that is required, on how to deal with a particular misuse of the emblem. Each question follows this order:

- a recommendation, or recommendations, on how to answer the question; and
- the legal or statutory basis that needs to be considered to answer the question.<sup>7</sup>

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<sup>7</sup> The full version of the Study contains as well, for each question, the analysis upon which the recommendation(s) are/is based.

## **GENERAL PRINCIPLES AND CONCEPTS**

The purpose of this introductory section is to provide background information on the emblem and to define or clarify some general concepts and principles related to its use.

These concepts and principles are used extensively throughout the Emblem Study. Therefore, it was thought useful to include them in an introductory section so as not to repeat them under every single question.

### **I. History and design of the emblem**

In 1859, Henry Dunant, a Swiss businessman travelling through northern Italy, witnessed the horrifying aftermath of the battle of Solferino. After he returned to Geneva, he wrote an account of what he had seen, *A Memory of Solferino*, in which he put forward two proposals for improving assistance to war victims:

- to set up in peacetime, in every country, groups of volunteers ready to take care of casualties in wartime;  
and
- to persuade countries to accept the idea of protecting aid workers and the wounded on the battlefield.

The first proposal led to the establishment of NS. There are now over 185 of these that are recognized within the Movement. The second proposal paved the way for the drafting of the Geneva Convention of 1864, precursor of the four GC of 1949, which are now accepted by all States.

The adoption of a single distinctive sign that would indicate legal protection for the medical services of armed forces, volunteer aid workers and victims of armed conflict was one of the main objectives of the five-member committee that met on 17 February 1863 to study Dunant's proposals. This committee would later evolve into the ICRC. The sign – or emblem, as it was eventually called – had to be simple, identifiable from a distance, known to everyone and identical for friend and foe alike.

The Diplomatic Conference that met in Geneva in 1864 adopted the heraldic emblem of the red cross on a white ground – the colours of the Swiss flag in reverse.<sup>8</sup>

During the 1876-1878 war between Russia and Turkey, the Ottoman Empire declared that it would use a red crescent instead of a red cross as its emblem, but agreed to honour the red cross used by the other side. Persia also opted for a different sign: the red lion and sun. The red crescent on a white ground and the red lion and sun on a white ground were officially recognized by a Diplomatic Conference held in 1929.<sup>9</sup> The red lion and sun has not been in use since 1980, when the Islamic Republic of Iran declared that it wished to use the red crescent as the distinctive emblem of the medical services of its armed forces.

<sup>8</sup> Article 53, 2<sup>nd</sup> para., of GC I indicates that a “tribute [was] paid to Switzerland by the adoption of the reversed Federal colours.”

<sup>9</sup> Both emblems were recognized under Article 19 of the 1929 Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, and subsequently confirmed under Article 38, 2<sup>nd</sup> para., of GC I. The red lion and sun is not specifically referred to in the analyses and recommendations of the Study because it is no longer in use. However, the rules governing the use of the emblem (and the recommendations of the Study) would of course similarly apply to the red lion and sun as to the other emblems.

Lastly, in an attempt to strengthen the protection given to victims of armed conflicts, medical services of armed forces and humanitarian personnel, and to achieve universality for the Movement, an additional distinctive emblem – the red crystal on a white ground – was recognized in 2005 by the Diplomatic Conference that adopted AP III. It consists of “a red frame in the shape of a square on edge on a white ground” (Article 2 of AP III). The name “red crystal” is not contained in AP III, but was endorsed by the international community through the adoption of Resolution 1 of the 29<sup>th</sup> International Conference of June 2006 (para. 2).

## **II. The principal rules governing the use of the emblem**

The principal rules governing the use of the emblem (as well as the designations of the Red Cross, Red Crescent and Red Crystal) are set out in the following instruments:

- GC I: Articles 38-44, 53 and 54;
- GC II: Articles 41-45;
- GC IV: Articles 18-22;
- AP I: Articles 8, 18, 38 and 85; and Annex 1;
- AP II: Article 12;
- AP III: Articles 1-7;
- 1991 Emblem Regulations; although these Regulations are, strictly speaking, binding only upon NS, the ICRC and the International Federation pledged to apply them to the fullest possible extent.<sup>10</sup>

## **III. The distinction between protective and indicative uses of the emblem**

The emblem has existed for over a century, as the visible sign of the protection afforded under IHL to certain categories of people affected by armed conflicts and to those providing them with humanitarian aid.

It also symbolizes the neutrality, independence and impartiality of the Movement and its components.

The emblem, therefore, serves two very different purposes. It may be used:

- as a protective device;  
or
- as an indicative device.

The legal basis for the distinction between these two different uses of the emblem can be found in Article 44, 1<sup>st</sup> and 2<sup>nd</sup> paras, of GC I:

"With the exception of the cases mentioned in the following paragraphs of the present Article, the emblem of the Red Cross on a white ground and the words 'Red Cross', or 'Geneva Cross' may not be employed, either in time of peace or in time of war, except to indicate or to protect the medical units and establishments, the personnel and material protected by the present Convention and other Conventions dealing with similar matters. The same shall apply to the emblems mentioned in Article 38, second paragraph [red crescent and red lion and sun on a white ground], in respect of the countries which use them. The National Red Cross Societies

<sup>10</sup> In 1993, Resolution 8, para. 4, of the Council of Delegates invited the ICRC and the International Federation to observe the rules governing the indicative and decorative uses of the emblem as laid down in the 1991 Emblem Regulations.



and other Societies designated in Article 26 shall have the right to use the distinctive emblem conferring the protection of the Convention only within the framework of the present paragraph.

Furthermore, National Red Cross (Red Crescent, Red Lion and Sun) Societies may, in time of peace, in accordance with their national legislation, make use of the name and emblem of the Red Cross for their other activities which are in conformity with the principles laid down by the International Red Cross Conferences. When those activities are carried out in time of war, the conditions for the use of the emblem shall be such that it cannot be considered as conferring the protection of the Convention; the emblem shall be comparatively small in size and may not be placed on armlets or on the roofs of buildings.”

As a **protective** device, the emblem is the visible sign of the special protection under IHL (mainly the GC and their AP) for relief workers and for medical personnel, facilities and means of transport. In such circumstances, to ensure maximum visibility, the emblem must be large in comparison with the person or object displaying it and nothing must be added to either the emblem or the white ground. Displaying the emblem in certain places, such as on armlets or on the roofs of buildings, is always considered protective use.

As an **indicative** device, the emblem signifies the link between the person or object displaying it and the Movement. In this case, the emblem must be relatively small in comparison with the person or object displaying it; also, it usually bears additional information (e.g. the name or the initials of the NS).<sup>11</sup>

As provided for under Article 4 of the 1991 Emblem Regulations (and its commentary),

“Any confusion between the protective use and the indicative use of the emblem must be avoided. In armed conflicts, the National Society which continues its peacetime activities shall take all the necessary measures to ensure that the emblem used indicatively, displayed on persons or objects, is seen only as marking their connection with the National Society and not as conferring the right to protection under international humanitarian law. In particular, the emblem shall be relatively small and shall not be placed on armlets or roofs. The National Society shall endeavour to follow the latter rule in peacetime so as to avoid from the very beginning of a conflict any confusion with the emblem used as a protective device.

*It is not so much the design of the emblem that can lead to confusion as the circumstances in which it is displayed. Hence, it is particularly in situations in which the emblem may also be used as a protective device, i.e. in armed conflicts, that it is necessary to avoid any confusion. In order to obviate this risk, it is recommended that the National Societies use as an indicative device, already in peacetime, an emblem of relatively small dimensions. For the same reason, it is further recommended that, also in peacetime, they refrain from placing the emblem on armlets, roofs or even flags.”*

However, the exact size of the emblem, when used for protective or indicative purposes, has not been defined. The *Commentary on GC I* (Article 44) gives a plausible explanation for that:

“For practical reasons, the Conference rejected a proposal that it should lay down the maximum dimensions of the indicatory sign. It merely stipulated that it should be comparatively small in size – that is, small in proportion to the protective sign used for any given category of persons or objects. Common sense must decide the actual size.”<sup>12</sup>

<sup>11</sup> On the difference between the emblem and the logos of the components of the Movement, see Section V of this introduction.

<sup>12</sup> *Commentary on GC I*, Article 44, p. 331.

#### IV. Authorized users of the emblem (general rules)

The following is a list of the general principles that determine what persons or objects are entitled to display the emblem. It does not go into much detail as that is the purpose of this Study.

##### a) As a protective device<sup>13</sup>

*In times of armed conflict:*

- medical services (personnel and units, such as hospitals, means of transport, etc.) and religious personnel of States' armed forces;<sup>14</sup>
- medical personnel and medical units and transports of NS that have been duly recognized and authorized by their governments to assist the medical services of the armed forces, when they are employed exclusively for the same purposes as the latter and are subject to military laws and regulations;<sup>15</sup>
- civilian hospitals (public or private) that are recognized as such by the State authorities and authorized to display the emblem;<sup>16</sup> and, in occupied territory and in zones of military operations, persons engaged in the operation and administration of such civilian hospitals;<sup>17</sup>
- all civilian medical and religious personnel in occupied territory and in areas where fighting is taking place or is likely to take place;<sup>18</sup>
- all civilian medical units and transports, as defined under AP I, recognized by the competent authorities and authorized by them to display the emblem;<sup>19</sup>
- other recognized and authorized voluntary aid societies, subject to the same conditions as those defined above for NS.<sup>20</sup>

*In peacetime:*

- medical services and religious personnel of States' armed forces;<sup>21</sup>
- NS medical units and transports, whose assignment to medical duties in the event of an armed conflict has been decided, may already display the emblem as a protective device in peacetime, with the authorities' consent.<sup>22</sup>

The ICRC and the International Federation may use the emblem at all times (in peacetime as

<sup>13</sup> See especially the *Commentary on GC I*, Article 44, pp. 326-328.

<sup>14</sup> Articles 39-44 of GC I and Articles 41-44 of GC II. Medical services and religious personnel of States' armed forces are defined under Articles 19, 24-25, 33 and 35-36 of GC I, Articles 22, 27-28, 36-37 and 39 of GC II. Although the Questions of the Study refer only to the medical services of States' armed forces, the same rules and recommendations similarly apply to the religious personnel of those armed forces.

<sup>15</sup> Articles 40 and 42-44 of GC I. NS medical personnel, units and transports are defined under Articles 24 and 26-27 and 34 of GC I, Articles 24-25, 27 of GC II, and Articles 8(c), (e) and (g)-(j) and Article 9(2) of AP I.

<sup>16</sup> Article 18, 3<sup>rd</sup> para., of GC IV. GC IV extends the right to use the emblem to land, sea and air transports as defined under its Articles 21 and 22. Annex I, Article 6, of GC IV provides as well that "zones reserved exclusively for the wounded and sick may be marked by means of the Red Cross (Red Crescent, Red Lion and Sun) emblem on a white ground." On the use of the emblem by civilian hospitals and medical units, see Question 6 of the Study.

<sup>17</sup> Article 20, 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> paras, of GC IV.

<sup>18</sup> Article 18(3) of AP I. Civilian medical and religious personnel are defined under Article 8(c) and (d) of AP I. This category may include the medical personnel of NS provided that it corresponds to the definition of AP I.

<sup>19</sup> Article 18(4) of AP I. Civilian medical units and transports are defined under Article 8(e) and (g) of AP I. These categories may include medical units and transports of NS provided that they correspond to the definitions of AP I.

<sup>20</sup> Article 44, 1<sup>st</sup> para., of GC I. Voluntary aid societies are defined under Articles 26-27 of GC I and Article 9(2)(b) of AP I.

<sup>21</sup> Article 44, 1<sup>st</sup> para., of GC I.

<sup>22</sup> Article 13 of the 1991 Emblem Regulations.

well as in times of armed conflict) and without restriction.<sup>23</sup>

## **b) As an indicative device**

*In times of armed conflict:*

- NS;<sup>24</sup>
- the International Federation;
- the ICRC.

*In peacetime:*

- NS;<sup>25</sup>
- the International Federation;
- the ICRC;
- ambulances and first-aid stations operated by third parties, when exclusively assigned to provide free treatment to the wounded and sick, as an exceptional measure, on condition that the emblem is used in conformity with national legislation and that the NS has expressly authorized such use.<sup>26</sup>

## **V. The distinction between the emblem and the logo**

The *Commentary on GC I* (Article 44) states clearly that when the emblem is used as a protective device, it must always retain its original form: "[t]he protective sign, consisting of a red cross on a white ground, as prescribed by the Geneva Convention, should always be displayed in its original form, without alteration or addition."<sup>27</sup>

Article 5, 1<sup>st</sup> and 2<sup>nd</sup> paras, of the 1991 Emblem Regulations is more specific in this regard:

"The emblem used as a protective device shall always retain its original form, i.e. nothing shall be added either to the cross, the crescent or the white ground. A cross formed with two cross-pieces, one vertical and the other horizontal crossing in the middle, shall be used. The shape and direction of the crescent are not regulated. Neither the cross nor the crescent shall touch the edges of the flag or the shield. The shade of the red is not specified. The ground shall always be white.

The emblem used indicatively shall be accompanied by the name or initials of the National Society. There shall be no drawing or writing on the cross or the crescent which shall always be the dominant element of the emblem. The ground shall always be white."

In principle, it is therefore possible, and useful, to make a clear distinction between:

- the "emblem", used for protective purposes, which is understood as the red cross/red crescent/red crystal on a white ground in its original form;  
and
- the "logo" of a component of the Movement, used for indicative purposes, which is understood as the red cross/red crescent/red crystal emblem on a white ground, accompanied by the name or initials of the component concerned: the logo is used for

<sup>23</sup> Article 44, 3<sup>rd</sup> para., of GC I.

<sup>24</sup> Article 44, 2<sup>nd</sup> para., of GC I.

<sup>25</sup> Article 44, 2<sup>nd</sup> para., of GC I.

<sup>26</sup> Article 44, 4<sup>th</sup> para., of GC I. On the use of the emblem by third parties' ambulances and first-aid stations, see Question 25 of the Study. For greater convenience, the use of the emblem by third parties' ambulances and first aid stations authorized by a NS is included under "indicative device". However, the link between those users and the Movement is tenuous, since it merely consists in the authorization given by the NS.

<sup>27</sup> *Commentary on GC I*, Article 44, p. 334.

indicative purposes.<sup>28</sup>

Unless stated otherwise, in this Study, the term "emblem" will be associated with its use as a protective device, while the term "logo" will signify use of the emblem as an indicative device.

## **VI. The emblem is not constitutive of protection**

While the emblem may be used as a protective device, it is important to reiterate that it is not the emblem that grants protection to the persons or objects displaying it. Protection is granted by IHL (mainly the GC and their AP). The emblem is merely the visible manifestation of such protection.<sup>29</sup>

Even if they did not display the emblem, the same persons and objects would still retain their right to protection, particularly against attack. A protected person who is not displaying the emblem, or who is doing so ineffectually, does not lose his or her right to protection because of it. Clearly, for protection to be effective, an enemy has to be able to recognize a protected person or unit as such.<sup>30</sup> It is worth emphasizing that, although the use of the emblem is strongly recommended because of its protective value, there is no absolute obligation for persons or objects to do so.

The emblem, therefore, only serves as a means to identify more easily the persons and objects enjoying the protection granted by IHL.

## **VII. Terminology: "misuse of the emblem" as a generic expression**

In this Study, the term "misuse of the emblem" encompasses all violations of the rules governing the use of the emblem. Unless specifically stated otherwise, it will cover these three forms of misuse:

- Imitation: the use of a sign which, owing to its shape and/or colour, may be confused with the emblem;
- Improper use:
  - the use of the emblem by people usually authorized to do so, but in a manner inconsistent with IHL provisions on its use;
  - the use of the emblem by entities or persons not entitled to do so (commercial enterprises, pharmacists, private doctors, NGOs, ordinary individuals, etc.) or for purposes that are inconsistent with the Fundamental Principles of the Movement;
- Perfidious use: the use of the emblem during an armed conflict to protect combatants or military equipment when carrying out hostile acts. When this is done wilfully and causes death or serious injury to body or health, perfidious use of the emblem qualifies as a war crime in both international and non-international armed conflicts.<sup>31</sup>

<sup>28</sup> For a detailed discussion on the use of a large-sized NS logo, see Question 14 of the Study.

<sup>29</sup> See, in particular, Article 18, 3<sup>rd</sup> para., and Articles 24-27 of GC I; Articles 18-20 of GC IV; Articles 12(1) and (2), 15(1) and (5), and 16(1) of AP I; and Articles 9(1) and 10(1) of AP II.

<sup>30</sup> See *Commentary on GC I*, Article 44, p. 325, and the commentary on Article 5 of the 1991 Emblem Regulations.

<sup>31</sup> See, in particular, Article 85(3)(f) of AP I and *Customary IHL Study*, Rule 156 (commentary), p. 599.

**LIST OF ABBREVIATIONS**

1907 Hague Regulations:	Regulations concerning the Laws and Customs of War on Land (Annex to Convention (IV) respecting the Laws and Customs of War on Land. The Hague, 18 October 1907).
1991 Emblem Regulations:	Regulations on the use of the Emblem of the Red Cross or Red Crescent by the National Societies, adopted by the 20th International Conference of the Red Cross and Red Crescent (Vienna, 1965) and revised by the Council of Delegates (Budapest, 1991).
2003 Minimum Elements:	"Minimum Elements to be included in operational agreements between Movement components and their external operational partners", annexed to Resolution 10 adopted by the Council of Delegates in 2003.
AP I:	Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977.
AP II:	Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977.
AP III:	Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III), 8 December 2005.
AP:	AP I, AP II and AP III.
<i>Commentary on AP I and II:</i>	Sandoz, Yves, Swinarski, Christophe, Zimmermann, Bruno, <i>Commentary on the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949</i> , ICRC, Geneva, 1987.
<i>Commentary on AP III:</i>	Quéguiner, Jean-François, "Commentary on the Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III)", <i>International Review of the Red Cross (IRRC)</i> , No. 865, March 2007, pp. 175-207.
<i>Commentary on GC I:</i>	Pictet, Jean (ed.), <i>Commentary – I Geneva Convention</i> , ICRC, Geneva, 1952.
<i>Commentary on GC IV:</i>	Pictet, Jean (ed.), <i>Commentary – IV Geneva Convention</i> , ICRC, Geneva, 1958.
<i>Customary IHL Study:</i>	Henckaerts, Jean-Marie, Doswald-Beck, Louise, with contributions by Caroline Alvermann, Knut Dörmann and Baptiste Rolle, <i>Customary International Humanitarian Law – Volume I: Rules</i> , Cambridge University Press, Cambridge, 2005.

GC I:	Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field. Geneva, 12 August 1949.
GC II:	Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea. Geneva, 12 August 1949.
GC III:	Convention (III) relative to the Treatment of Prisoners of War. Geneva, 12 August 1949.
GC IV:	Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949.
GC:	GC I, GC II, GC III and GC IV.
IAC:	International Armed Conflict(s).
ICC:	International Criminal Court.
ICRC:	International Committee of the Red Cross.
IHL:	International Humanitarian Law.
International Federation:	International Federation of Red Cross and Red Crescent Societies.
<i>IRRC</i> :	International Review of the Red Cross.
Movement:	International Red Cross and Red Crescent Movement.
NIAC:	Non International Armed Conflict(s).
NS:	National Society / National Societies
ONS:	Operating National Societies.
PNS:	Participating National Societies.
Seville Agreement:	Agreement on the Organization of the International Activities of the Components of the International Red Cross and Red Crescent Movement (The Seville Agreement), adopted by the Council of Delegates (Seville, 25-27 November 1997).
Secretary-General's Bulletin:	Secretary-General's Bulletin on the Observance by United Nations forces of International Humanitarian Law of 6 August 1999, UN doc. ST/SGB/1999/13.
Statutes of the Movement:	The Statutes of the International Red Cross and Red Crescent Movement, adopted by the 25th International Conference of the Red Cross and Red Crescent (Geneva, October 1986) and amended by the 26th International Conference of the Red Cross and Red Crescent (Geneva, December 1995) and by the 29 <sup>th</sup> International Conference of the Red Cross and Red Crescent (Geneva, June 2006).

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**Part I.**  
**RECOMMENDATIONS ON OPERATIONAL ISSUES**  
**INVOLVING THE USE OF THE EMBLEM**

**Chapter A. USE BY STATE AUTHORITIES**

**1) *May a State party to an armed conflict temporarily change the emblem for the medical services of its armed forces?***

**Recommendations**

- Once a State has chosen its emblem (protective device) – the red cross, the red crescent or the red crystal – the authorized entities are entitled to use *permanently* only that emblem.
- However, on the condition that it "may enhance protection", the medical services of the armed forces of States party to AP III may *temporarily* use an emblem other than the one already chosen, whether in times of IAC or NIAC.
- Where AP III is applicable, the medical services of armed groups party to a NIAC, under the direction of their respective competent authorities, should be able to substitute *temporarily* the emblem they have already chosen with another one that may enhance their protection.<sup>32</sup>
- The possibility to change one's emblem temporarily must nevertheless be approached with the utmost seriousness. Besides the issues of national legislation and public image, the added value in terms of security (for the medical services that are considering changing emblems temporarily as well as for the other medical services and NS present in the context) must be given the most careful assessment. It must be borne in mind that the only appropriate motive for temporarily changing emblems should be the protection of those who are allowed to display the emblem.

[Articles 38 and 39, GC I; Article 12, AP II; Articles 1 and 2, AP III]

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<sup>32</sup> On the use of the emblem by the medical services of armed groups, see Question 23 of the Study.

**2) *May the medical services of States' armed forces use the red cross/red crescent "double emblem"?***

**Recommendation**

- Based on legal as well as on practical arguments, the use of a double emblem by the medical services of armed forces is not permitted.

[Article 38 and Article 44, 2<sup>nd</sup> para., GC I; Article 2, AP III]

**3) *May two different recognized emblems be displayed on the same sites and means of transport of the medical services of the armed forces of States acting in the same coalition?***

**Recommendations**

- Two different recognized emblems (protective devices) may be displayed on the same sites (e.g. hospitals) and means of transport (e.g. ambulances) that States acting in the same coalition share, provided that they cannot be perceived as a double emblem.
- The different emblems displayed on the same sites or means of transport must therefore be placed sufficiently far away from one another.
- Ideally, and where AP III is applicable, it would be advisable for States to agree on identifying such sites or means of transport with only one recognized emblem. It should logically be the emblem that is best known/accepted in the area where the action is deployed.

[Article 38, GC I; Article 2(4), AP III]

**4) *Who has the competence to authorize the use of the emblem for protective purposes? What role could National Societies have in this regard?***

**Recommendations**

- For **military entities** allowed to display the emblem (for protective purposes) under GC I (i.e. in IAC), a military authority of the State must be entrusted with the responsibility to authorize their use of it. This responsibility cannot be delegated to other institutions such as NS. Consequently, if NS, (the ICRC or the International Federation) receive requests from the medical services of armed forces, they should turn them down and redirect them to the competent military authority.



- For **civilian entities** allowed to use the emblem (for protective purposes) under GC IV and AP I, the responsible State authority may be either military or civilian. The State may delegate this competence to other institutions and the most suitable would be the NS. In that case, the NS may both authorize the marking of such entities and take an active part in their marking. Where the NS has been given the power to authorize the use of the protective emblem, it should also be allowed to distribute material of its own bearing the protective emblem (to the entities authorized to use the protective emblem).
- In NIAC, under AP II, governmental authorities (civilian or military) and *de facto* authorities of armed groups (civilian or military) may provide both authorization to use the emblem for protective purposes and material bearing the emblem.

[Article 39 and Article 42, 4<sup>th</sup> para., GC I; Article 18, 3<sup>rd</sup> para., GC IV; Article 18(1), AP I; Article 5, 1<sup>st</sup> para., 1991 Emblem Regulations]

**5) How must the emblem be used in occupied territory:**

- a) By the medical services of the Occupying State's armed forces?**
- b) By the civilian hospitals (and their staff), civilian medical units, personnel and means of transport of the Occupied State?**

**Recommendations**

- The medical services of the armed forces of the Occupying Power must display their own emblem (protective device) in the occupied territory, i.e. the emblem prescribed by the legislation or policies of the Occupying Power.<sup>33</sup>
- Officially authorized civilian hospitals, their buildings and staff, as well as civilian medical units, personnel and means of transport, must display the emblem of their own State (if the emblem is to be displayed). Presumably, the authorities of a State will have delivered the required authorization before a conflict arises, and thus, before occupation.
- If the competent body of the occupied State is still functioning, it should be allowed by the Occupying Power to continue granting recognition and authorization to display the emblem for protective purposes. If it is no longer functioning and cannot grant official recognition, the Occupying Power has to substitute itself for the authorities of the occupied State and is ultimately responsible for ensuring that the appropriate documents are issued.
- However, the emblem (protective device), used by civilian hospitals, their buildings and staff, should still be that of the Occupied State, since it would otherwise contravene the provision requiring the Occupying Power not to change the legislation of the occupied territory. It is difficult to imagine a situation in which the Occupying Power would be absolutely prevented from respecting the Occupied State's legislation on the emblem.

[Article 43, 1907 Hague Regulations; Article 39, GC I; Articles 18, 20, 21, 22, 56 and 64, GC IV; Articles 8 and 18, AP I]

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<sup>33</sup> On the possibility to change one's emblem, see Question 1 of the Study.

**6) *Are civilian hospitals and medical units allowed to display the emblem in peacetime?***

**Recommendations**

- The marking of all civilian hospitals and medical units (private and public) in peacetime for protective purposes is admissible under the following conditions:<sup>34</sup>
  1. *The civilian hospitals or medical units must be recognized as such.*  
This means that the hospitals/units must be organized to give care to the wounded and sick, the infirm and maternity cases. A civilian hospital that fulfils this condition has the right to be officially recognized and must be issued with a certificate of recognition by the proper authorities.
  2. *Once they have been recognized as such, the civilian hospitals and medical units may be identified by the emblem if authorized by the State.*  
The civilian hospitals and medical units recognized as such are not directly entitled to be marked by the emblem. The competent State authority must provide authorization for such marking.
  3. *When a State (or the authority to whom that State has delegated this power) decides whether to authorize the marking of civilian hospitals and medical units in peacetime, two points must be weighed against each other:*
    - a) The importance, for civilian hospitals and medical units authorized by the State, of being clearly identifiable from the very beginning of an armed conflict, to ensure their protection from attack;  
and
    - b) The risk of creating confusion within people's minds – including with the NS and its premises – if too many objects are marked with the emblem in peacetime. This entails the risk of eroding the protection attached to the emblem.
- Generally speaking, the marking of public hospitals or medical units with the protective emblem in times of peace should be avoided and discouraged, the only general exception to this rule being the painting of the roofs of hospitals and medical units. Civilian hospitals and medical units should be prepared to make themselves clearly identifiable from the very beginning of an armed conflict. One way in which they can do this is by equipping themselves in advance with large red cross or red crescent flags that can be displayed on their façades when needed.
- The emblem should not be used as a directional aid or road sign, for the purpose of guiding the public to civilian hospitals and medical units. That can be done by marking such hospitals and units with a different sign and one appropriate to the context, e.g. following certain provisions of the 1968 Vienna Convention on Road Signs and Signals, by using a white "H" on a blue background as the road sign for hospitals.<sup>35</sup>
- Since use of the indicative emblem is reserved solely for NS, civilian hospitals and medical units used by the NS (whether or not they belong to the NS) may display an indicative emblem, i.e. the logo of the NS.

[Article 27, 2<sup>nd</sup> para., 1907 Hague Regulations; Article 18, GC IV; Articles 8(e) and 18, AP I; Chapters I and II, Annex 1, AP I; Articles 10, 13, 14, 19 and 21, 1991 Emblem Regulations]

<sup>34</sup> Civilian hospitals and medical units include the hospitals and medical units belonging to, or used by, NS.

<sup>35</sup> For issues related to the 1968 Road Signs Convention, see Question 26 of the Study.

**7) *May the emblem be affixed to the relief goods provided by a State?***

**Recommendation**

- Only medical equipment and medical supplies necessary for medical care may bear the emblem, as a protective device. This includes both heavy equipment – e.g. equipment for an operating theatre or even an entire field hospital – and medicine. Food packages, on the contrary, do not fall into any of these categories and may not bear the emblem.

[Articles 19 and 39, GC I; Articles 8(e) and 18(4), AP I]

**8) *May a State include a recognized distinctive emblem on a white background on its national flag?***

**Recommendations**

- National flags of States party to the GC should not display any of the recognized emblems or any sign constituting an imitation thereof.
- However, if a State retains a flag bearing a recognized emblem, despite the prohibition against doing so, it should at least avoid using the flag when its armed forces are involved in an armed conflict.

[Articles 38, 53 and 54, GC I]

## Chapter B. USE BY NATIONAL SOCIETIES

### 9) *May a National Society temporarily change the emblem (protective or indicative uses)?*

#### Recommendations

- In principle, NS should not use an emblem other than the one accorded by their national authorities.
- However, there are two exceptions to this principle, but they apply only to **protective use**:
  - i. NS personnel and objects attached to the medical services of armed forces of a party to a conflict may change their emblem with the authorization of their State when they have to harmonize their emblem with the one that has been temporarily adopted or changed according to Article 2(4) of AP III, by those armed forces;<sup>36</sup>
  - ii. When, for example, a Red Cross NS of a State not party to the conflict lends assistance to the medical services of the armed forces of a "Red Crescent" State party to the conflict (Article 27 of GC I), its personnel and objects may change emblems, with the authorization of that NS's State (the "Red Cross State") and in accordance with its national legislation, in order to conform to the rules governing the protective use of the emblem established by the "assisted" party to the conflict.
- So far as **indicative use** is concerned, Article 3(3) of AP III stipulates that an NS may make temporary use of the distinctive emblem referred to in Article 2 of the same Protocol, i.e. the red crystal, provided that the following conditions are satisfied:
  - i. The use of the red crystal complies with national legislation;
  - ii. An exceptional circumstance justifies *temporary* use of the red crystal; and
  - iii. The NS is doing so to facilitate its work.

[Articles 26, 27, 38, 39, 40 and 44, GC I; Article 9(2)(b), AP I; Articles 2(4) and 3(3), AP III; Article 15, 1991 Emblem Regulations]

### 10) *May a National Society use the red cross/red crescent "double emblem" (indicative and protective use)?*

#### Recommendations

- The use of a double emblem as a **protective** device by an NS (or any other person or entity allowed to display the protective emblem) is not admissible.
- Only AP III provides NS with the possibility of using a double emblem within the red

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<sup>36</sup> An NS's personnel and objects are considered to be attached to the medical services of the armed forces of a party to a conflict when: (a) the NS acts as auxiliary to the medical services of the armed forces of its own State (Article 26 of GC I) or (b) the NS of a State not party to the conflict lends its assistance to a party to the conflict (Article 27 of GC I, Article 9(2)(b), of AP I and Article 15 of the 1991 Emblem Regulations).

crystal for indicative purposes. In accordance with Article 3(2) of AP III, an NS which has chosen to incorporate the double emblem within the red crystal may use, in conformity with national legislation, that double emblem **on its national territory**, even if it is not incorporated in the red crystal, but only for **indicative** purposes.

- NS working in coordination with the International Federation, subject to a service agreement, may use, upon the authorization of the International Federation, the Federation logo composed of a red cross and a red crescent side by side, set on a white background within a red rectangle, and accompanied by the name of the International Federation, only for indicative purposes.<sup>37</sup>

[Article 44, GC I; Articles 2 and 3, AP III; Chapter III, 1991 Emblem Regulations; Article 4(5), Statutes of the Movement]

**11) *May two different recognized emblems be displayed on the same sites and means of transport that are shared by National Societies?***

**Recommendations**

- Two different recognized emblems may be displayed for protective purposes on the same sites (e.g. hospitals) and means of transport (e.g. ambulances) that NS share, provided that they cannot be perceived as a double emblem.
- The different emblems displayed on the same sites or means of transport must therefore be placed sufficiently far away from one another.
- Ideally, and provided that nothing in their respective legislation prevents them to do so, it would be advisable for those NS to agree on identifying such sites or means of transport with only one recognized emblem, the one that is best known in the area where the action is deployed.
- Two NS may display their different logos on the sites or means of transport that they share, provided that this indicative use does in no way give the appearance of protective use. The NS should also ensure that such use cannot be perceived as the logo of the International Federation.

[Articles 38 and 44, GC I; Chapter III, 1991 Emblem Regulations]

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<sup>37</sup> Note, in this regard, that at the 1993 Council of Delegates, the International Federation and the ICRC pledged to apply the rules on indicative and decorative uses of the 1991 Emblem Regulations to the use of their own logos. See also Resolution 8 of the Council of Delegates of 1993 (Use of the emblem).

**12) *Under what conditions may National Societies use the emblem as a protective device?***

**Recommendations**

*In times of IAC:*

- When acting as auxiliary to the medical services of the armed forces of its own State, an NS may use the emblem as a protective device (Article 26 of GC I), under the following cumulative conditions:
  - i. It has been recognized and authorized by its own government authorities to assist the medical services of the armed forces of its own State;
  - ii. Only those NS personnel, units and equipment which assist the official medical services of the belligerent's armed forces, and are employed exclusively for the same purposes as the latter, make such use of the emblem; and
  - iii. These NS personnel and units have been placed under the control of that party to the conflict and are subject to its military laws and regulations.
- When lending the assistance of its medical personnel and units to the medical services of the armed forces of another State party to the conflict (Article 27 of GC I), the NS of a State not party to the conflict may use the emblem as a protective device under the same conditions stated above, provided that:
  - i. The NS has obtained authorization to do so from that particular party to the conflict;
  - ii. The adversary of the State accepting the assistance of the NS has been notified of the consent of the State of origin (the State not party to the conflict);
  - iii. The party to the conflict that is accepting such assistance has notified its adverse party that it is doing so.
- Whether on its own territory or abroad, an NS may use the emblem as a protective device to identify its hospital, under the following cumulative conditions:
  - i. The hospital has been recognized as a civilian hospital in the sense of GC IV by the State party to the armed conflict where the hospital is located;
  - ii. The hospital has been authorized to use the emblem as a protective device by that State.
- In accordance with AP I, an NS may use the emblem as a protective device to identify its medical personnel, units and transports, under the following cumulative conditions:
  - i. These personnel, units or transports correspond to the definitions of "medical personnel", "medical units" and "medical transports" contained in AP I;
  - ii. They have been recognized and expressly authorized to use the emblem as a protective device by the competent authority of the State party to the conflict where such personnel, units and transports are deployed;
  - iii. These personnel, units or transports make use of the protective emblem under the control of that State (or, if working abroad, under the control of the host NS, if designated to do so by the "host" State). This stipulation does not give the State the right to exercise rigid control over the activities of the NS; its aim is to ensure proper use of the emblem.

When an NS petitions a competent State authority for permission to use the emblem for protective purposes, in an IAC in which AP I does not apply, the ICRC encourages that authority to grant the necessary authorization, provided that the conditions of AP I are fulfilled.

*In times of NIAC:*

- NS's medical personnel, units and transports are authorized to use the emblem as a protective device on the following conditions:
  - i. The personnel, units or transports correspond to the definition of "medical personnel", "medical units" or "medical transports" contained in AP I;
  - ii. Consent to use the emblem has been granted by the competent authorities, whether governmental authorities (civilian or military) or authorities of the armed groups (civilian or military).
  - iii. The personnel, units or transports make use of the protective emblem under the control of the competent authority.

When an NS petitions competent authorities for permission to use the emblem for protective purposes, in a NIAC in which AP II does not apply, the ICRC encourages those authorities to grant the necessary consent, provided that the conditions of AP II are fulfilled.

[Articles 26, 27, 40 and 42, GC I; Article 18, 3<sup>rd</sup> para., and Article 21, GC IV; Article 8(c), (e) and (g), Article 9(2)(b), Article 12(2) and Article 18(4) and (8), AP I; Article 9 and 12, AP II; Article 15, 1991 Emblem Regulations; Article 2(3), Statutes of the Movement]

**13) *May a National Society use the emblem as a protective device during armed conflict without the express authorization of the authorities?***

**Recommendations**

- In times of armed conflict, an NS may use the emblem (protective device) without special permission from the authorities when those authorities are no longer able to discharge their responsibility for authorizing the use of the emblem.
- This use of the emblem for protective purposes is subject to the two following conditions:
  - i. The existence of urgent and obvious humanitarian needs that require the NS to act rapidly, in compliance with the Fundamental Principle of Humanity;
  - ii. The emblem is used to indicate the NS's medical activities protected by IHL.
- As soon as the competent authority is re-installed, the situation should be rectified, i.e. the NS should obtain the authorization to use the emblem.

[Articles 44 and 53, GC I]

**14) *May a National Society use a large-sized indicative emblem (the National Society's logo)?***

**Recommendations**

- In order to safeguard and reinforce the protective value of the emblem, it is important to always differentiate between protective and indicative uses of the emblem.
- Even if the most obvious and common method of making this distinction clear is the size of the emblem (the emblem when used for indicative purposes being small in size compared to the person or object displaying it), NS should, for indicative purposes, use their logos (the emblem together with the name or initials of the NS) rather than the emblem itself.
- First-aid NS workers might display a large-sized NS's logo, in the following exceptional circumstances:
  - i. in situations of internal disturbance and tension, (a) if it might enhance their medical assistance to victims of violence, and (b) if authorized, or at least not forbidden, to do so by national legislation; or
  - ii. in situations of natural disaster and in consultation with the lead agency (as defined under the Seville Agreement) and the ONS, if such use would significantly improve the chances of saving lives.
- The display of a large NS's logo should be avoided when NS's first-aid workers are sent out to cover the needs on occasions of leisure events, such as concerts or sporting events.

[Article 44, 2<sup>nd</sup> para., GC I; Articles 4, 16, 17, 19, 21 and 23, 1991 Emblem Regulations]

**15) *What are the implications, concerning the emblem/the NS's logo, of the authorization granted by host National Societies to participating National Societies under Resolution XI of the 1921 International Conference?***

**Recommendations**

- In general, national legislation for implementing IHL in the host State is paramount in determining what emblem (protective and indicative devices) is to be used. However, as far as possible, it should be interpreted and/or applied with sufficient flexibility to allow the following recommendations to be put into effect.
- An ONS should not refuse a PNS's assistance solely because of the emblem/logo used by that PNS.
- If the ONS accepts the assistance offered by the PNS, it should also accept the PNS's emblem/logo, provided that that emblem is recognized internationally.
- Only in the exceptional case that the security of the PNS's personnel is at risk could the ONS suggest that the PNS, in consultation with the lead agency, not use its emblem and/or logo.



- Victims' needs and the effectiveness of the Movement's response should remain the primary criteria by which all decisions to accept assistance from abroad must be governed.

[Preamble, para. 8, AP III; Fundamental Principles of the Movement (Humanity and Universality); Resolution XI, 10th International Conference of the Red Cross of 1921; Resolution VII, 16th International Conference of the Red Cross of 1938]

**16) *What rules should govern the use of the emblem/"double emblem"/logos when a component of the Movement works in partnership with a UN agency or some other external partner?***

**Recommendations**

- The NS must retain sole control and all rights over its logo, i.e. the emblem shown in association with its name or initials, and the emblem.
- The use of the **emblem** (as a protective device) together with the logo of an external partner is prohibited.
- The use of the **NS's logo** (as an indicative device) together with the logo of an external partner should be avoided.
- The use of the NS's logo (and its name) together with the logo of an external partner is permitted only under the following cumulative conditions:
  - i. In exceptional circumstances, i.e. if no way of avoiding such joint use exists, in connection with humanitarian activities or dissemination campaigns;
  - ii. For a specific undertaking, i.e. for a specific project of limited duration;
  - iii. If the external partner is a humanitarian organization;
  - iv. If the joint use is discreet and does not give rise to confusion in the public mind between the NS and the external partner. In practice, this might be effected by the use of verbal statements clarifying the relationship between the NS and its external partner;
  - v. If it is not displayed on buildings and equipment, including vehicles and other means of transport; and
  - vi. Where it does not compromise the NS's identity as a neutral, impartial and independent actor.
- The NS is responsible for ensuring that all the foregoing conditions (based on the 1991 Emblem Regulations and the 2003 Minimum Elements) are reflected in the agreement concluded with the external partner and complied with.
- In addition, if there is a change in the conditions that led the NS to accept the joint use of logos, the NS must be in a position to terminate such joint use, in order to protect its image and that of the Movement. The chief consideration, at all times, is to ensure the NS's security and its access to victims.

- The NS should be willing, and capable of, explaining to the external partner the importance of avoiding, as much as possible, the use of “double logos” and the mutual advantages of this policy.
- These restrictions do not in any way reduce or nullify the efforts to be undertaken to acknowledge to the fullest extent possible the external partner as donor and partner in reports, statements, advertisements and in all other such materials pertaining to the project.

[Article 25, 1991 Emblem Regulations; "Minimum Elements to be included in operational agreements between Movement components and their external operational partners", annexed to Resolution 10 adopted by the Council of Delegates in 2003 (2003 Minimum Elements); Fundamental Principles of the Movement (Independence, Neutrality and Impartiality)]

***17) May the National Society's logo (or the emblem) be affixed to relief goods provided by a National Society?***

**Recommendations**

- Only relief goods that qualify as “medical equipment” or “medical supplies” may be marked by the protective emblem, when the NS providing such medical equipment or supplies is authorized to use the emblem as a protective device.
- Where indicative use of the emblem is concerned:
  - i. The NS's logo must not be displayed on the means of transport used for the consignment of relief goods, unless the means of transport is owned by or used and operated exclusively by the NS;
  - ii. The NS's logo should not be displayed on the contents of relief consignments. Even though the packages containing relief goods may display the NS's logo, it should not appear on the contents of those packages, i.e. on each single item of relief.

[Articles 26 and 44, 1<sup>st</sup> para, GC I; Article 18(1), AP I; Articles 10 and 27, 1991 Emblem Regulations]

**18) *In what circumstances may a National Society use the national flag in association with the emblem?***

**Recommendations**

- An NS may display its national flag in association with the emblem for **protective purposes** under the following circumstances:
  - i. In an IAC – either on its own territory or overseas – when an NS is acting as auxiliary to the medical services of its State's armed forces. Such joint display may be made on the uniforms of NS personnel and on their units and equipment; also, the protective emblem may be displayed on their units together with their national flag. If the NS personnel are captured and held, they may continue to display both the emblem and their national flag on their uniforms and equipment. However, in such circumstances the NS is not permitted to continue to fly any flag other than the emblem over its units.
  - ii. In an IAC outside its own territory, when the NS of a neutral country, with the proper authorization, lends the assistance of its medical personnel and units to a party to the conflict. Such joint display may be made on the uniforms of NS personnel and on their units and equipment. The protective emblem may be displayed on their units together with the national flag of the belligerent, whose medical services they are assisting. Generally, the NS may also fly its own national flag over its units, unless, the responsible military authorities of the belligerent decide the contrary. If the NS personnel fall into the hands of the adverse party, they may continue to display both the emblem and their national flag on their uniforms, units and equipment. However, in such circumstances, the NS is not permitted to continue to fly the national flag of the belligerent whose medical services it is assisting.
  - iii. In an NIAC, NS personnel and units acting as auxiliary to the medical services of their State's armed forces may jointly display the national flag with the emblem, when such joint display is the practice among the said medical services. In all other circumstances, NS personnel and units should avoid joint use of the national flag with the emblem, so that they may be seen to be upholding the Fundamental Principles of the Movement and, thereby, retain the confidence of all parties to the conflict.
- In principle, an NS should avoid displaying its national flag in association with the emblem for **indicative purposes** (NS's logo). Doing so might undermine the emblem's neutral character. It might also call into question the neutrality, independence and impartiality of the NS and, by association, that of other components of the Movement.
- However, it is admissible that, in peacetime and on its own territory, an NS display its national flag in association with its logo, to acknowledge the cooperation or some other form of support provided by its national authorities in carrying out a specific humanitarian task or service. A wording explaining the relationship between the NS (its logo) and the State (the national flag) would help to preserve the distinction between NS and public authorities.

[Articles 26, 27, 28, 36, 40, 42, 43 and 44, GC I; Articles 42 and 43, GC II; Articles 18, 33 and 40, GC III; Articles 3, 23 and 25, 1991 Emblem Regulations; Fundamental Principles of the Movement (Independence, Neutrality and Impartiality)]

## Chapter C. USE BY THE ICRC

- 19) ***Under what circumstances may the ICRC decide not to display the red cross emblem? In such circumstances, under what conditions may the ICRC:***
- a) decide not to use any emblem at all?***
  - b) decide to use the red crystal emblem?***
  - c) decide to use the red crescent emblem?***

### Recommendations

- In the vast majority of situations, the ICRC has had no problem at all with the emblem it uses. However, *in exceptional circumstances* where ICRC staff might be at risk (e.g. because of criminal targeting of the red cross or because of certain perceptions attached to the emblem), the ICRC may (1) *provisionally* renounce its use of the emblem – either as a protective or as an indicative device – and/or (2) consider the option of armed protection.<sup>38</sup> In such *exceptional circumstances*, the ICRC may decide to renounce the use of the red cross emblem – either as a protective or as an indicative device, e.g. (1) for ICRC visits to detainees (2) for ICRC bilateral contacts (3) for ICRC cooperation activities (4) for ICRC dissemination activities (5) for ICRC assistance and field activities (6) for ICRC media interviews (7) on Red Cross messages (8) on ICRC-sponsored or ICRC-rehabilitated sites, facilities and equipment and (9) on ICRC motor vehicles or other means of transport, such as cars, aircraft and boats or ships.
- The ICRC is authorized to use the red crystal emblem in accordance with AP III. *In exceptional circumstances* where using the red cross emblem may constitute a factor of risk for the safety of the staff, the *red crystal* might be deemed to contribute to acceptance of the ICRC's neutral and independent humanitarian action. However, the decision to use the red crystal may be taken only after assessing the necessity of first disseminating information about its significance and use.
- In conformity with its Statutes and in accordance with the 10<sup>th</sup> para. of the Preamble to AP III, the ICRC has no intention of changing either its emblem or its name.
- Although this would happen only in exceptional circumstances, the ICRC may decide to use temporarily the red crescent emblem if operational necessities absolutely require it.

[Common Article 1, GC; Article 44, 3<sup>rd</sup> para., GC I; Preamble, 10<sup>th</sup> para., and Article 4, AP III; Articles 3, (2), 3<sup>rd</sup> sub-para., 5(2)(g) and 6(4)(j), Statutes of the Movement; Articles 3(2) and 4(1)(g), Statutes of the ICRC]

<sup>38</sup> On the ICRC's use of the emblem when accompanied by armed escorts or while under armed protection in some other form, see Question 21 of the Study.

**20) *What is the distinction between the red cross emblem and the ICRC's logo? How does the ICRC use them?***

**Recommendations**

- The ICRC's logo is in the form of a “roundel” i.e. a red cross enclosed in two concentric circles between which the words "COMITE INTERNATIONAL GENEVE" are written, with the appropriate initials (CICR, ICRC, MKKK, etc.) below them.
- The ICRC's logo is used for indicative purposes.
- The ICRC is entitled to display its logo (for indicative purposes) together with the red cross emblem (for protective purposes) on the same objects.

[Article 44, 3<sup>rd</sup> para., GC I; Articles 1, 4 and 5, 1991 Emblem Regulations]

**21) *How may the ICRC use the emblem when it resorts to armed protection?***

**Recommendations**

- When it resorts to armed protection, the ICRC decides, on a case-by-case basis, whether to use the emblem.
- Its decision is based, in particular, on the following considerations:
  - i. The ICRC's (e.g. its convoy's) need to be identified by the parties to the conflict;
  - ii. The risk of blurring the distinction between the ICRC and its armed protectors.
- Whenever it decides to make use of armed protection, the ICRC should:
  - i. Explain to the parties to the conflict its reasons for doing so, and what it means;
  - ii. Ensure respect for the distinction between humanitarian workers and their armed protectors, in particular by ensuring that armed guards are not staff members of one of the components of the Movement and that they do not use the emblem.

[Resolution 5, *Armed protection of humanitarian assistance*, Council of Delegates, 1993; Resolution 9, *Armed protection of humanitarian assistance*, Council of Delegates, 1995]

## Chapter D. USE BY OTHER ACTORS

### 22) *May medical services of armed forces operating under UN auspices display the emblem? May UN agencies display the emblem?*

#### Recommendations

- Since they are drawn from national contingents, the **armed forces operating under UN auspices** may use the protective emblem for their medical services, as authorized by IHL rules for the medical services of States' armed forces.
- The medical services of the different armed forces operating under UN auspices must ensure that the different protective emblems (e.g. red cross and red crescent) are not displayed in a way that amounts to use of a double emblem, in particular on sites (such as hospitals) and on means of transport (such as ambulances).<sup>39</sup> The different emblems displayed on the same sites or means of transport must therefore be placed sufficiently far away from one another.
- If the UN command decides to use only one of the recognized emblems for protective purposes, then the primary criterion – to ensure optimal protection – requires that the emblem that enjoys the greatest familiarity in the area of operation be chosen.
- Furthermore, if used, the distinctive signs of the UN, e.g. the lettered sign saying “UN”,<sup>40</sup> must be displayed separately from the protective emblem, which must retain its original and pure form (without alteration or addition). They should not be placed on the same side, on, for instance, ambulances or other medical vehicles.
- **UN agencies** are not entitled to use the distinctive emblem (protective and indicative). The only exceptions to this stipulation would be the UN's first-aid posts or ambulances, which may, lawfully, display the distinctive emblem (small in size), but only if the following five conditions are cumulatively fulfilled:
  - i. The use of the emblem is permissible only in peacetime;
  - ii. Such use must be in conformity with national legislation;
  - iii. It must have the express authorization of the NS;
  - iv. The first-aid posts (or ambulances) must be used exclusively for the sick and wounded, and the aid furnished must be free of charge; and
  - v. The emblem may be used only as an exceptional measure.
- However, UN agencies are encouraged not to make use of the emblem to indicate their first-aid stations (ambulances), but rather to use an alternative sign, such as the white cross/white crescent on a green background, together with the words “First Aid”.<sup>41</sup>

[Article 44, 1<sup>st</sup> and 4<sup>th</sup> paras, GC I; Article 5, AP III; Article 9.7, Secretary-General's Bulletin]

<sup>39</sup> On the issue of choosing one recognized emblem to identify the medical services of the armed forces of States acting in coalition, see Question 3 of the Study.

<sup>40</sup> The expression “distinctive signs of the UN” is used in this Question to cover the distinctive emblem and signs of the UN mentioned under Articles 37 and 38 of AP I.

<sup>41</sup> This sign is officially recognized for use in many States. In this regard, see also Questions 14, 26 and 40 of the Study.

**23) *May the medical services of armed groups use the emblem during non-international armed conflicts?***

**Recommendation**

- Medical services of armed groups are authorized to use the emblem as a protective device on the following conditions:
  - i. The personnel, units or transports correspond to the definition of “medical personnel”, “medical units” or “medical transports” contained in AP I;
  - ii. Consent to use the emblem has been granted by the authorities of the armed groups (civilian or military).
  - iii. The personnel, units or transports make use of the protective emblem under the control of the competent authority.

When medical services of armed groups petition competent authorities for permission to use the emblem for protective purposes, in a NIAC in which AP II does not apply, the ICRC encourages those authorities to grant the necessary consent, provided that the conditions of AP II are fulfilled.

[Article 8(c), (e) and (g), AP I; Articles 9 and 12, AP II]

**24) *Are entities other than medical services of States’ armed forces or components of the Movement, particularly non-governmental organizations (NGOs), ever allowed to display the emblem as a protective device?***

**Recommendations**

- Private non-Red Cross/Red Crescent organizations<sup>42</sup> (e.g. NGOs) are not as such entitled to use the emblem (protective and indicative devices).
- Under Article 26 of GC I, when acting as auxiliary to the medical services of the armed forces of its own State, an organization of this kind may use the emblem as a protective device, under the following cumulative conditions:
  - i. The organization has been recognized and authorized by its own government authorities to assist the medical services of the armed forces of its own State;
  - ii. The emblem is to be used only for those personnel, units and equipment of the organization that are assisting the medical services of the armed forces and employed exclusively for the same purposes as the latter;
  - iii. Such personnel and units have been placed under the authority of their own armed forces and are subject to their military laws and regulations.

<sup>42</sup> The expression “private non-Red Cross/Red Crescent organizations” will be used in this Question to identify those entities that are not medical services of States’ armed forces and not components of the Movement.

- Under Article 9(2)(b) of AP I, private non-Red Cross/Red Crescent organizations that are recognized as being auxiliary to the military medical services of their State of origin, which is not party to the conflict, may use the emblem as a protective device, under the following cumulative conditions:
  - i. The personnel, units and transports of such organizations are made available to a party to the conflict;
  - ii. They undertake exclusively medical activities;
  - iii. They are duly authorized to act by their State of origin and by a party to the conflict;
  - iv. They are under the supervision of the authorities of a party to the conflict;
  - v. The adversary of the State accepting the assistance of such an organization has been notified that the State of origin consents to the organization's activities;
  - vi. The party to the conflict has communicated its acceptance of assistance to its adverse party.
- Under Article 9(2)(c) of AP I, "impartial international humanitarian organizations" – provided that they respect the principle of impartiality, are humanitarian in nature and carry out humanitarian activities – may use the emblem as a protective device, under the conditions fixed by Article 9(2)(b) of AP I (see above), excluding that of being duly authorized to act by their State of origin.
- Under Article 18(4) of AP I, private non-Red Cross/Red Crescent organizations may use the emblem as a protective device to identify their medical units and transports, under the following cumulative conditions:
  - i. The units and transports correspond to the definition of "medical units" or "medical transports" contained in AP I;
  - ii. They have been recognized and expressly authorized to use the emblem as a protective device by the competent authority of one of the States party to the conflict; and
  - iii. The units or transports make use of the protective emblem under the control of this State's authority (or that of the host NS, if so decided by the State).
- In an NIAC, **local** private non-Red Cross/Red Crescent organizations may use the emblem as a protective device, under the following conditions:
  - i. The personnel, units or transports of the organizations correspond to the definition of "medical personnel", "medical units" or "medical transports" contained in AP I;
  - ii. Consent to use the emblem has been granted by the competent authorities, whether governmental authorities (civilian or military) or authorities of the armed groups (civilian or military);
  - iii. The personnel, units or transports make use of the protective emblem under the control of the competent authority.

[Article 18, 3<sup>rd</sup> para., and Articles 24-27, 44, 53 and 54, GC I; Articles 18-20, GC IV; Articles 8(c), (e) and (g), 9, 12, 15, 16, 18, 62, 64 and 66(9), AP I; Articles 9, 10 and 12, AP II]



**25) *The use of the emblem on third parties' ambulances and first-aid stations, under Article 44, 4th para., of the First Geneva Convention of 1949: what is the role of National Societies?***

**Recommendations**

- Under GC I, third parties' ambulances and first-aid stations may use the emblem on the following cumulative conditions:
  - i. The emblem may be used only as an exceptional measure;
  - ii. Such use must be in conformity with national legislation;
  - iii. It is subject to the express authorization of the NS;
  - iv. The ambulances and first-aid stations must be used exclusively for the sick and wounded, and the aid furnished must be free of charge;
  - v. The use is permissible only in peacetime.
- Even if allowed to do so by national legislation, NS are advised to be extremely cautious when authorizing use of the emblem by third parties' ambulances and first-aid stations because of the potential for confusion, particularly with NS premises and property.
- If national legislation provides for this possibility for NS, it must contain all the conditions listed in Article 44, 4<sup>th</sup> para., of GC I. It could restrict the use of the emblem by third parties' ambulances and first-aid posts or make it subject to additional safeguards, e.g. the consent of an official agency, supervision. However, national legislation may not, of itself, permit the use of the emblem on such ambulances or first-aid stations without the express permission of the NS.
- If the NS nevertheless decides to avail itself of the possibility of granting authorization for the use of the emblem, the following criteria must be fulfilled:
  - i. the aid is furnished without discrimination, particularly with regard to nationality, race, religious beliefs, class or political opinions;
  - ii. the third party and its staff do not take sides in hostilities or engage in controversies of a political, racial, religious or ideological nature;
  - iii. no confusion is created in the public mind between such ambulances and first-aid stations and the NS (its vehicles, units and so on) – an explanatory phrase, e.g. *Free Medical Treatment*, could be employed beside the emblem;
  - iv. the ambulances and first-aid stations in question have made a written request to use the emblem to the NS, together with a written commitment to respect the rules governing such use of the emblem;
  - v. the authorization is approved by the NS's central leadership;
  - vi. the NS can exercise effective and permanent control of the use of the emblem; and
  - vii. the emblem must be comparatively small in size so that it is not confused with the emblem used for protective purposes.
- NS are recommended, during situations of internal violence or when an armed conflict is imminent, not to issue fresh authorizations to third parties' ambulances and first-aid posts and to withdraw those authorizations already granted.

[Article 44, 4<sup>th</sup> para., GC I; Articles 22 and 23, 1991 Emblem Regulations; Fundamental Principles of the Movement (Impartiality and Neutrality)]

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**Part II.**  
**RECOMMENDATIONS ON COMMERCIAL AND OTHER NON-OPERATIONAL**  
**ISSUES INVOLVING THE USE OF THE EMBLEM**

**Chapter A. USE BY STATE AUTHORITIES**

**26) *The United Nations Convention of 8 November 1968 on road signs and signals and the European Agreement of 1 May 1971 supplementing the Convention on road signs and signals: Are they compatible with the rules governing the use of the emblem?***

**Recommendations**

- The provisions of the 1968 Road Signs Convention concerning hospital and first-aid station signs are not in conformity with the rules on the use of the emblem (especially the GC) because:
  - i. the only purpose for which civilian hospitals may be marked with the emblem in peacetime, namely to be clearly identifiable from the very beginning of an armed conflict, is not served; and
  - ii. the application of those provisions of the 1968 Road Signs Convention would create confusion with the NS (and its premises).
- The 1968 Road Signs Convention (as well as the 1971 European Supplementary Agreement) should eventually be modified in order to uphold the provisions of the GC: in particular, the emblems represented in signs F (1a, 1b and 1c) to indicate first-aid stations should be replaced.
- To indicate hospitals, it is strongly advised to only employ the white capital letter "H" on a blue background (sign E, 13a).
- NS should try as much as possible to disseminate the signs for hospitals (a white capital "H" on a blue background) and an alternative sign for first-aid stations (first-aid sign of a white cross/crescent on a green background), and advise their authorities not to use the emblem on road signs.<sup>43</sup>

[Article 44, 4<sup>th</sup> para., GC I; Article 18, GC IV; Preamble; Article 5(1)(b) and (c); Annex 1, Section E.II, para. 11; Annex 1, Section F.II, para. 1; Signs E (13a, 13b) and F (1a, 1b and 1c), United Nations Convention of 8 November 1968 on road signs and signals (1968 Road Signs Convention); European Agreement of 1 May 1971 supplementing the Convention on road signs and signals, (1971 European Supplementary Agreement)]

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<sup>43</sup> The white cross/white crescent on a green background is officially recognized for use in many countries. On the use of this first-aid sign, see also Questions 14, 22 and 40 of the Study.

## Chapter B. USE BY NATIONAL SOCIETIES

### ***27) May a National Society display the emblem/its logo on items that it distributes or sells to the public?***

#### **Recommendations**

- It is prohibited to display the emblem (protective device, i.e. in its original form without accompanying wording) on items distributed or sold by an NS to the public.
- In promotional, dissemination or fundraising campaigns, an NS may display its logo (indicative device) on items that it distributes or sells to the public, on the following cumulative conditions:
  - i. Nothing in the sale or in the nature of the items is inconsistent with the Fundamental Principles of the Movement or tarnishes the prestige of the emblem or reduces the respect due to it;
  - ii. The items displaying the NS's logo should in no way suggest the protection of IHL (the NS's logo is reduced in size) or membership in the Movement (the NS's logo should be accompanied by a text or graphic design identifying the campaign);
  - iii. The distribution or sale must not last over a long period of time.

[Article 53, 1<sup>st</sup> para., GC I; Preamble, and Articles 3 and 23, 1<sup>st</sup> and 2<sup>nd</sup> paras, 1991 Emblem Regulations]

### ***28) May a National Society allow its partner companies to display the emblem/the National Society's logo on items for distribution/sale or on advertising material?***

#### **Recommendations**

- The "Movement policy for corporate sector partnerships", adopted by the 2005 Council of Delegates, must be respected whenever an NS enters into partnership with the corporate sector.
- NS are never allowed to authorize partner companies to display the emblem (protective device, i.e. in its original form without accompanying wording).
- NS, in accordance with Article 23, 4<sup>th</sup> para., of the 1991 Emblem Regulations, may authorize partner companies to mention a donation or other contribution to the NS's work on **items for sale or distribution** – in compliance with Article 23, 3<sup>rd</sup> para., sub-paras a) and c)-h), of the 1991 Emblem Regulations – **without displaying the NS's logo**, and with the provision that such mention remains discreet and does not give rise to confusion about the relationship between the NS and its partners.

- An NS may authorize a partner company to display the NS's logo (indicative device) on the partner's **advertising material**, only on the following cumulative conditions:
  - i. the NS's logo is small in size and accompanied by a clear explanation of the assistance given to the NS;
  - ii. it must be in compliance with Article 23, 3<sup>rd</sup> para., sub-paras a) and c)-h), of the 1991 Emblem Regulations, e.g. the display is linked to a particular event or campaign and limited in time and space;
  - iii. such display remains discreet and does not give rise to confusion about the relationship between the NS and its partner.

[Article 53, 1<sup>st</sup> para., GC I; Preamble and Article 23, 3<sup>rd</sup> and 4<sup>th</sup> paras, 1991 Emblem Regulations; Resolution 10 of the 2005 Council of Delegates, Annex: "Substantive provisions of the International Red Cross and Red Crescent Movement policy for corporate sector partnerships."]

**29) May the National Society display:**

- a) *The name/logo of its corporate supporter on the National Society's website?*
- b) *The emblem/the National Society's logo on the website of its corporate supporter?*

**Recommendations**

- The "Movement policy for corporate sector partnerships", adopted by the 2005 Council of Delegates, must be respected whenever an NS enters into partnership with the corporate sector.
- The rules governing the use of the emblem, in particular Article 23 of the 1991 Emblem Regulations, fully apply to the use of the NS's logo (and name) on the Internet as to any other use.<sup>44</sup>
- **On its website**, an NS may display the logo of key corporate supporters (for purposes of acknowledging very significant support), provided that all the following conditions, based upon Article 23, 3<sup>rd</sup> para., of the 1991 Emblem Regulations, are met:
  - i. No confusion must be created between the identities of the NS and its corporate supporter: the reason why the corporate supporter's name/logo is displayed on the NS's website must be clear (e.g., the corporate supporter's logo could be accompanied by a descriptive statement such as "the XYZ Company is proud to support the NS Measles Initiative");
  - ii. The NS must retain control over the display of the logo and name of the corporate supporter on its website;
  - iii. The display of the logo and name of the corporate supporter must be linked to one particular activity and be limited in duration;
  - iv. The corporate supporter must not be engaged, in any way, in activities running counter to the Movement's objectives and Fundamental Principles or in any activity that might be regarded by the public as controversial;
  - v. The material or financial advantage that the NS gains from the support must be substantial;

<sup>44</sup> On measures for tackling the misuse of the emblem (and the name) on the Internet, see Question 44 of the Study.

- vi. The display of the logo and name of the corporate supporter must be part of a written contract/agreement with the NS, which must have the formal approval of the NS's central leadership. The NS must reserve the right to cancel such a contract or agreement at any time and at very short notice, should the supporter's activities undermine the respect for or the prestige of the emblem.
- **On the NS corporate supporter's website**, the NS's logo (indicative device) may be displayed for the supporter's advertising purposes only if:
  - i. All the conditions mentioned above (in the case of the NS website) are met, with the exception of condition "ii" above (direct control retained by the NS);
  - ii. A statement on the corporate supporter's website must make clear the nature of the assistance received by the NS and that the display of the NS's logo is not to be understood to mean that the NS endorses the corporate supporter, its products, services, opinions or political positions; and
  - iii. The written contract/agreement between the NS and the corporate supporter must include the following elements:
    - a. The corporate supporter must obtain the NS's approval before any and every use of the NS's logo on the corporate supporter's website;
    - b. The corporate supporter must remove the NS's logo from its website immediately after it is told to do so by the NS.
- The NS must not allow the display of the emblem (protective device, i.e. in its original form without accompanying wording) on the websites of third parties and should authorize the display of its logo/name on its corporate supporters' websites with the utmost restraint.

[Preamble and Article 23, 3<sup>rd</sup> and 4<sup>th</sup> paras, 1991 Emblem Regulations; Resolution 10 of the 2005 Council of Delegates, Annex: "Substantive provisions of the International Red Cross and Red Crescent Movement policy for corporate sector partnerships"]

**30) *May National Society's trading companies or other legal entities, owned or controlled by the National Society, whose profits or funds are devoted to the National Society, use the emblem/the logo of the National Society?***

### **Recommendations**

- NS's trading companies (legal entities owned or controlled by the NS) are not allowed to use the emblem (protective device, i.e. in its original form without accompanying wording).
- An NS may allow its trading company to use the NS's logo (indicative device) provided that the following conditions are met:

*With regard to the NS's trading company:*

- i. Sales of object or services by the NS's trading company must not become more representative of the NS's work than its humanitarian and social activities; and
- ii. The NS's trading company must not in any way be engaged in activities running counter to:
  - a. the Movement's objectives and Fundamental Principles;
  - b. principles of IHL; and

c. internationally recognized human rights standards.

*With regard to the use of the NS's logo by the NS's trading company:*

- i. The limits of Articles 2 to 5 of the 1991 Emblem Regulations are respected, notably the NS's logo must be small in size and must not be over-used or displayed on inappropriate objects;
- ii. No confusion must be created in the public's mind between the NS's trading company's activities or the quality of its products and the emblem or the NS itself;
- iii. The NS must retain strict control over use of its logo;
- iv. The NS should have a written agreement with the company, authorizing and regulating its use of NS's logo.

[Articles 2-5, 23 and 24, 1991 Emblem Regulations; Fundamental Principles of the Movement; Resolution 10, Annex: "Substantive provisions of the International Red Cross and Red Crescent Movement policy for corporate sector partnerships", 2005 Council of Delegates]

**31) *Sponsoring: to what extent may sports teams/players display the emblem/the logo of a National Society for promotion and/or fundraising purposes? What kinds of contracts are possible and what are their limits?***

**Recommendations**

- The "Movement policy for corporate sector partnerships", adopted by the 2005 Council of Delegates, must be respected whenever an NS enters into partnership with the corporate sector.
- The large-sized emblem (protective device, i.e. in its original form and without accompanying wording) must never be displayed by sports teams/players having a partnership with an NS.
- Because it might undermine the public image of the NS (and thereby of the Movement) and the prestige of the emblem, NS are strongly recommended not to authorize sports teams/players to display NS's logos (indicative device).
- If an NS nevertheless decides to authorize sports teams/players to display its logo for fundraising/promotion purposes, the following cumulative conditions must be met:
  - i. the sponsorship in general supports the Fundamental Principles of the Movement and, in particular, the cooperation with the sports team/player in no way jeopardizes the neutrality and independence of the NS or of any other component of the Movement;
  - ii. the behaviour/activities of the sports team/player must in no way tarnish the prestige of nor reduce the respect due to the emblem;
  - iii. the NS's logo on the team's jerseys is small in size and should be accompanied by a short text explaining the sponsorship;
  - iv. as far as possible, the NS's logo is clearly separated from other logos on the team's jerseys, to avoid confusing the NS with the companies represented by the other logos and any suggestion of association with them;
  - v. the logo is used only on the jerseys worn by the players and not on the jerseys that the sports teams/clubs might sell to the public;

- vi. the contract between the NS and the sports teams/players must:
  - a. be in writing;
  - b. be valid only for a short period of time (e.g. one to three years);
  - c. contain all the foregoing conditions governing the use of the NS's logo;
  - d. be terminated by the NS with immediate effect, without it being liable for any compensation, whenever the conditions governing the use of the NS's logo are violated or whenever the prestige of the emblem is undermined by the activities or behaviour of the sports teams/players.

[Preamble, Articles 2-5 and Article 23, 1991 Emblem Regulations; Resolution 10 of the 2005 Council of Delegates, Annex: "Substantive provisions of the International Red Cross and Red Crescent Movement policy for corporate sector partnerships"]

**32) *Graphic depiction of the International Red Cross and Red Crescent Movement and its components: which emblems and logos should be displayed on cover pages of National Societies' publications and in what manner?***

**Recommendations**

- As components of the Movement and members of the International Federation, NS are allowed to display the red cross and red crescent emblems side by side (representing the Movement) and the International Federation's logo on their own publications.
- NS may not display the ICRC's logo on such publications, unless authorized by the ICRC.<sup>45</sup>
- If an NS decides to display the International Federation's logo on the cover pages of their own publications, it may add a descriptive statement, such as, "A member of the International Federation of Red Cross and Red Crescent Societies".
- As far as the graphic depiction of the Movement is concerned, in view of recent developments in international law (i.e. the adoption of AP III), NS are recommended to display – in the chronological order of their adoption – the red cross, the red crescent and the red crystal. Since the components of the Movement should not use them in a way that might suggest a change of name or emblem for the Movement, a descriptive statement should accompany such display, for instance:
  - i. "Distinctive emblems of the International Red Cross and Red Crescent Movement";
  - or
  - ii. "Distinctive emblems which may be used by the components of the International Red Cross and Red Crescent Movement."<sup>46</sup>

[Preamble, para. 10, AP III; Article 3(2), 3<sup>rd</sup> sub-para., Statutes of the Movement]

<sup>45</sup> On the use by the ICRC of its logo, see Question 20 of the Study.

<sup>46</sup> These are examples of statements. NS are free to select different wording provided that it conveys a correct message. In case of doubt, NS are invited to consult the ICRC. On the ICRC's policy regarding this issue, see Question 34 of the Study.

**33) *What emblems and logos should National Societies reproduce on their letterheads?***

**Recommendations**

- On their letterheads, NS should adopt a logo (indicative device) that is strict in its design (the emblem together with the name or initials of the NS), without any decoration, as an application of the general rules about the logo.
- As far as the adoption of the red crystal is concerned, NS that wish to use, for indicative purposes, a combination of emblems (Article 3(1)(a) of AP III) or another emblem which has been in effective use by a High Contracting Party and meets the other requirements of Article 3(1)(b) of AP III, should include their chosen emblem(s) in the red crystal on letterheads and on any other material which is likely to be sent out of their national territory.
- As members of the International Federation, it is possible for NS to add the International Federation's logo to their letterheads. This should be accompanied by a descriptive statement, such as, "A member of the International Federation of Red Cross and Red Crescent Societies".
- As far as the graphic depiction of the Movement is concerned, in view of recent developments in international law (i.e. the adoption of AP III), it is recommended that NS display – in the chronological order of their adoption – the red cross, the red crescent and the red crystal. Since the components of the Movement should not use them in a way that might suggest a change of name or emblem for the Movement, a descriptive statement should accompany such display, for instance:
  - i. "Distinctive emblems of the International Red Cross and Red Crescent Movement"
  - or
  - ii. "Distinctive emblems which may be used by the components of the International Red Cross and Red Crescent Movement."<sup>47</sup>
- In order to avoid creating confusion between the different components of the Movement, NS must not add the ICRC's logo to their letterheads.
- Because of the strictly indicative nature of letterheads, the components of the Movement should not display the logo of an external partner together with their own logos on their letterheads, in order to avoid assuming the identity of that partner.<sup>48</sup>

[Article 44, 1<sup>st</sup> para., GC I; Articles 1 and 5, 1991 Emblem Regulations; Articles 2 and 3(1) and (2), AP III]

<sup>47</sup> On the ICRC's policy regarding this issue, see Question 34 of the Study.

<sup>48</sup> For a further consideration of the use of such a "double logo", see Question 17 of the Study.



## Chapter C. USE BY THE ICRC

### **34) *What emblems should the ICRC display on its publications related to the International Red Cross and Red Crescent Movement?***

#### **Recommendations**

- In principle, the ICRC should display the red cross, red crescent and red crystal emblems on all its publications that are related to the emblem or to other Movement issues.
- The display of the emblems should reflect the chronological order of their adoption: the red cross first, then the red crescent and, lastly, the red crystal.
- Since the components of the Movement should not use the emblems in a way that could be interpreted as suggesting a change of name or emblem for the Movement, an explanatory statement should accompany the display of the three distinctive emblems on the cover pages of ICRC *reference documents* that are related to Movement issues. The ICRC has chosen the following phrase: "Distinctive emblems of the International Red Cross and Red Crescent Movement."<sup>49</sup>

[Preamble, para. 10, AP III; Article 5(2)(g), Statutes of the Movement; Article 4(1)(g), Statutes of the ICRC]

### **35) *How does the ICRC use its name, logo and image for commercial purposes?***

#### **a) Presentation of the Guidelines on the use of the name and image of the ICRC by providers of goods and services.**

##### **Guidelines on the use of the name and image of the ICRC by providers of goods and services (Adopted in September 2005)** (Abstracts)

##### **General principle**

Providers may not use the ICRC logo.<sup>50</sup> This logo may only be used, on certain conditions, by donor companies that enter into partnership with the ICRC. Beforehand, the ICRC shall carry out an ethical evaluation of the activities and behaviour of these companies.<sup>51</sup>

<sup>49</sup> For recommendations to the other components of the Movement on the display of the emblems on documents/publications related to the Movement, see Questions 32 and 33 of the Study.

<sup>50</sup> The ICRC logo consists of a red cross surrounded by two concentric circles in which the words "Comité international Genève" appear above the initials CICR (or ICRC, etc.).

<sup>51</sup> The Head of Corporate Partnerships at the ICRC's External Resources is in charge of ethical evaluations.

In principle, providers may not refer to the ICRC for public communication purposes. The contracts that the ICRC signs with its providers must clearly stipulate that no use may be made of the name, image or logo of the ICRC or of the red cross or red crescent emblem<sup>52</sup> without prior authorization.

If a provider wishes to use the name "ICRC" (or "International Committee of the Red Cross") or an image in which the ICRC appears, it must first obtain the ICRC's explicit authorization to do so. The ICRC prohibits the use of its name or image on articles for sale.

### **Conditions**

Authorization to use the name or image of the ICRC – and the certificate<sup>53</sup> confirming such authorization – will only be granted to providers on the following conditions:

- a) Use of the name or image of the ICRC must not give rise to any confusion in the public's mind between the ICRC and the provider's activities and/or the quality of its product and services.
- b) The name and image of the ICRC may only be used for a clearly specified period of time.
- c) The name and image of the ICRC may only be used in connection with goods or services actually provided.
- d) The ICRC must derive material or financial benefits from the use of its name or image through improved relations with the provider.<sup>54</sup>

If it appears that a provider's policies or activities contravene the Policy for Corporate Sector Partnerships,<sup>55</sup> the ICRC shall not authorize the provider to use its name or image. The ICRC shall also examine the appropriateness of terminating its relationship with the provider.

### **Withdrawal of authorization**

The ICRC reserves the right to withdraw its authorization at any time if there is a risk that a provider's activities might jeopardize the ICRC's reputation.

### **Legal recourse**

The ICRC reserves the right to avail itself of the laws in force in Switzerland on the protection of the red cross / red crescent emblem, trademarks and personality, and in the country of the provider if that country's laws afford at least the same degree of protection as that afforded under Swiss law, and to take whatever action is provided for thereunder.

<sup>52</sup> The emblem has a protective use in wartime. Misuse of the emblem is any use not expressly authorized by the Geneva Conventions and their Additional Protocols.

<sup>53</sup> After authorization is granted, the ICRC shall issue a certificate with a description of the plan for use of the name and/or image of the ICRC by the provider on the overleaf.

<sup>54</sup> From a cost-benefit perspective (cost recovery), it is important to ensure that the investment required to implement these guidelines is markedly lower than the expected benefits, which may, for example, take the form of more favourable sales terms granted by the provider.

<sup>55</sup> The policy was adopted by the Council of Delegates in Seoul in November 2005. It stipulates that the components of the Movement may not enter into partnership with companies whose activities are contrary to the aims and principles of the Movement (production of weapons, violations of human rights, international humanitarian law or labour law, activities that are detrimental to health or may have a negative impact on the Movement's operational capacity, etc.).

b) **Presentation of the Guidelines on the use of the red cross emblem and the name and logo of the ICRC for fundraising purposes**

**Guidelines on the use of the red cross emblem and the name and logo of the ICRC for fundraising purposes**

(Abstracts)

(...)

**2. Use of the ICRC logo**

The ICRC may use its logo for fundraising events or campaigns that it organizes, in accordance with the Movement's Regulations on the Use of the Emblem. Private companies may be associated with such events or campaigns under the following conditions:

- (a) no confusion must be created in the mind of the public between the company's activities or the quality of its products on the one hand and the ICRC logo or the ICRC itself on the other;
- (b) the event or campaign must be linked to one particular activity; hence the use of the logo is limited in time;
- (c) the company concerned must in no way be engaged in activities which run counter to the Movement's objectives and principles or might be regarded by the public as controversial;
- (d) the ICRC reserves the right to cancel its contract with the company concerned at any time and to do so at very short notice, should the company's activities undermine respect for the emblem or the ICRC logo or detract from the prestige which is attached to them;
- (e) the material or financial advantage that the ICRC gains from the event or campaign must be substantial;
- (f) the ICRC shall not authorize the display of the ICRC logo on items offered for sale, but may authorize its reproduction in separate leaflets accompanying the items for sale and in the company's advertising material;
- (g) accompanying leaflets as well as any kind of advertising material showing the ICRC logo must contain a clear explanation regarding the event or campaign, the services rendered to the ICRC and the use to be made of the proceeds;
- (h) the size of the ICRC logo must be of reasonable proportions in comparison with the rest of the display;
- (i) any kind of advertising that displays the ICRC logo must be approved by the ICRC before it goes to print or production.

### **3. Use of the ICRC's name**

The above guidelines also apply to use of the name "International Committee of the Red Cross" and its acronym "ICRC". The correct names and acronyms in English, French, German and Spanish are as follows:

- International Committee of the Red Cross (ICRC)
- Comité international de la Croix-Rouge (CICR)
- Internationales Komitee vom Roten Kreuz (IKRK)
- Comité Internacional de la Cruz Roja (CICR)

The correct names and acronyms in other languages will be supplied upon request.

### **c) Presentation of the ICRC Corporate Support Group**

By the end of the 1990s the ICRC, with several objectives in mind, felt it necessary to expand its network by engaging with the private sector to exchange expertise and know-how, for instance, and to diversify its funding sources. This is why the ICRC has recently approached a selected group of Swiss-based companies to establish the *Corporate Support Group* (CSG).

In order to become a member of the CSG, a company must:

- have strong ethics, and policies and activities compatible with the ICRC's principles and values;
- have pledged to donate a minimum amount of three million Swiss francs over a period of six years;
- fulfil the criteria defined in the Movement Policy for Corporate Sector Partnerships;<sup>56</sup>
- fulfil the "Ethical principles guiding partnerships" that are listed below.<sup>57</sup>

### **Ethical principles guiding partnerships**

ICRC's ethical principles for corporate partnerships establish a framework for the relationship between the ICRC and companies supporting the organization and are in keeping with the Movement's own principles, the Movement's statutes and the specific mandate of the ICRC itself.

The decision to establish a partnership is taken on a case-by-case basis after three concerns have been weighed:

1. As a matter of absolute priority, the ICRC does not accept any support from a company if this may endanger the organization's ability to carry out its mandate.

<sup>56</sup> Resolution 10 of the 2005 Council of Delegates; the "Substantive provisions of the International Red Cross and Red Crescent Movement policy for corporate sector partnerships" are annexed to the Resolution.

<sup>57</sup> These Principles are always annexed to the Memorandum of Understanding signed with the corporate partners.

2. The ICRC accepts support from the private sector only if the policies and activities for the company concerned do not fundamentally contradict the Movement's statutes and the specific mandate of the ICRC.
3. The ICRC assesses the potential impact of a partnership on its public image.

To guide it in these decisions, the organization has set out the following ethical criteria:

- The ICRC does not accept support from companies involved in the direct manufacture or sale of arms, or having a majority stake in such companies.
- The ICRC does not accept support from companies involved in any violations of international humanitarian law which come to its attention by means of the information available to the organization through its worldwide presence in conflict-prone areas.
- The ICRC does not accept support from companies which fail to respect internationally recognized human rights and fundamental labour standards, in particular those set out in the Universal Declaration of Human Rights and the International Labour Organisation's Declaration on Fundamental Principles and Rights at Work.
- The ICRC does not accept support from companies whose products are widely recognized as harmful to health, or against which there are credible allegations of non-observance of widely recognized rules and regulations such as those formulated by the World Health Organization (WHO).
- The ICRC also considers whether there are major public controversies surrounding the company's products, policies or activities. It bases its judgment on reports and assessments provided by professional rating agencies and other information available from credible sources.

The ICRC seeks partnerships with companies that are committed to meeting the standards mentioned above. It also favours partnerships with companies that value and implement basic principles of sustainable development and ecological management of environmental resources.

Membership in the Group offers benefits to companies, such as a privileged relationship with a truly global humanitarian actor, the participation of ICRC representatives in special events that the Corporate Partner wishes to organize for its key stakeholders (employees, clients, special guests or suppliers) and exclusive meetings, information and exchange of skills.

In terms of image and communication, certain privileges are granted to CSG members, but always in conformity with the 1991 Emblem Regulations. CSG membership entitles a member company to use the name, image and logo of the ICRC in its communications, as laid out hereafter, and pursuant to prior written approval by the ICRC. The baseline "ICRC Corporate Partner" below is reserved exclusively for CSG members:



The CSG member may use this baseline in its corporate communications (however not for the purpose of advertising, marketing or selling their products and services).

Further, it is important to note that the "Guidelines on the use of the red cross emblem and the name and logo of the ICRC for fundraising purposes" presented above (under point (b) of this section) are always appended to the Memorandum of Understanding signed with CSG members.

Lastly, the ICRC shall acknowledge the contributions of its Corporate Partners in its institutional communications (e.g. its annual report). The list of CSG members is published under the corporate support section of the ICRC website.

## Chapter D. USE BY OTHER ACTORS

### 36) *Non-governmental organizations or private corporations registering as a "Red Cross", a "Red Crescent" or a "Red Crystal" in a State where a National Society is already recognized: How should this issue be tackled?*

#### Recommendations<sup>58</sup>

- The registration of an NGO or private corporation as a "Red Cross" or a "Red Crescent" (or a "Red Crystal") in a State with a recognized Red Cross/Red Crescent NS violates the rules governing the use of the name and emblem as well as the Fundamental Principle of Unity. It is prohibited.
- If this happens, the recognized NS must initiate, in consultation with the competent State authorities, the appropriate demarches to remedy the problem:
  - i. amicable interventions (contact with the NGO or private corporation);
  - ii. official request to the registering office to "de-register" the NGO or private corporation;
  - iii. judicial proceedings against the NGO or private corporation.
- The responsibility for ensuring proper respect for the rules governing the use of the emblem is primarily that of the State authorities and the NS has to cooperate with them. The demarches mentioned above must therefore be undertaken by the NS and/or by the authorities, but always in consultation with one another. The ICRC and the International Federation are prepared to support NS's demarches in this regard.

[Article 53, 1<sup>st</sup> para., and Article 54, GC I; Articles 2(3) and (4), and 4 (2), Statutes of the Movement; Fundamental Principles of the Movement (Unity)]

### 37) *May "spontaneous fundraisers" use the emblem/the National Society's logo?*

#### Recommendations

- As a general rule, in accordance with Article 53, 1<sup>st</sup> para., of GC I, individuals, societies firms or companies either public or private, other than those entitled thereto under the GC are prohibited at all times from using the emblem, or any sign or designation constituting an imitation thereof, whatever the object of such use, including fundraising for a component of the Movement.
- Private persons or entities undertaking fundraising without previously informing the NS are not allowed to use the NS's logo.

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<sup>58</sup> The recommendations apply, *mutatis mutandis*, also to situations in which an NGO or a private corporation using the name and/or emblem is not, or not yet, registered. The NS should use the same arguments and undertake similar demarches to solve the issue.

- NS could produce a special logo, **which does not display a distinctive emblem (or imitation thereof)**, and, upon request, authorize "spontaneous" fundraisers to display it, with the following restrictions:
  - i. No confusion is created in the mind of the public between the fundraisers' activities or the quality of their products and NS themselves;
  - ii. The display of the logo is linked to one particular activity and, as a general recommendation, limited in time and geographical scope;
  - iii. The fundraiser concerned is in no way engaged in activities that are counter to the Movement's objectives and Principles or that might be regarded by the public as controversial.

[Article 53, 1<sup>st</sup> para., GC I; Article 23, 1991 Emblem Regulations]



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**Part III.**  
**RECOMMENDATIONS FOR PREVENTING AND STOPPING**  
**MISUSES OF THE EMBLEM**

**Chapter A. THE OBLIGATIONS OF STATES**

**38) *What are the legal, regulatory and practical measures to be taken by States?***

**Recommendations**

- States must adopt internal legal, regulatory and practical measures, examples of which are given below:
  - i. Define the emblems that are recognized and protected in the State;
  - ii. Define the authorized uses of the emblems;<sup>59</sup>
  - iii. Define the entitled users of the emblems;<sup>60</sup>
  - iv. Establish the national authority/authorities entrusted with regulating and monitoring the use of the emblems;
  - v. Provide for means by which entitled users of the emblem may identify themselves by use of the emblem (for example, the display of the distinctive emblem on flags, brassards and equipment belonging to the medical services of the armed forces), and the recognition to be accorded to it;
  - vi. Inform all concerned parties, including the armed forces, civil servants and the public, about the proper use of the emblems.<sup>61</sup>
- States are required to provide, in their domestic legislation, for measures for the prevention, the suppression and the punishment of all cases of misuse of the emblem, both in peacetime and in situations of armed conflict. Such measures may take the form of penal, administrative or disciplinary sanctions.
- The incorporation of the appropriate rules in domestic law and practice may take different forms. In some States, special stand-alone legislation to regulate the use and sanction cases of misuse may be sufficient. In other States, this may need to be incorporated in a variety of domestic legal instruments (including the criminal, military or administrative codes, the national law on the recognition and the status of the NS, or trademark law). It may also be necessary to include provisions on the use and protection of the emblem in military regulations and manuals.

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<sup>59</sup> See "General principles and concepts" in the Introduction of the Study.

<sup>60</sup> See "General principles and concepts" in the Introduction of the Study.

<sup>61</sup> On dissemination of the rules governing the use of the emblem, see Question 39 of the Study.

- The ICRC Advisory Service on IHL has developed a comprehensive "Model Law concerning the use and the protection of the emblem of the red cross, the red crescent and the red crystal", as well as a model "Geneva Conventions Act" incorporating specific provisions intended for punishing misuse. These model laws are proposed for consideration by States that have a civil law or a common law system, respectively.

[Articles 1, 38-44, 47, 49, 53 and 54, GC I; Articles 1, 41-45 and 48, GC II; Article 1, Article 18, 3<sup>rd</sup> and 4<sup>th</sup> paras, Article 20, 3<sup>rd</sup> para., and Article 144, GC IV; Articles 1, 18, 23, 37-38, 83, 85(3)(f) and 87(2), AP I; Articles 12 and 19, AP II; Articles 1(1), 6 and 7, AP III; Resolution 5 of the Diplomatic Conference, Geneva, 1949; Resolution XI, 23rd International Conference of the Red Cross, Bucharest, 1977]

**39) *What are the obligations of States in terms of dissemination of the rules governing the use of the emblem?***

**Recommendations**

- As with all the other IHL rules, States have the obligation to disseminate the rules governing the use of the emblem as widely as possible among arms carriers / decision-makers and to the population at large.
- When the rules governing the use of the emblem are disseminated among the armed forces, they must be incorporated into normal training and manoeuvres, and made habitual. Commanders, in particular, must be trained to incorporate the prescribed responses to misuses (including perfidious use) of the emblem into their decision-making process and in the execution of their decisions.
- With regard to dissemination in institutions of higher education, IHL (and, therefore, also the core rules governing the use of the emblem) should be included in the official standard programmes and curricula of law faculties and of departments of international relations, at the graduate, undergraduate and postgraduate levels.
- States are also strongly recommended to disseminate IHL (and, therefore, also the core rules governing the use of the emblem) among young people.

[Article 1, 1907 Hague Regulations; Article 47, GC I; Article 48, GC II; Article 127, GC III; Article 144, GC IV; Articles 80, 83(2) and 87(2), AP I; Article 19, AP II; Article 7, AP III]

## Chapter B. THE ROLE OF NATIONAL SOCIETIES

### ***40) What are the mandate and responsibilities of National Societies regarding the use of the emblem?***

#### **Recommendations**

- NS must always conduct their humanitarian activities, particularly when they make use of the emblem/NS logo, in compliance with the GC, their AP, their own Statutes, the 1991 Emblem Regulations and national legislation.
- NS are also recommended to adopt internal regulations so as to ensure respect for the emblem within their organizations.
- At the national level, NS should promote both the ratification of the GC and their AP, and the adoption of national legislation regarding the emblem, by their State authorities.
- In addition, NS should cooperate with the authorities to ensure the protection of the emblem (preventing and stopping misuse). Practically, NS are strongly encouraged to take the following measures for stopping misuse of the emblem:
  - i. contacting (through e-mail or letters) those misusing the emblem, explaining the protection enjoyed by the emblem, the risk attendant on misuse and offering alternative signs for their use;
  - ii. ensuring that follow-up of this initial contact is undertaken (e.g. phone calls);
  - iii. if all these efforts are unsuccessful, reporting the case to the competent authority for further action.
- NS should raise awareness amongst, disseminate to and conduct training on the significance of the emblems with, in particular, their staff, their volunteers, arms carriers, (e.g. the police and the armed forces), school students and the general public.
- NS are encouraged to contact ICRC delegations and/or Headquarters for further assistance, advice or to exchange information in all these matters. Other NS with experience of emblem protection may also be useful sources of advice and information.

[Articles 3(1) and (2), and Article 5(2)(f) and (4)(a), Statutes of the Movement; Introduction, 3<sup>rd</sup> para., and Article 7, 1991 Emblem Regulations]

## Chapter C. THE ROLE OF THE ICRC

### **41) *What are the mandate and responsibilities of the ICRC regarding the use of the emblem?***

#### **Recommendations**

- The ICRC must respect the rules governing the use of the emblem in all circumstances.
- As “guardian of IHL”, the ICRC must ensure, to the best possible extent, that the rules governing the use of the emblem are understood, accepted, disseminated and applied in all situations, and in particular in times of armed conflict.
- In the fulfillment of this mandate, the ICRC should notably undertake the following activities:
  - i. Assisting States in the accession and ratification of IHL instruments and in the development of national measures of implementation of IHL, notably on the use and protection of the emblem;
  - ii. Disseminating the rules governing the use of the emblem to relevant audiences, such as arms carriers (notably State’s armed forces), universities or the youth;
  - iii. Advising on or taking the measures required to prevent and/or stop misuses of the emblem;
  - iv. Assisting in strengthening NS ability to cooperate with the authorities to ensure the protection of the emblem (preventing and stopping misuses);<sup>62</sup>
  - v. Whenever necessary, stimulating discussions of serious problems encountered regarding the use of the emblem and possible solutions, whether such solutions involve changes to the law or otherwise.

[Article 5(2)(c) and (g), Statutes of the Movement; Article 4(1)(c) and (g), Statutes of the ICRC; Article 6.1.2.A)(d), Seville Agreement]

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<sup>62</sup> For further considerations on the role of NS with regard to the protection of the emblem, see Questions 40 and 43.

**42) *What are the ICRC's responsibilities regarding the use of the emblem when it is acting as a lead agency, in accordance with the Seville Agreement? What measures should it undertake in this regard?***

**Recommendations**

- In its function of lead agency, the ICRC is responsible for ensuring respect for the rules governing the use of the emblem. These rules are incorporated into locally managed security frameworks that the ICRC develops in cooperation with the ONS, its primary partner. Security frameworks aim to guarantee, to the greatest extent possible, the physical safety of the personnel who are operating within a coordinated Movement approach. Proper use of the emblem is critical in managing the security framework.
- To fulfil its mandate as the “guardian of IHL”, the ICRC must do its utmost to ensure proper use (protective and indicative) of the emblem, including on those occasions when the ICRC acts as a lead agency, as reiterated under the Seville Agreement.<sup>63</sup>
- It is recommended that the components of the Movement consult the ICRC and follow its recommendations on the use of the emblem, particularly in situations of armed conflict.

[Article 5, Statutes of the Movement; Article 6.1.2.(A)(c) and (d), Seville Agreement]

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<sup>63</sup> On the general mandate and responsibilities of the ICRC regarding the use of the emblem, see Question 41 of the Study.

## Chapter D. SPECIAL ISSUES

### **43) *What strategies are effective to increase awareness and prevent/reduce emblem misuse? Lessons learnt from "emblem protection campaigns"***

#### **Recommendations**

- In contexts marked by widespread misuse of the emblem, the NS, in accordance with its mandate to ensure the protection of the emblem, should launch a campaign for improving respect for and protection of the emblem.
- In order to conduct a successful emblem protection campaign, the NS should determine whether the following conditions are in existence and, if they are not, try, as much as possible, to bring them about while implementing the campaign:
  - i. Individual and organizational commitment, and motivation, for eradicating emblem misuse must be ensured, in particular by assigning the responsibility for the campaign to a focal point or group.
  - ii. The legal framework for protecting the emblem – its strengths and weaknesses – must be familiar to all concerned and must be used to guide the campaign.
  - iii. In order that the NS may lead by example, internal regulations, instructing its members, staff and volunteers how to use the emblem, should be adopted.
  - iv. The NS should acquire, as soon as possible, the commitment of key government (at national and regional levels) and other stakeholders (medical associations, etc.), especially in the form of written statement(s) from the appropriate ministry(-ies). The NS should also persuade regulatory associations to provide written commitments and to issue directives supporting the campaign.
  - v. The network of NS volunteers should be used to widen the reach of the campaign.
  - vi. The NS should make use of its standing and credibility in the community to convince all those misusing the emblem to stop doing so. The NS should also take advantage of the campaign to promote its own image and identity.
  - vii. The NS should capitalize on pre-existing knowledge: the launch of the campaign should serve as the trigger for making those, misusing the emblem, who are already aware of the proper use of the emblem to effect the necessary changes.
  - viii. The campaign should be conducted in a friendly and informative manner, assisting those who are being asked to change their logos to promote their new logos, and acknowledging (and possibly rewarding) achievements by those who have previously misused the emblem.
  - ix. The NS should involve other Movement partners as needed and mobilize the Movement's support for the campaign's goals. ICRC delegations are, as far as their capacities and resources will permit, prepared to provide assistance in the design or the implementation of the emblem protection campaign.

- The NS must develop a comprehensive plan of action, taking into account all the foregoing. It must make certain that the plan incorporates the following elements: an assessment of the root causes of misuse; an appropriate budget; the assignment of roles and responsibilities that are clear to all concerned; appropriate strategies (e.g. letters, door-to-door campaigning, etc.) to reach those misusing the emblem and the general public; a clear time framework; the production of the necessary material; determination to take advantage of all available opportunities for creating a “misuse free environment”; a system for monitoring, evaluating and adjusting the plan of action; a long-term maintenance strategy.

[Articles 3(2), and 5(2)(f) and (4)(a), Statutes of the Movement; Relevant national legislation on the use and protection of the emblem]

#### **44) *How should the misuse of the emblem and the name on the Internet be tackled?***

#### **Recommendations**

- States, in cooperation with the components of the Movement, have the same responsibility to prevent and repress the misuse of the emblem (and name) on the Internet as they do for any other form of misuse (as provided for under Articles 53 and 54 of GC I).<sup>64</sup> In particular, appropriate mechanisms should be in place to make possible immediate action against fraudulent use of the emblem (and name).
- In cases of misuse on **Country Code Top Level Domains** (CCTLDs), the following measures should be taken:
  - i. States should identify, and communicate to the NS, the authority responsible for taking action;
  - ii. States' Internet regulators should assist in identifying servers from which e-mail messages misusing the emblem or the name are sent and suggest appropriate courses of action;
  - iii. NS should follow the same steps and procedures as described for other forms of emblem (or name) misuse: contacting the owner or provider of the website; explaining the protection enjoyed by the emblem; requesting an end to the misuse; and, if need be, reporting the case to the competent State authority;<sup>65</sup>
  - iv. NS are encouraged to reserve CCTLDs to eliminate the possibility of others stepping in and using them;
  - v. NS are encouraged to familiarize themselves with the techniques, available from their States' Internet regulators, for determining the ownership and management of domains.

<sup>64</sup> On the role and responsibilities of States in the prevention and repression of misuse of the emblem, see Question 38 of the Study.

<sup>65</sup> On the steps and measures that NS should take when confronted with a misuse of the emblem (or the name), see Question 38 of the Study.

- In cases of misuse on **Global Top Level Domains** (GTLDs), the following measures should be taken:
  - i. Once the ownership of a GTLD website involving the misuse of the emblem or name has been established, it is the responsibility of the State of ownership to take the steps necessary to shut down the pertinent web pages. The measures concerning CCTLDs that are listed above could then be followed.
  - ii. When more than one State is involved, their authorities, as well as the NS concerned, should cooperate with a view to removing the unlawful material as quickly as possible. They should also inform the ICRC and the International Federation.
  - iii. In the most serious cases of fraudulent use of the emblem or the name on GTLD websites involving several States (e.g., where police work might need to be coordinated between several States), Interpol might have to play a role.
- The International Federation and the ICRC are prepared to advise NS in their efforts to tackle misuses of the emblem and the name on the Internet.

[Articles 53 and 54, GC I; Articles 2(3), 3(2), 5(2)(c) and (g), and 6(4) (j), Statutes of the Movement]