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<http://www.redcross.org.sg/>

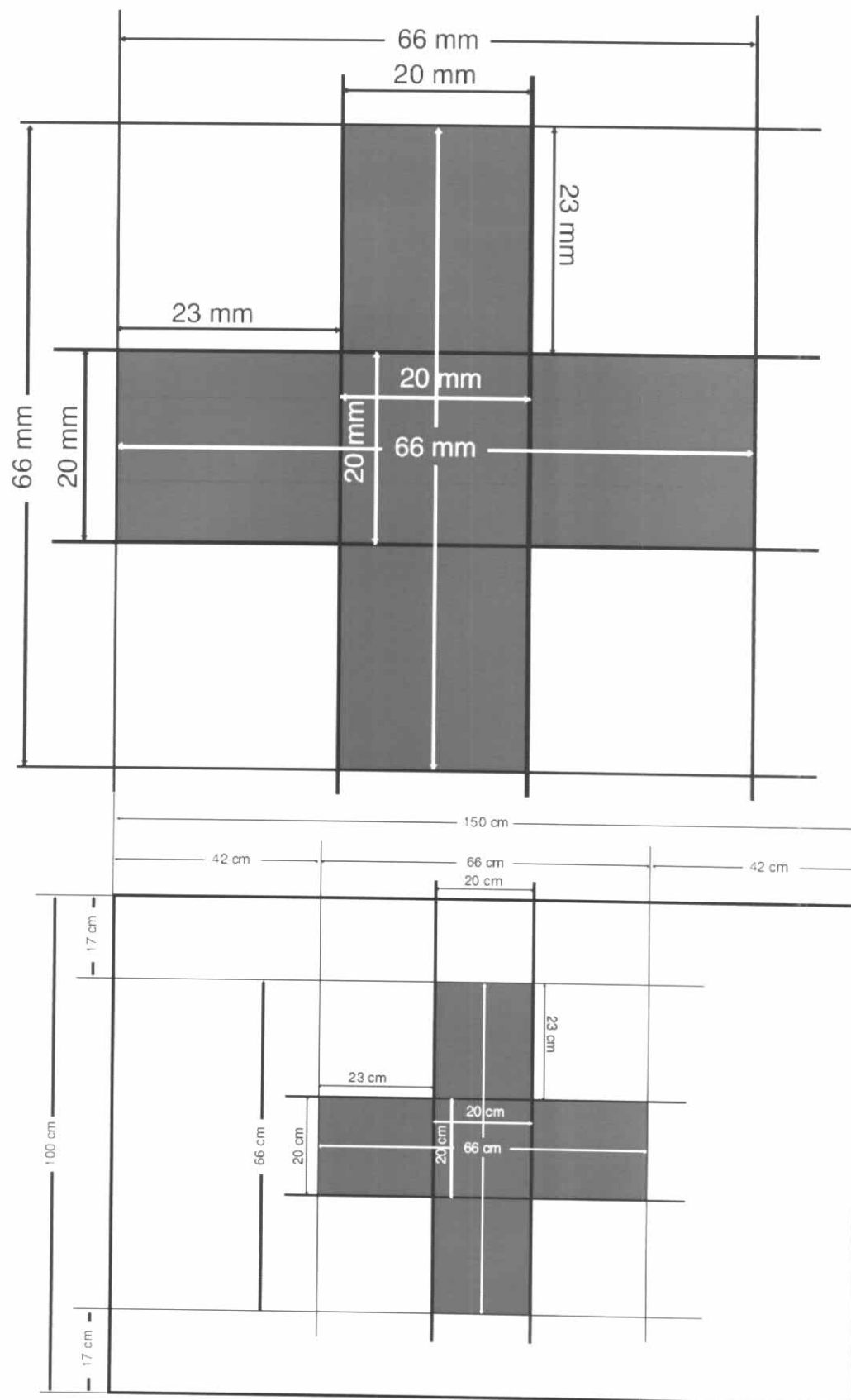
<http://www.westlaw.co.uk/>

ภาคผนวก

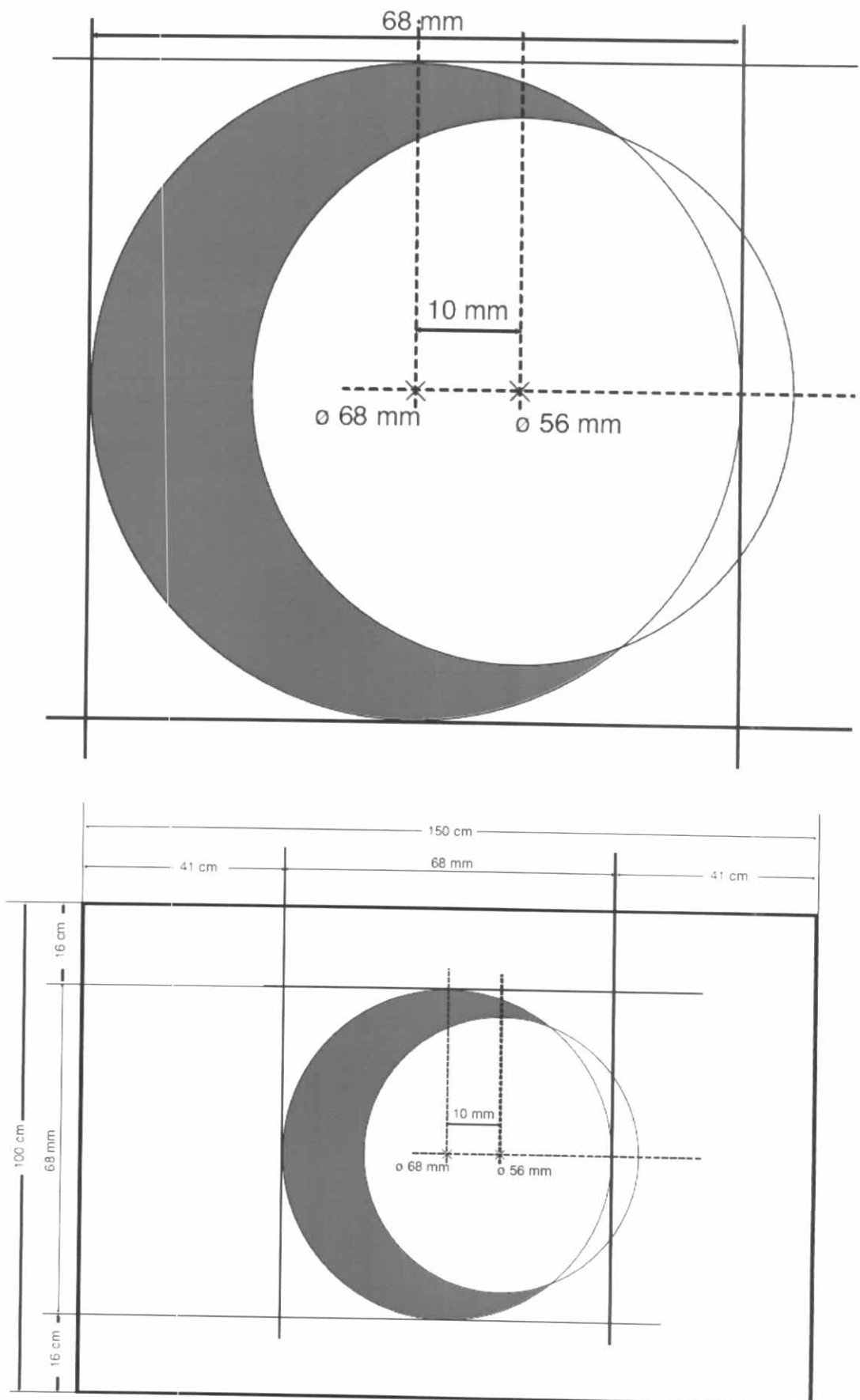
ภาคผนวก (ก)
รูปแบบของเครื่องหมายพิเศษอันเด่นชัด

รูปแบบของเครื่องหมายพิเศษอันเด่นชัด

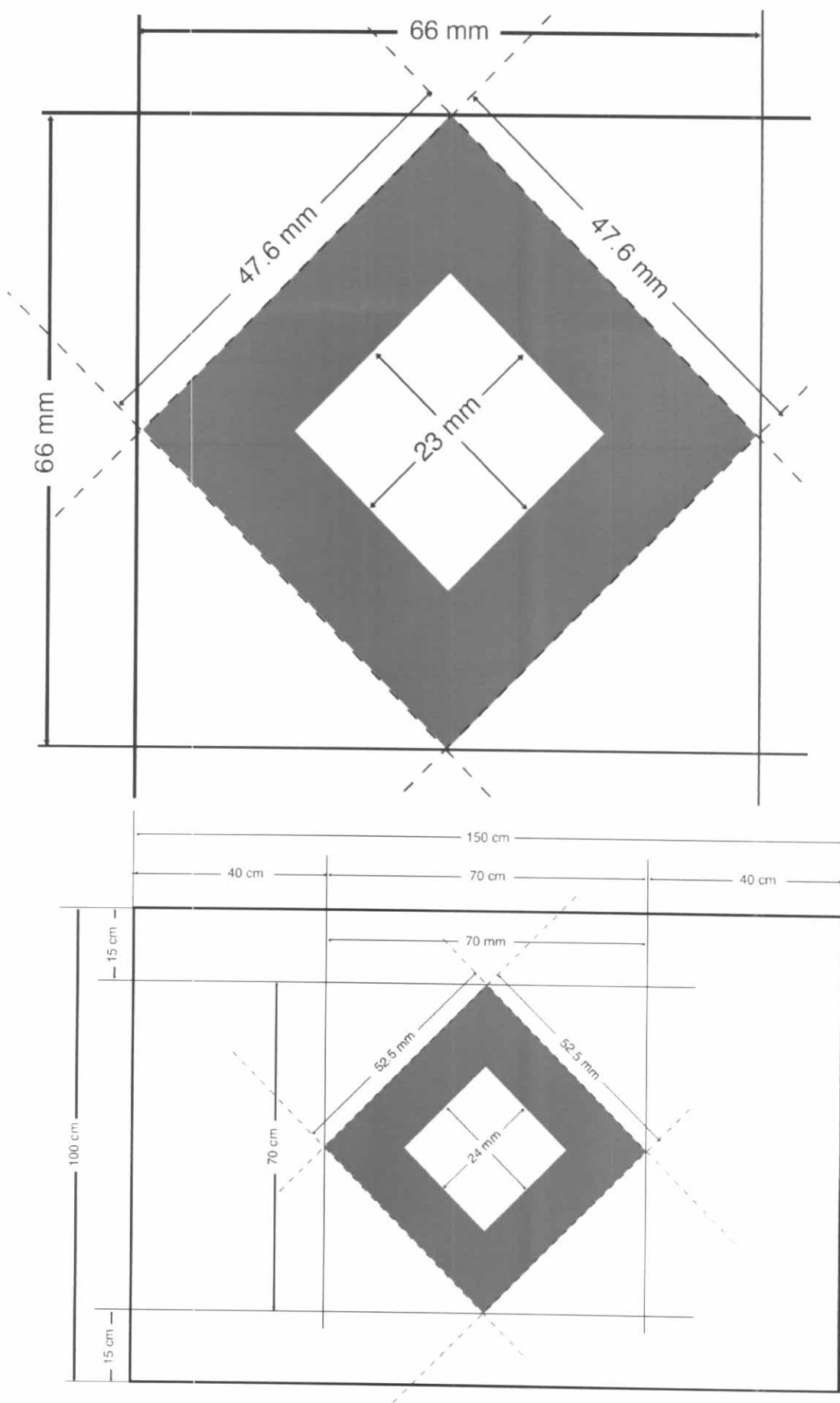
รูปภาพที่ 8 รูปแบบของเครื่องหมายกาชาด (Red Cross)



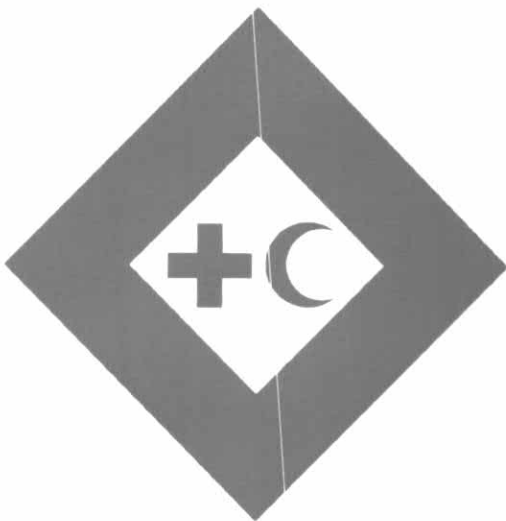
รูปภาพที่ 9 รูปแบบของเครื่องหมายเสี้ยววงเดือนแดง (Red Crescent)



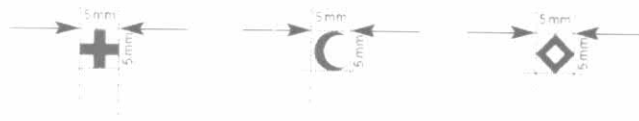
รูปภาพที่ 10 รูปแบบของเครื่องหมายคริสตัลแดง (Red Crystal)



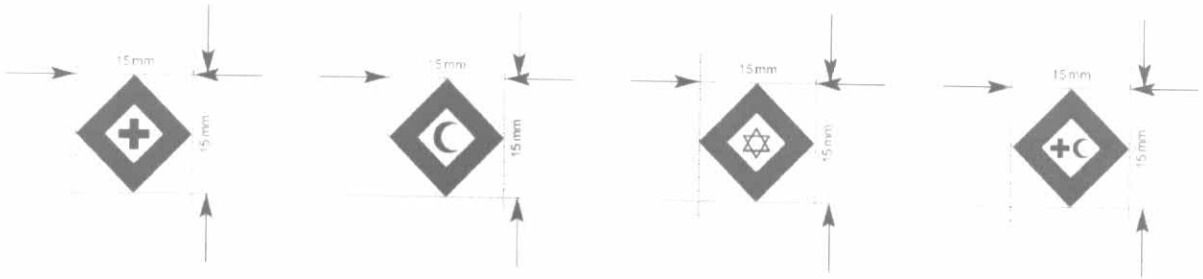
รูปภาพที่ 11 รูปแบบของการผนวกเครื่องหมายคริสต์แดงกับเครื่องหมายอื่นตามข้อ 3
แห่งพิธีสารเพิ่มเติมอนุสัญญาเจนีวา 1949 ฉบับที่ 3



รูปภาพที่ 12 รูปแบบของขนาดเครื่องหมายพิเศษอันดับหนึ่งขนาดเล็กที่สุด



รูปภาพที่ 13 รูปแบบของขนาดเล็กที่สุดของเครื่องหมายคริสตัลแดงกรณีที่มีการผนวกกับเครื่องหมายอื่น



รูปภาพที่ 14 รูปแบบของโทนสี
ที่ใช้ในการทำเครื่องหมาย
พิเศษอันดับหนึ่ง

โดยเครื่องหมายกาชาด เลี้ยววง
เดือนแดง และคริสตัลแดงใช้

Pantone© P. 485

กรอบด้านขวามือเป็นสูตรของสีสี่สี
สูตร RGB และสูตรสีใน Web



Pantone® colour

Pantone® P. 485 Process Black -

Four-colour process

magenta 100% black 100% -
yellow 100%

RGB process

red	204	red	0	red	254
green	0	green	0	green	254
blue	0	blue	0	blue	254

Web colours

CC 00 00 # 00 00 00 # FF FF FF

หมายเหตุ: ภาพรูปแบบเครื่องหมายกาชาด เครื่องหมายเลี้ยววงเดือนแดง และเครื่องหมายคริสตัลแดง ภาพใหญ่เป็นตัวอย่างของสัดส่วน ซึ่งเครื่องหมายที่ใช้เพื่อวัตถุประสงค์ในการคุ้มครองจริงอาจมีขนาดใหญ่กว่าที่กำหนดได้ ส่วนภาพเล็กขนาด เป็นขนาดของเครื่องหมายพิเศษอันดับหนึ่งที่ใช้กับผืนธงขนาด 150 X 100 ซม.

ภาพและข้อมูลอ้างอิงจาก: IFRC, Red Cross, Red Crescent and Red Crystal emblems: Design guidelines. Geneva: IFRC, 2006. [Online] Available from: www.ifrc.org/publicat/styleguide/rc-rc-rc-emblems-en.pdf [20 January 2008].

ภาคผนวก (ข)

ร่างพระราชบัญญัติกาชาด พ.ศ.....

ร่างพระราชบัญญัติกาชาด พ.ศ.....

หลักการ

เพื่อปรับปรุงกฎหมายว่าด้วยกาชาด

เหตุผล

โดยที่กฎหมายว่าด้วยกาชาดใช้บังคับมาเป็นเวลานาน ประกอบกับสภาพการณ์ได้เปลี่ยนแปลงไป และเพื่อให้กฎหมายดังกล่าวมีประสิทธิภาพในการบังคับใช้และเกิดประสิทธิผลดียิ่งขึ้น รวมทั้งการที่ประเทศไทยได้พิจารณาเข้าเป็นภาคีแห่งพิธีสารเพิ่มเติมอนุสัญญาเจนีวา 2492 ลงวันที่ 8 ธันวาคม พ.ศ. 2549 ซึ่งประเทศไทยควรมีมาตรการรองรับเพื่อประกันการเคารพและคุ้มครองต่อเครื่องหมายดังกล่าว จึงเห็นสมควรปรับปรุงการใช้บังคับเครื่องหมายกาชาดให้เหมาะสมและสอดคล้องกับสภาพการณ์ปัจจุบัน จึงจำเป็นต้องปรับปรุงพระราชบัญญัตินี้

ร่างพระราชบัญญัติกาชาด

พ.ศ.

โดยที่ประเทศไทยเป็นภาคีแห่งอนุสัญญาเจนีวาเพื่อให้ผู้บาดเจ็บและป่วยไข้ในกองทัพในสนามรบมีสถานะดีขึ้น ลงวันที่ 12 สิงหาคม พ.ศ. 2492 อนุสัญญาเจนีวาเพื่อให้ผู้สังกัดในกองทัพขณะอยู่ในทะเลซึ่งบาดเจ็บป่วยไข้ และเรือต้องอับปางมีสถานะดีขึ้น ลงวันที่ 12 สิงหาคม พ.ศ. 2492 อนุสัญญาเจนีวาเกี่ยวกับการปฏิบัติต่อเชลยศึก ลงวันที่ 12 สิงหาคม พ.ศ. 2492 อนุสัญญาเกี่ยวกับการคุ้มครองบุคคลพลเรือนในยามสงคราม ลงวันที่ 12 สิงหาคม พ.ศ. 2492 และ พิธีสารเพิ่มเติมอนุสัญญาเจนีวา 2492 ลงวันที่ 8 ธันวาคม พ.ศ. 2549

และโดยที่เป็นการสมควรปรับปรุงกฎหมายว่าด้วยกาชาดและการอนุวัติการตามบทแห่งอนุสัญญาดังกล่าว

หมวดที่ 1. หลักทั่วไป

มาตรา 1 พระราชบัญญัตินี้เรียกว่า "พระราชบัญญัติกาชาด พ.ศ."

มาตรา 2 พระราชบัญญัตินี้ให้ใช้บังคับตั้งแต่วันถัดจากวันประกาศในราชกิจจานุเบกษาเป็นต้นไป

มาตรา 3 ให้ยกเลิกพระราชบัญญัติกาชาด พุทธศักราช 2481 พระราชบัญญัติกาชาด (ฉบับที่ 2) พุทธศักราช 2485 และพระราชบัญญัติกาชาด พุทธศักราช 2499 (ฉบับที่ 3)

มาตรา 4 ในพระราชบัญญัตินี้

"อนุสัญญา" หมายความว่า "อนุสัญญาเจนีวาเพื่อให้ผู้บาดเจ็บและป่วยไข้ในกองทัพในสนามรบมีสถานะดีขึ้น ลงวันที่ 12 สิงหาคม พ.ศ. 2492" "อนุสัญญาเจนีวาเพื่อให้ผู้สังกัดในกองทัพขณะอยู่ในทะเลซึ่งบาดเจ็บป่วยไข้ และเรือต้องอับปางมีสถานะดีขึ้น ลงวันที่ 12 สิงหาคม พ.ศ. 2492" "อนุสัญญาเจนีวาเกี่ยวกับการปฏิบัติต่อเชลยศึก ลงวันที่ 12 สิงหาคม พ.ศ. 2492" "อนุสัญญาเกี่ยวกับการคุ้มครองบุคคลพลเรือนในยามสงคราม ลงวันที่ 12 สิงหาคม พ.ศ. 2492" และ "พิธีสารเพิ่มเติมอนุสัญญาเจนีวา 2492 ลงวันที่ 8 ธันวาคม พ.ศ. 2549" แล้วแต่กรณี

"เครื่องหมายพิเศษอันเด่นชัด" เว้นแต่จะระบุชัดเป็นอย่างอื่น ให้หมายความถึง เครื่องหมายกาชาด เครื่องหมายเสี้ยววงเดือนแดง เครื่องหมายสิงโตแดงกับดวงอาทิตย์ และเครื่องหมายคริสตัสแดง

"เครื่องหมายกาชาด" หมายความว่า กากบาทสีแดงบนพื้นสีขาว

"นามกาชาด" หมายความว่า "กาชาด" หรือคำว่า "กาเจนีวา"

มาตรา 5 ลักษณะการใช้เครื่องหมายกาชาดมีสองลักษณะดังต่อไปนี้

(1) ในกรณีขัดกันทางอาวุธ เครื่องหมายที่ใช้เพื่อวัตถุประสงค์ในการคุ้มครองเป็นสัญลักษณ์แห่งการคุ้มครองที่ได้รับมอบหมายโดยอนุสัญญาเจนีวาและพิธีสารเพิ่มเติมในเรื่องของบุคลากรทางการแพทย์ หน่วยการแพทย์ และหน่วยขนส่ง โดยเครื่องหมายจะต้องมีขนาดใหญ่เท่าที่จะเป็นไปได้

(2) ในการใช้เพื่อสงบศึก เครื่องหมายที่ใช้ในการบ่งชี้เป็นการแสดงให้เห็นว่าบุคคลหรือวัตถุอันเกี่ยวข้องกับองค์การกาชาดและเสี้ยววงเดือนแดงระหว่างประเทศ เครื่องหมายจะต้องมีขนาดเล็ก

หมวดที่ 2 หลักการใช้เครื่องหมายกาชาด

มาตรา 6 ภายใต้การควบคุมของกระทรวงกลาโหม หน่วยบริการทางการแพทย์ของกองทัพของประเทศไทยจะต้องใช้เครื่องหมายกาชาด ทั้งในยามสงบและยามมีการขัดกันทางอาวุธ เพื่อแสดงให้เห็นว่าเป็นบุคลากรทางการแพทย์ หน่วยการแพทย์ และการขนส่งทางภาคพื้นดิน ทางทะเล และทางอากาศ

ให้แสดงเครื่องหมายกาชาดไว้บนธง ผ้าพันแขน และบนบรรดาเครื่องมือที่ใช้ในบริการทางการแพทย์ และติดบัตรประจำตัวที่แสดงเครื่องหมายกาชาดโดยสวมไว้ที่แขนข้างซ้าย ปลอกแขน และบัตรประจำตัวจะต้องกันน้ำและออกโดยเงื่อนไขที่รัฐมนตรีกระทรวงกลาโหมกำหนด

บุคลากรทางการแพทย์ และอนุศาสนาจารย์จะต้องอยู่ภายใต้กฎระเบียบของกองทัพในยามสงคราม และเชื่อฟังคำสั่งของเจ้าหน้าที่ผู้มีอำนาจ ตราบเท่าที่ไม่ขัดกับหน้าที่ตามอนุสัญญา

อนุศาสนาจารย์ที่อยู่ในกองทัพจะต้องได้รับความคุ้มครองเช่นเดียวกันกับที่บุคลากรทางการแพทย์ และจะต้องได้รับการบ่งชี้ในลักษณะเดียวกัน

ในที่ซึ่งอาจจะเป็นการส่งเสริมความคุ้มครองนั้น หน่วยบริการทางการแพทย์และอนุศาสนาจารย์ของกองทัพจะต้องใช้เครื่องหมายพิเศษอันเด่นชัดอื่นนอกจากเครื่องหมายกาชาดอย่างใดอย่างหนึ่งเป็นการชั่วคราวได้ ให้ถือว่าเครื่องหมายกาชาด เสี้ยววงเดือนแดง สิงโตแดงกับดวงอาทิตย์และ คริสตัสแดง ได้รับการยอมรับและมีสถานะเท่าเทียมกันภายใต้หลักเกณฑ์ตามพระราชบัญญัตินี้

มาตรา 7 ภายใต้การอนุญาตและการควบคุมของกระทรวงสาธารณสุข บุคลากรทางการแพทย์ โรงพยาบาล และหน่วยการแพทย์อื่นๆ รวมทั้งหน่วยขนส่งพลเรือนที่ได้รับมอบหมายให้ขนส่งและรักษา ผู้บาดเจ็บ ป่วยไข้ และเรืออับปางเป็นการเฉพาะ จะต้องมีเครื่องหมายกาชาดในการใช้เพื่อการคุ้มครองในยามมีการขัดกันทางอาวุธ

หน่วยแพทย์พลเรือนจะต้องสวมปลอกแขนและถือบัตรประจำตัวที่แสดงเครื่องหมายกาชาด ปลอกแขนและบัตรประจำตัวนี้จะต้องออกโดยกระทรวงสาธารณสุข

อนุศาสนาจารย์ของพลเรือนที่อยู่กับโรงพยาบาลและหน่วยงานการแพทย์อื่นๆ จะต้องได้รับการแสดงเครื่องหมายกาชาดในลักษณะเดียวกัน

มาตรา 8 สภากาชาดไทยเป็นหน่วยงานที่ได้รับอนุญาตให้วางตำแหน่งปฏิบัติการแก่บุคลากรทางการแพทย์และหน่วยทางการแพทย์และหน่วยขนส่งเพื่อจัดการในการบริการทางการแพทย์แก่กองทัพ

บุคลากร หน่วยงาน และการขนส่งประเภทนี้จะต้องอยู่ภายใต้กฎหมายและข้อบังคับของทหารและจะต้องได้รับการอนุญาตจากกระทรวงกลาโหมให้แสดงเครื่องหมายกาชาดเพื่อใช้ในการคุ้มครองหรือในกรณีหากเป็นการส่งเสริมการคุ้มครอง ให้ใช้เครื่องหมายพิเศษอันเด่นชัดอื่นนอกจากเครื่องหมายกาชาดที่ได้รับการรับรองตามอนุสัญญาที่มีสถานะเดียวกันเป็นการชั่วคราวได้

บุคลากรตามมาตรานี้จะต้องสวมปลอกแขนและถือบัตรประจำตัวโดยเป็นไปตามมาตรา 3 วรรคสองของกฎหมายฉบับนี้

สภากาชาดได้รับอนุญาตให้ใช้เครื่องหมายกาชาดในการคุ้มครองบุคลากรทางการแพทย์และหน่วยทางการแพทย์โดยเป็นไปตามมาตรา 7 ของพระราชบัญญัติฉบับนี้

มาตรา 9 สภากาชาดไทยได้รับอนุญาตให้ใช้เครื่องหมายกาชาดในยามสงบในการบ่งชี้ เพื่อแสดงให้รู้ว่าเป็นยานพาหนะที่ใช้เป็นรถพยาบาล และเพื่อบ่งบอกที่ตั้งสถานับรเทาทุกข์ ซึ่งใช้เฉพาะการรักษาพยาบาล ผู้บาดเจ็บหรือป่วยไข้โดยไม่คิดมูลค่าอัน โดยจะกระทำได้เมื่อได้รับอนุญาตพิเศษจากสภากาชาดไทยตามเงื่อนไขที่รัฐมนตรีว่าการกระทรวงสาธารณสุขกำหนด โดยขนาดของเครื่องหมายที่ใช้จะต้องมีขนาดเล็ก

สภากาชาดไทยอาจจะใช้คริสตัสแดงเป็นการชั่วคราวในสถานการณ์พิเศษเพื่อให้อำนวยความสะดวกในการทำงานของตนก็ได้ ทั้งนี้โดยอยู่ภายใต้หลักเกณฑ์ตามพระราชบัญญัตินี้

สภากาชาดไทยจะต้องนำ "กฎข้อบังคับในการใช้เครื่องหมายกาชาดของสภากาชาดไทย" มาใช้บังคับแก่การใช้เครื่องหมายกาชาดโดยเฉพาะในการจัดกิจกรรมเพื่อรับบริจาคเงินสนับสนุนกิจการของสภากาชาดด้วย

องค์กรมมนุษยธรรมภายในประเทศของประเทศอื่นใดที่อยู่ในอาณาเขตของประเทศไทยมีสิทธิใช้เครื่องหมายกาชาดโดยได้รับอนุญาตจากสภากาชาดไทยโดยอยู่ภายใต้เงื่อนไขเดียวกันนี้

มาตรา 10 คณะกรรมการกาชาดระหว่างประเทศและสมาพันธ์สภากาชาดและสภาเสี้ยววงเดือนแดงระหว่างประเทศจะต้องใช้เครื่องหมายกาชาดและเสี้ยววงเดือนแดงได้ทุกเมื่อ

คณะกรรมการกาชาดระหว่างประเทศและสมาพันธ์สภากาชาดและสภาเสี้ยววงเดือนแดงระหว่างประเทศรวมทั้งบุคลากรที่ได้รับอนุญาตให้ใช้คริสตัสแดงในสถานการณ์เฉพาะในสถานการณ์พิเศษในการปฏิบัติหน้าที่ของตนเท่านั้น

หมวดที่ 3 มาตรการควบคุมและบทลงโทษ

มาตรา 11 ให้สภาภาษาดไทยมีอำนาจควบคุมการใช้เครื่องหมายภาษาดโดยอยู่ภายใต้การควบคุมของรัฐมนตรีกระทรวงกลาโหม ทั้งจะต้องประกันการดำเนินการตามหลักการที่เกี่ยวกับการใช้เครื่องหมายภาษาด เครื่องหมายเสี้ยววงเดือนแดง เครื่องหมายสิงโตแดงกับดวงอาทิตย์ และเครื่องหมายคริสตัสแดง คำว่า "ภาษาด" "เสี้ยววงเดือนแดง" "สิงโตแดงกับดวงอาทิตย์" และ "คริสตัสแดง" และเครื่องหมายพิเศษอันเด่นชัดอื่นใด โดยจะต้องใช้มาตรการอย่างเคร่งครัดต่อบุคคลที่ได้รับอนุญาตให้ใช้เครื่องหมาย ชื่อ คำ และสัญญาณเช่นนั้นด้วย

สภาภาษาดจะต้องดำเนินการในทุกขั้นตอนเพื่อป้องกันการใช้ในทางที่ผิดโดยเฉพาะอย่างยิ่ง

ก) โดยการเผยแพร่หลักการเช่นว่าอย่างกว้างขวางเท่าที่จะทำได้ในบรรดากองทัพ ตำรวจ หน่วยงานราชการ และประชาชนพลเรือน

ข) โดยการออกคำชี้แนะไปยังหน่วยงานพลเรือนและทหารในเรื่องของการใช้เครื่องหมายพิเศษอันเด่นชัดตามอนุสัญญาเจนีวาและพิธีสารเพิ่มเติม และโดยกำหนดโทษทางอาญา โทษทางปกครอง หรือโทษทางวินัยแล้วแต่กรณีหากมีการเอาเครื่องหมายหรือคำใดๆ ตามวรรคแรกไปใช้อย่างไม่เหมาะสม

มาตรา 12 บุคคลใดก็ตามที่จงใจใช้หรือออกคำสั่งอันเป็นเหตุให้เกิดการบาดเจ็บสาหัสต่อร่างกายหรือสุขภาพ ของฝ่ายศัตรู หรือเสียชีวิตโดยใช้เครื่องหมายภาษาด เสี้ยววงเดือนแดง หรือใช้สัญญาณอันเด่นชัดอื่นใด โดยเป็นการล่อลวง ถือว่าได้กระทำความผิดฐานอาชญากรรมสงครามและจะต้องระวางโทษจำคุกไม่เกินสิบปี หรือ ปรับไม่เกินหนึ่งล้านบาทหรือทั้งจำทั้งปรับสำหรับการละเมิดอันเป็นเหตุให้บุคคลที่ได้รับความคุ้มครองภายใต้เครื่องหมายภาษาดบาดเจ็บสาหัส และต้องระวางโทษจำคุกตลอดชีวิตหรือ ปรับไม่เกินสองล้านบาทหรือทั้งจำทั้งปรับสำหรับการละเมิดอันเป็นเหตุให้บุคคลที่ได้รับความคุ้มครองภายใต้เครื่องหมายภาษาดถึงแก่ชีวิต การใช้เครื่องหมายเสี้ยววงเดือนแดง เครื่องหมายสิงโตแดงกับดวงอาทิตย์ และเครื่องหมายคริสตัสแดงเพื่อล่อลวงภายใต้เงื่อนไขย่อมอยู่ภายใต้โทษอย่างเดียวกัน

การใช้โดยเป็นการล่อลวงตามวรรคแรก หมายถึง การทำให้ฝ่ายศัตรูเชื่อโดยสุจริต โดยเป็นการหลอกลวงและทำให้เชื่อว่าตนได้รับความคุ้มครองหรือมีพันธะที่จะต้องปฏิบัติในการให้ความคุ้มครองตามกฎหมายมนุษยธรรมระหว่างประเทศ

บุคคลใดจงใจใช้เครื่องหมายภาษาด เครื่องหมายเสี้ยววงเดือนแดง เครื่องหมายคริสตัสแดง หรือ เครื่องหมายสิงโตแดงกับดวงอาทิตย์บนพื้นสีขาว หรือเครื่องหมายคุ้มครองอื่นๆ ที่ได้รับการรับรองโดยกฎหมายระหว่างประเทศโดยไม่ได้รับอนุญาตในกรณีขัดกันทางอาวุธ โดยเป็นการลอกเลียนแบบซึ่งอาจจะนำไปสู่ความสับสน เข้าใจผิดว่าเป็นเครื่องหมายที่ให้ความคุ้มครองดังกล่าว จะต้องระวางโทษจำคุกไม่เกินสองปีหรือ ปรับไม่เกินสองแสนบาทหรือทั้งจำทั้งปรับ

มาตรา 13 ห้ามบุคคล หน่วยงาน หรือองค์กรใด จงใจใช้เครื่องหมายภาษาดโดยไม่ได้รับอนุญาต ไม่ว่าจะโดยวัตถุประสงค์ใด เว้นแต่หน่วยแพทย์ บุคลากรทางการแพทย์ ยวดยานทางการแพทย์ และโรงพยาบาล โดยใช้เครื่องหมายภาษาด เครื่องหมายเสี้ยววงเดือนแดง เครื่องหมายคริสตัสแดงหรือเครื่องหมายสิงโตแดงกับดวงอาทิตย์บนพื้นสีขาว อันเป็นเครื่องหมายที่หน่วยแพทย์ บุคลากรทางการแพทย์ ยวดยานทางการแพทย์ และ

โรงพยาบาลที่ใช้เป็นเครื่องหมายของการบริการทางการแพทย์ในกองทัพไทยในยามขัดกันทางอาวุธ คำว่า "กาชาด" "เสี้ยววงเดือนแดง" "คริสตัสแดง" หรือ "สิงโตแดงกับดวงอาทิตย์" สัญญาณหรือเครื่องหมายอันเด่นชัดอื่นใด รูปแบบหรือสัญญาณอื่นใดที่กฎหมายระหว่างประเทศรับรอง โดยเป็นการลอกเลียนแบบเครื่องหมายดังกล่าว หรือที่อาจจะทำให้สับสนได้ ไม่ว่าจะใช้เพื่อวัตถุประสงค์ใด

ผู้ใดแสดงเครื่องหมายพิเศษอันเด่นชัด หรือด้อยค่าในเครื่องหมาย โปสเตอร์ ประกาศ ใบปลิวหรือเอกสารโฆษณา หรือประทับเป็นตราสินค้าหรือหีบห่อ เพื่อการขาย เสนอขายหรือวางเอาไว้ในกลุ่มสินค้าซึ่งมีการตีตรา จะต้องระวางโทษจำคุกไม่เกินสองปี หรือปรับไม่เกินสองแสนบาทหรือทั้งจำทั้งปรับ

หากกรณีที่มีความผิดได้มีการกระทำโดยห้างหุ้นส่วนนิติบุคคล บุคคลผู้ซึ่งกระทำความผิดเองหรือเป็นผู้สั่งให้กระทำความผิดตามมาตรา นี้ จะต้องระวางโทษเช่นเดียวกัน

มาตรา 14 เพื่อไม่ให้เกิดความสับสนระหว่างธงชาติสวิสกับเครื่องหมายกาชาด ห้ามใช้กากบาทขาวบนพื้นแดงหรือสัญลักษณ์ใดก็ตามที่เป็นการลอกเลียนแบบสัญลักษณ์ดังกล่าว ไม่ว่าจะเป็เครื่องหมายการค้าหรือการพาณิชย์หรือส่วนประกอบของเครื่องหมายนั้น หรือเพื่อวัตถุประสงค์ของการค้าที่ไม่เป็นธรรม หรือกิจการทำนองเดียวกันที่อาจจะทำลายความรู้สึกเกี่ยวกับชาติของสวิสไม่ว่าในสถานะการณใด ผู้กระทำความผิดจะต้องระวางโทษจำคุกไม่เกินสองปีหรือ ปรับไม่เกินสองแสนบาทหรือทั้งจำทั้งปรับ

มาตรา 15 ศาลอาจมีคำสั่งให้มีการยึดวัตถุหรือสิ่งของซึ่งปรากฏชัดแจ้งว่าจะเมิดกฎหมายนี้ โดยต้องสั่งให้มีการกำจัดเครื่องหมายกาชาด เสี้ยววงเดือนแดง คริสตัสแดง หรือสิงโตแดงกับดวงอาทิตย์ รวมถึงคำว่า "กาชาด" "เสี้ยววงเดือนแดง" "คริสตัสแดง" หรือ "สิงโตแดงกับดวงอาทิตย์" ที่ใช้อย่างผิดกฎหมายก็ได้ ค่าใช้จ่ายเนื่องด้วยการยุติการใช้เครื่องหมายและการผลิตสินค้าใหม่ทดแทนอันเดิมให้ตกเป็นพับแก่ผู้ละเมิด

เงินที่เรียไร้ได้ตลอดจนสินค้าหรือสิ่งหามิตรพัพอื่น ภาชนะหรือหีบห่อ บรรดาที่มีเครื่องหมาย หรือคำ เช่นว่านั้นประทับไว้ตามมาตรา 16 ศาลจะริบเสียก็ได้

มาตรา 16 การจดทะเบียนเครื่องหมายการค้าที่มี สัญลักษณ์ รูปแบบ ชื่อ คำ หรือข้อความที่มีลักษณะหรือประกอบด้วยลักษณะของ เครื่องหมายกาชาด เครื่องหมายเสี้ยววงเดือนแดง เครื่องหมายสิงโตแดงกับดวงอาทิตย์หรือเครื่องหมายคริสตัสแดง หรือรูปแบบอื่นใดที่เกี่ยวกับเครื่องหมายดังกล่าวในการจดทะเบียนสมาคม และชื่อทางการค้า และแผ่นเครื่องหมายการค้า เครื่องหมายการพาณิชย์และรูปแบบและการออกแบบอุตสาหกรรม ถือเป็นความผิดฐานลอกเลียนแบบตามพระราชบัญญัตินี้

บุคคลที่ได้ใช้คริสตัสแดงหรือรูปแบบคริสตัสแดง หรือสัญลักษณ์ใด ๆ ที่เป็นการลอกเลียนแบบเช่นว่า ก่อนหน้าที่จะมีการรับรองพิธีสารฉบับที่ 3 จะได้รับอนุญาตให้ใช้ต่อไปได้ แต่การใช้เช่นว่านั้นห้ามไม่ให้มีปรากฏเป็นเครื่องหมายเพื่อได้รับความคุ้มครองตามอนุสัญญาเจนีวาและพิธีสารเพิ่มเติมในยามมีการขัดกันทางอาวุธ สิทธิดังกล่าวจะต้องมีมาก่อนพระราชบัญญัตินี้ใช้บังคับ

มาตรา 17 สภากาชาดไทยจะต้องร่วมมือกับหน่วยงานอื่นอย่างสุดความสามารถในการป้องกันและกำจัดการใช้ที่ผิดต่อเครื่องหมายกาชาด เสี้ยววงเดือนแดง คริสตัสแดง หรือสิงโตแดงกับดวงอาทิตย์ รวมถึงคำว่า "กาชาด" "เสี้ยววงเดือนแดง" "คริสตัสแดง" หรือ "สิงโตแดงกับดวงอาทิตย์" และมีอำนาจในการฟ้องร้อง

ดำเนินคดีเกี่ยวกับการละเมิด อีกทั้งมีสิทธิเข้าร่วมกระบวนการพิจารณาคดีถึงที่สุดได้ ทั้งในคดีอาญา คดีแพ่ง และคดีปกครอง

หมวดที่ 4. การบังคับใช้และการนำมาใช้

มาตรา 18 ให้รัฐมนตรีว่าการกระทรวงกลาโหมรักษาการตามพระราชบัญญัตินี้ และให้มีอำนาจออกกฎกระทรวงเพื่อปฏิบัติการตามพระราชบัญญัตินี้

กฎกระทรวงนั้นเมื่อได้ประกาศในราชกิจจานุเบกษาแล้วให้ใช้บังคับได้

ผู้รับสนองพระบรมราชโองการ

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นายกรัฐมนตรี

ภาคผนวก (ค)
พระราชบัญญัติกาชาด พ.ศ. 2499

พระราชบัญญัติกาชาด

พ.ศ. 2499

ภูมิพลอดุลยเดช ป.ร.

ให้ไว้ ณ วันที่ 1 สิงหาคม พ.ศ. 2499

เป็นปีที่ 11 ในรัชกาลปัจจุบัน

พระบาทสมเด็จพระปรมินทรมหาภูมิพลอดุลยเดช มีพระบรมราชโองการโปรดเกล้าฯ ให้ประกาศว่า

โดยที่ประเทศไทยเป็นภาคีแห่งอนุสัญญาเจนีวา เพื่อให้ผู้บาดเจ็บ และป่วยไข้ในกองทัพในสนามรบมีสถานะดีขึ้น ลงวันที่ 12 สิงหาคม พ.ศ. 2492 และแห่งอนุสัญญาเจนีวา เพื่อให้ผู้สังกัดในกองทัพ ขณะอยู่ในทะเลซึ่งบาดเจ็บ ป่วยไข้ และเรือต้องอับปาง มีสถานะดีขึ้น ลงวันที่ 12 สิงหาคม พ.ศ. 2492

และโดยที่เป็นการสมควร ที่จะตรากฎหมายเพื่ออนุวัติตามบทแห่งอนุสัญญาดังกล่าว

จึงทรงพระกรุณาโปรดเกล้าฯ ให้ตราพระราชบัญญัติขึ้นไว้ โดยคำแนะนำและยินยอมของสภาผู้แทนราษฎร ดังต่อไปนี้

มาตรา 1 พระราชบัญญัตินี้เรียกว่า "พระราชบัญญัติกาชาด พ.ศ. 2499"

มาตรา 2 พระราชบัญญัตินี้ให้ใช้บังคับตั้งแต่วันถัดจากวันประกาศในราชกิจจานุเบกษาเป็นต้นไป ⁽¹⁾

มาตรา 3 ให้ยกเลิกพระราชบัญญัติกาชาด พุทธศักราช 2481 พระราชบัญญัติกาชาด (ฉบับที่ 2) พุทธศักราช 2485 บรรดากฎหมาย กฎ และข้อบังคับอื่นๆ ในส่วนที่มีบัญญัติไว้แล้ว ในพระราชบัญญัตินี้ หรือซึ่งขัด หรือแย้ง กับบทแห่งพระราชบัญญัตินี้ ให้ใช้พระราชบัญญัตินี้บังคับ

มาตรา 4 ในพระราชบัญญัตินี้

"อนุสัญญา" หมายความว่า "อนุสัญญาเจนีวา เพื่อให้ผู้บาดเจ็บและป่วยไข้ในกองทัพในสนามรบมีสถานะดีขึ้น

ลงวันที่ 12 สิงหาคม พ.ศ. 2492" และ "อนุสัญญาเจนีวา เพื่อให้ผู้สังกัดในกองทัพขณะอยู่ในทะเล ซึ่งบาดเจ็บป่วยไข้ และเรือต้องอับปาง มีสถานะดีขึ้น ลงวันที่ 12 สิงหาคม พ.ศ. 2492" แล้วแต่กรณี

"เครื่องหมายกาชาด" หมายความว่า กากบาทสีแดงบนพื้นสีขาว

"นามกาชาด" หมายความว่า คำว่า "กาชาด" หรือคำ "กาเจนีวา"

มาตรา 5 ให้ใช้เครื่องหมายกาชาด เป็นเครื่องหมายของบริการทางการแพทย์ในกองทัพไทย

⁽¹⁾ รก.2499/63/924/14 สิงหาคม 2499

ให้แสดงเครื่องหมายภาษาใดไว้บนธงผ้าพันแขน และบนบรรดาเครื่องมือที่ใช้ในบริการทางการแพทย์ ตามที่เจ้าหน้าที่ผู้มีอำนาจทางทหารจะสั่ง

มาตรา 6 ให้สภากาชาดไทยใช้เครื่องหมายภาษาใดในยามสงบศึกตามกฎหมายว่าด้วยสภากาชาดไทย

มาตรา 7 การใช้เครื่องหมายภาษาใดในยามสงบศึกเพื่อแสดงให้รู้ว่าเป็นยานพาหนะที่ใช้เป็นรถพยาบาล และเพื่อหมายที่ตั้งสถานียบรรเทาทุกข์ ซึ่งใช้เฉพาะการรักษาพยาบาลผู้บาดเจ็บหรือป่วยไข้โดยไม่คิดมูลค่านั้น จะกระทำได้อีกต่อเมื่อได้รับอนุญาตพิเศษจากสภากาชาดไทยตามเงื่อนไขที่รัฐมนตรีว่าการกระทรวงสาธารณสุขกำหนด

มาตรา 8 ให้สภากาชาดไทย อยู่ในความควบคุมของรัฐมนตรีว่าการกระทรวงสาธารณสุข เว้นแต่ในเรื่องธรรมดาธุรกิจอื่นจะต้องดำเนินไปตามกฎ และข้อบังคับแห่งคณะกรรมการกาชาดระหว่างประเทศ และสันนิบาตสภากาชาด

มาตรา 9 ผู้ใดใช้เครื่องหมายภาษาใดหรือนามภาษาใดโดยไม่มีสิทธิตามอนุสัญญา หรือตามพระราชบัญญัตินี้ มีความผิดต้องระวางโทษจำคุกไม่เกินสามเดือน หรือปรับไม่เกินหนึ่งพันบาท หรือทั้งจำทั้งปรับ

มาตรา 10 ผู้ใดใช้เครื่องหมายหรือถ้อยคำใดๆ เลียนแบบเครื่องหมายภาษาใดหรือนามภาษาใด หรือคล้ายคลึงเครื่องหมายหรือนามเช่นนั้น จนอนุমানได้ว่าทำเพื่อหลอกลวงประชาชน มีความผิดต้องระวางโทษจำคุกไม่เกินสามเดือน หรือปรับไม่เกินหนึ่งพันบาท หรือทั้งจำทั้งปรับ

มาตรา 11 ผู้ใดกระทำความผิดตามที่ระบุไว้ในมาตรา 9 หรือมาตรา 10 ด้วยความมุ่งหมายทางการเงินหรือทางการพาณิชย์ใดๆ ประทับเครื่องหมายภาษาใด หรือนามภาษาใดบนสินค้าเพื่อขาย เป็นต้นว่า ฉลาก หรือเครื่องหมายการค้า มีความผิดต้องระวางโทษจำคุกไม่เกินหกเดือน หรือปรับไม่เกินสองพันบาท หรือทั้งจำทั้งปรับ

มาตรา 12 ให้นำมาตรา 9 มาตรา 10 หรือมาตรา 11 มาใช้บังคับแก่เครื่องหมายสีวงเดือนแดงบนพื้นสีขาว หรือสีแดงและดวงอาทิตย์บนพื้นสีขาวและแก่นาม "สีวงเดือนแดง" หรือ "สีแดง และดวงอาทิตย์" โดยอนุโลม

มาตรา 13 ผู้ใดใช้เครื่องหมายตราแผ่นดินของสหพันธรัฐสวิส หรือใช้เครื่องหมายใดๆ เทียมหรือเลียนหรือคล้ายคลึงตราแผ่นดินของสหพันธรัฐสวิส โดยมีชอบด้วยอนุสัญญา มีความผิดต้องระวางโทษตามที่ระบุไว้ในมาตรา 9 มาตรา 10 มาตรา 11 หรือมาตรา 12 แล้วแต่กรณี

มาตรา 14 บรรดาเครื่องหมายหรือนาม อันมิชอบตามที่บัญญัติไว้ในมาตรา 9 มาตรา 10 มาตรา 11 มาตรา 12 หรือมาตรา 13 เงินที่เรียไร้ได้ตลอดจนสินค้าหรือสิ่งหามทรัพย์อื่น ภาชนะหรือหีบห่อ บรรดาที่มีเครื่องหมายหรือนามเช่นนั้นประทับไว้ ศาลจะริบเสียก็ได้

มาตรา 15 ให้รัฐมนตรีว่าการกระทรวงสาธารณสุขรักษาการตามพระราชบัญญัตินี้ และให้มีอำนาจออกกฎกระทรวงเพื่อปฏิบัติการตามพระราชบัญญัตินี้

กฎกระทรวงนั้นเมื่อได้ประกาศในราชกิจจานุเบกษาแล้วให้ใช้บังคับได้

ผู้รับสนองพระบรมราชโองการ

จอมพล ป. พิบูลสงคราม

นายกรัฐมนตรี

หมายเหตุ :- เหตุผลในการประกาศใช้พระราชบัญญัติฉบับนี้ คือ โดยที่ประเทศไทยเป็นภาคีแห่งอนุสัญญาเจนีวา เพื่อให้ผู้บาดเจ็บและป่วยไข้ในกองทัพในสนามรบมีสภาวะดีขึ้น ลงวันที่ 12 สิงหาคม พ.ศ. 2492 และแห่งอนุสัญญาเจนีวา เพื่อให้ผู้สังกัดในกองทัพขณะอยู่ในทะเลซึ่งบาดเจ็บป่วยไข้และเรือต้องอับปาง มีสภาวะดีขึ้น ลงวันที่ 12 สิงหาคม 2492

และโดยที่เป็นการสมควรที่จะตรากฎหมายเพื่ออนุวัติตามบทแห่งอนุสัญญาดังกล่าว

ภาคผนวก (ง)

กฎกระทรวง พ.ศ. 2499 ออกตามความในพระราชบัญญัติกาชาด พ.ศ. 2499.

กฎกระทรวง
(พ.ศ. ๒๕๕๙)
ออกตามความในพระราชบัญญัติกาชาด
พ.ศ. ๒๕๕๙

อาศัยอำนาจตามความในมาตรา ๑๕ แห่งพระราชบัญญัติกาชาด พ.ศ. ๒๕๕๙
รัฐมนตรีว่าการกระทรวงสาธารณสุขออกกฎกระทรวงไว้ ดังต่อไปนี้
เงื่อนไขที่สภากาชาดไทยจะให้อนุญาตพิเศษ เกี่ยวกับการใช้เครื่องหมายกาชาด
ในยามสงบศึก ตามมาตรา ๗ มีดังต่อไปนี้ คือ

- (๑) ผู้ขออนุญาตมีหลักฐานเป็นที่เชื่อถือได้ และ
- (๒) วัตถุประสงค์ ในการใช้ เครื่องหมายนั้นไม่ขัดกับหลักการของกาชาด

ให้ไว้ ณ วันที่ ๕ ตุลาคม พ.ศ. ๒๕๕๙
พล.ท. ประยูร ภมรมนตรี
รัฐมนตรีว่าการกระทรวงสาธารณสุข

หมายเหตุ :- เหตุผลในการประกาศใช้กฎกระทรวงฉบับนี้ คือ โดยที่ประเทศไทยเป็นภาคีแห่งอนุสัญญาเจนีวา เพื่อให้ผู้บาดเจ็บและป่วยไข้ในกองทัพในสนามรบมีสถานะดีขึ้น ลงวันที่ ๑๒ สิงหาคม พ.ศ. ๒๕๔๒ และแห่งอนุสัญญาเจนีวา เพื่อให้ผู้สังกัดในกองทัพขณะอยู่ในทะเลซึ่งบาดเจ็บป่วยไข้ และเรือต้องอับปาง มีสถานะดีขึ้น ลงวันที่ ๑๒ สิงหาคม พ.ศ. ๒๕๔๒ จึงควรออกกฎกระทรวงกำหนดเงื่อนไขการใช้เครื่องหมายกาชาดในยามสงบศึก เพื่อปฏิบัติการให้เป็นไปตามพระราชบัญญัติกาชาด พ.ศ. ๒๕๕๙

[รก. ๒๕๕๙/๘๖/๑๑๕๙/๒๓ ตุลาคม ๒๕๕๙]

ภาคผนวก (จ)

พระราชบัญญัติกำหนดหน้าที่ของคนไทยในเวลารบ พ.ศ. 2484.

พระราชบัญญัติ
กำหนดหน้าที่ของคนไทยในเวลารบ
พุทธศักราช ๒๔๘๔

ในพระปรมาภิไธยสมเด็จพระเจ้าอยู่หัวอานันทมหิดล

คณะผู้สำเร็จราชการแทนพระองค์

(ตามประกาศประธานสภาผู้แทนราษฎร

ลงวันที่ ๔ สิงหาคม พุทธศักราช ๒๔๘๐)

อาทิตยทิพอาภา

พล.อ. พิษยนทรโยธิน

ตราไว้ ณ วันที่ ๘ กันยายน พุทธศักราช ๒๔๘๔

เป็นปีที่ ๘ ในรัชกาลปัจจุบัน

โดยที่สภาผู้แทนราษฎรลงมติว่า สมควรกำหนดหน้าที่ของคนไทยในขณะประเทศไทยต้องเข้าทำการรบขึ้นไว้ เพื่อปฏิบัติการให้ถูกต้องตามแผนการของราชการและเพื่อยังความเป็นไทให้คงอยู่ตลอดไป

จึงมีพระบรมราชโองการให้ตราพระราชบัญญัติขึ้นไว้โดยคำแนะนำและยินยอมของสภาผู้แทนราษฎร ดังต่อไปนี้

มาตรา ๑ พระราชบัญญัตินี้ให้เรียกว่า "พระราชบัญญัติกำหนดหน้าที่ของคนไทยในเวลารบ พุทธศักราช ๒๔๘๔"

มาตรา ๒^๑ ให้ใช้พระราชบัญญัตินี้ตั้งแต่วันประกาศในราชกิจจานุเบกษาเป็นต้นไป

มาตรา ๓ เมื่อประเทศไทยต้องทำการรบกับประเทศหนึ่งประเทศใดประชาชนชาวไทยทั้งหมด มีหน้าที่ต้องปฏิบัติในทุกๆ ทางที่เป็นประโยชน์แก่ประเทศไทยและที่ขัดต่อประโยชน์ของประเทศที่ทำการรบประเทศไทย

นอกจากหน้าที่ที่กำหนดไว้ในพระราชบัญญัตินี้ คนไทยทุกคนต้องปฏิบัติหน้าที่ตามกฎหมายอื่นที่กำหนดไว้อีกด้วย

มาตรา ๔ คนไทยคนใดล่วงรู้แผนการ ฐานที่ตั้ง การเคลื่อนไหวเกี่ยวกับกำลังคนกำลังอาวุธ การเงิน หรือการอื่นใดทำนองที่กล่าวมานี้ของข้าศึก ให้ผู้นั้นรายงานต่อเจ้าหน้าที่ฝ่ายทหารหรือฝ่ายปกครองโดยมิชักช้า

มาตรา ๕ คนไทยทุกคนต้องทำการต่อต้านข้าศึกทุกวิถีทางด้วยกำลังอาวุธ กำลังทรัพย์ หรือกำลังอื่นใดตามคำสั่งของราชการ

แต่เมื่อตกอยู่ในฐานะที่ไม่สามารถทราบคำสั่งของราชการได้ ก็ต้องจัดการต่อต้านต่อไปตามวิถีทางที่ทำได้จนถึงที่สุด ถ้าไม่สามารถต่อต้านไว้ได้ ให้ทำการขัดขวางหรือก่ออุปสรรค ต่างๆ เพื่อมิให้ข้าศึกได้รับความสะดวก และให้ทำลายเครื่องมือ เครื่องใช้ เครื่องอุปโภค เครื่องบริโภค บ้านเรือน ที่อยู่อาศัย สัตว์พาหนะ และสิ่งของต่างๆ ไม่ว่าจะเป็นของตน ของผู้อื่นหรือของราชการอันจะอำนวยประโยชน์ให้แก่ข้าศึกนั้นเสียให้สิ้น

^๑ ราชกิจจานุเบกษา เล่ม ๕๘/-หน้า ๑๑๔๓/๑๑ กันยายน ๒๔๘๔

มาตรา ๖ ในการปฏิบัติการต่อต้าน หรือการป้องกันมิให้ข้าศึกได้รับความสะดวก หรือประโยชน์นั้น ให้พึงถือว่าเป็นกรณีที่ข้าศึกได้บังอาจกระทำการอันไม่เป็นธรรมต่อประเทศไทย ฉะนั้นสิ่งใดๆ ที่สามารถเป็นประโยชน์ในการทำลายข้าศึกผู้ธรรมได้แล้ว ย่อมชอบที่จะใช้สิ่งนั้นๆ ได้

มาตรา ๗ ผู้ใดฝ่าฝืนหรือละเลยไม่ปฏิบัติตามมาตรา ๔ หรือมาตรา ๕ มีความผิดต้องระวางโทษ ประหารชีวิต หรือจำคุกตลอดชีวิต ทรัพย์สินสมบัติส่วนตัวของผู้ที่ระทำความผิดตามวรรคก่อนให้ริบเสียสิ้น

มาตรา ๘ การฟ้องขอให้ลงโทษผู้กระทำความผิดตามพระราชบัญญัตินี้ไม่ลบล้างความผิดตามกฎหมายลักษณะอาญาหรือกฎหมายอื่น

มาตรา ๙ ให้นายกรัฐมนตรีรักษาการให้เป็นไปตามพระราชบัญญัตินี้ และให้มีอำนาจออกกฎกระทรวงเพื่อปฏิบัติการให้เป็นไปตามพระราชบัญญัตินี้

กฎกระทรวงนั้น เมื่อได้ประกาศในราชกิจจานุเบกษาแล้วให้ใช้บังคับได้

ผู้รับสนองพระบรมราชโองการ

พิบูลสงคราม

นายกรัฐมนตรี

แถลงการณ์

เรื่อง หน้าทีของคนไทยในเวลารบ²

การที่รัฐบาลได้เสนอร่างพระราชบัญญัติกำหนดหน้าที่ของคนไทยในเวลารบไปยังสภาผู้แทนราษฎร จนสภาผู้แทนราษฎรเห็นชอบด้วย และได้ลงมติให้ใช้เป็นกฎหมายได้นั้นก็เพราะเหตุว่า รัฐบาลได้เห็นว่ อันบุคคลที่เกิดมามีชีวิตอยู่ร่วมกันประกอบขึ้นเป็นชาติหนึ่งนั้น แต่ละคนต่างก็มุ่งหวังในขณะที่ยังมีชีวิตอยู่ในอันที่จะประกอบกิจการงานและบำเพ็ญตนเพื่อให้ชาติบ้านเมืองรุ่งเรืองเจริญตามสติปัญญาและกำลังของตน ในเวลาที่สภาพการณ์ของบ้านเมืองเป็นปกติ ต่างคนต่างก็มุ่งที่จะประกอบอาชีพตามความรู้ความสามารถช่วยกันรักษาความสงบเรียบร้อยในบ้านเมือง และอำนวยความสะดวกให้แก่ทุกคนซึ่งเป็นเพื่อนมนุษย์ด้วยกัน ไม่ว่าจะเป็ชนชาติเดียวกันหรือต่างชาติ เมื่อสภาพบ้านเมืองอยู่ในฐานะคับขัน ต่างก็รวมกันเป็นอันหนึ่งอันเดียวกันเพื่อช่วยกัน คลายคลี่ฐานะการณ์คับขันนั้นให้กลับคืนสู่สภาพปกติด้วยวิถีทางต่างๆ

อันชาติซึ่งได้มีกำเนิดเกิดขึ้นมาแล้วนั้น ต่างมุ่งหวังที่จะทนบำรุงรักษาชื่อเสียงและเกียรติศักดิ์ให้เจริญรุ่งเรืองอยู่เสมอ และให้อยู่ในฐานะที่เคารพนับถือและสรรเสริญอยู่เป็นเนืองนิตย์ แต่ละชาติมุ่งจะเป็นมิตร และช่วยเหลือซึ่งกันและกันในทางที่ควร ชาติไทยและประชาชนชาวไทยก็ได้ถือหลักนี้และได้ปฏิบัติเช่นนี้ตลอด มาจนทุกวันนี้ ชาติต่างๆ ที่ติดต่อกับชาติไทย ได้รู้นิสัยของชาวไทยในการให้ความต้อนรับเป็นอย่างดีแก่ชาว

² ราชกิจจานุเบกษา เล่ม ๕๘/หน้า ๑๑๖๐/๑๑ กันยายน ๒๔๘๔

ต่างประเทศนั้นอยู่แล้วประชาชนชาวไทยได้เคยปฏิบัติอยู่อย่างไรก็จักปฏิบัติอย่างนั้นต่อไป แต่ทั้งนี้ ชาตินั้นก็ต้องปฏิบัติตอบแทนแก่ชาติไทยอย่างเดียวกัน และต้องไม่ก่อผลเสียหายอย่างไรให้แก่ชาติไทย

แต่เหตุการณ์ของโลกในสมัยปัจจุบันผันแปรและเรรวนไม่แน่นอน ความรู้สึกและความคิดเห็นของแต่ละชาติก็เปรียบเสมือนความคิดเห็นของบุคคลธรรมดาได้แปรปรวนไปตามความเคลื่อนไหวของเหตุการณ์ด้วยการปะทะ การต่อสู้ การใช้กำลัง การต่อสู้ ตลอดจนการรบและการสงครามก็ได้เกิดขึ้นและได้ยืดเยื้อมาช้านาน และก็ยังไม้อาจคาดคะเนได้ว่าจะสิ้นสุดลงเมื่อใด เพื่อรักษาความเป็นมิตรที่ดีของทุกๆ ชาติ ชาติไทยได้ดำรงอยู่ในความเป็นกลาง และปฏิบัติกิจด้วยความเที่ยงธรรมถ่อมมั่นในความสงบและในการที่จะไม่ก่อความเดือดร้อนให้แก่ชาติหนึ่งชาติใด แต่ทั้งนี้ชาติต่างๆ ที่เป็นมิตรกับชาติไทย มีความสัมพันธ์สนิทกันมานับเป็นเวลานานนั้น ก็ต้องเห็นใจชาติไทยและไม่ก่อความเดือดร้อนให้แก่ชาติไทยด้วย แต่ดังที่ได้ทราบกันอยู่แล้วทุกสิ่งทุกอย่างไม่เป็นที่แน่นอน และถ้าจะสมมติกรณีให้ร้ายแรงที่สุด กรณีก็อาจเป็นไปได้ว่าชาติไทยอาจถูกชาติอื่นบีบบังคับและเข้ามารุกรานในบ้านเมือง ในกรณีอันร้ายแรงเช่นนี้ ซึ่งเป็นกรณีเกี่ยวกับความเป็นความตายของชาติ ประชาชนชาวไทยก็ตกอยู่ในฐานะจำเป็นที่จะต้องต่อสู้จนกว่าจะหมดลมหายใจ ถึงศัตรูจะมีอำนาจอย่างใหญ่หลวงเพียงใดก็ตาม เมื่อเกิดมาเป็นไทยแล้วต้องสู้จนสิ้นกำลัง ชาติไทยย่อมรู้สึกอยู่ว่าเป็นชาติเล็ก ไม่มีกำลังอำนาจมากมาย แต่ก็ยินดีที่จะยอมตายด้วยความเป็นไทดีกว่าอยู่ด้วยความเป็นทาส เมื่อจำเป็น ถึงชาติไทยจะต้องสู้จนสิ้นชาติชื่อของไทยก็คงดำรงอยู่ตลอดชั่วกาลปาวสานว่าเป็นชาตินักสู้จนตัวตาย ดังได้มีตัวอย่างของบางชาติที่ถึงบัดนี้จะได้สูญสิ้นนับเป็นเวลาตั้งพันปี แต่ชื่อก็ยังดังก้องอยู่ไม่รู้ลืม

ชาติไทยตั้งมั่นอยู่ในสันติธรรม และแสวงหาสันติภาพอยู่เสมอ แต่จะต้องไม่ประมาท ถ้าหากบังเอิญต้องเผชิญต่อการรบ และต้องต่อต้านกับศัตรูผู้รุกรานโดยธรรมเช่นนี้ก็ควรตระหนักรู้หน้าที่ของประชาชนชาวไทยทั้งหมดอันรู้โดยทั่วกันนั้นไว้ให้เป็นที่แน่นอนเสียแต่บัดนี้และให้ทุกคนสังวรณในกิจที่ตนพึงปฏิบัติในการรบต่อต้านไว้โดยทั่วกัน ด้วยเหตุนี้จึงได้มีการตรากฎหมายเรื่องนี้ขึ้นไว้

ภาคผนวก (ซ)

Statutes of the international Red Cross and Red Crescent Movement,
adopted by the 25th International Conference of the Red Cross
at Geneva in 1986, amended in 1995 and 2006.

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

*(adopted by the 25th International Conference
of the Red Cross at Geneva in 1986,
amended in 1995¹ and 2006²)*

PREAMBLE

The International Conference of the Red Cross and Red Crescent,

Proclaims that the National Red Cross and Red Crescent Societies, the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies together constitute a worldwide humanitarian movement, whose mission is to prevent and alleviate human suffering wherever it may be found, to protect life and health and ensure respect for the human being, in particular in times of armed conflict and other emergencies, to work for the prevention of disease and for the promotion of health and social welfare, to encourage voluntary service and a constant readiness to give help by the members of the Movement, and a universal sense of solidarity towards all those in need of its protection and assistance.

Reaffirms that, in pursuing its mission, the Movement shall be guided by its Fundamental Principles, which are:

- Humanity** *The International Red Cross and Red Crescent Movement, born of a desire to bring assistance without discrimination to the wounded on the battlefield, endeavours, in its international and national capacity, to prevent and alleviate human suffering wherever it may be found. Its purpose is to protect life and health and to ensure respect for the human being. It promotes mutual understanding, friendship, cooperation and lasting peace amongst all peoples.*
- Impartiality** *It makes no discrimination as to nationality, race, religious beliefs, class or political opinions. It endeavours to relieve the suffering of individuals, being guided solely by their needs, and to give priority to the most urgent cases of distress.*
- Neutrality** *In order to continue to enjoy the confidence of all, the Movement may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature.*

¹ Resolution 7 of the 26th International Conference of the Red Cross and Red Crescent at Geneva.

² Resolution 1 of the 29th International Conference of the Red Cross and Red Crescent at Geneva.

- Independence** *The Movement is independent. The National Societies, while auxiliaries in the humanitarian services of their governments and subject to the laws of their respective countries, must always maintain their autonomy so that they may be able at all times to act in accordance with the principles of the Movement.*
- Voluntary Service** *It is a voluntary relief movement not prompted in any manner by desire for gain.*
- Unity** *There can be only one Red Cross or one Red Crescent Society in anyone country. It must be open to all. It must carry on its humanitarian work throughout its territory.*
- Universality** *The International Red Cross and Red Crescent Movement, in which all Societies have equal status and share equal responsibilities and duties in helping each other, is worldwide.*

*Recalls that the mottoes of the Movement, *Inter arma caritas* and *Per humanitatem ad pacem*, together express its ideals.*

Declares that, by its humanitarian work and the dissemination of its ideals, the Movement promotes a lasting peace, which is not simply the absence of war, but is a dynamic process of cooperation among all States and peoples, cooperation founded on respect for freedom, independence, national sovereignty, equality, human rights, as well as on a fair and equitable distribution of resources to meet the needs of peoples.

SECTION I: GENERAL PROVISIONS*

[.....]

*Find full text at, ICRC, **Statutes of the international Red Cross and Red Crescent movement**, (adopted by the 25th International Conference of the Red Cross at Geneva in 1986, amended in 1995 and 2006). Geneva: ICRC, 2006, [Online] Available from: <http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/statutes-movement-220506?opendocument> [07 Jan 2008].

ภาคผนวก (ซ)

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.

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

Preamble

The High Contracting Parties,

(PP1) *Reaffirming* the provisions of the Geneva Conventions of 12 August 1949 (in particular Articles 26, 38, 42 and 44 of the First Geneva Convention) and, where applicable, their Additional Protocols of 8 June 1977 (in particular Articles 18 and 38 of Additional Protocol I and Article 12 of Additional Protocol II), concerning the use of distinctive emblems,

(PP2) *Desiring* to supplement the aforementioned provisions so as to enhance their protective value and universal character,

(PP3) *Noting* that this Protocol is without prejudice to the recognized right of High Contracting Parties to continue to use the emblems they are using in conformity with their obligations under the Geneva Conventions and, where applicable, the Protocols additional thereto,

(PP4) *Recalling* that the obligation to respect persons and objects protected by the Geneva Conventions and the Protocols additional thereto derives from their protected status under international law and is not dependent on use of the distinctive emblems, signs or signals,

(PP5) *Stressing* that the distinctive emblems are not intended to have any religious, ethnic, racial, regional or political significance,

(PP6) *Emphasizing* the importance of ensuring full respect for the obligations relating to the distinctive emblems recognized in the Geneva Conventions, and, where applicable, the Protocols additional thereto,

(PP7) *Recalling* that Article 44 of the First Geneva Convention makes the distinction between the protective use and the indicative use of the distinctive emblems,

(PP8) *Recalling further* that National Societies undertaking activities on the territory of another State must ensure that the emblems they intend to use within the framework of such activities may be used in the country where the activity takes place and in the country or countries of transit,

(PP9) *Recognizing* the difficulties that certain States and National Societies may have with the use of the existing distinctive emblems,

(PP10) *Noting* the determination of the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies and the International Red Cross and Red Crescent Movement to retain their current names and emblems,

Have agreed on the following:

Article 1 - Respect for and scope of application of this Protocol

1. The High Contracting Parties undertake to respect and to ensure respect for this Protocol in all circumstances.
2. This Protocol reaffirms and supplements the provisions of the four Geneva Conventions of 12 August 1949 ("the Geneva Conventions") and, where applicable, of their two Additional Protocols of 8 June 1977 ("the 1977 Additional Protocols") relating to the distinctive emblems, namely the red cross, the red crescent and the red lion and sun, and shall apply in the same situations as those referred to in these provisions.

Article 2 - Distinctive emblems

1. This Protocol recognizes an additional distinctive emblem in addition to, and for the same purposes as, the distinctive emblems of the Geneva Conventions. The distinctive emblems shall enjoy equal status.
2. This additional distinctive emblem, composed of a red frame in the shape of a square on edge on a white ground, shall conform to the illustration in the Annex to this Protocol. This distinctive emblem is referred to in this Protocol as the "third Protocol emblem".
3. The conditions for use of and respect for the third Protocol emblem are identical to those for the distinctive emblems established by the Geneva Conventions and, where applicable, the 1977 Additional Protocols.
4. The medical services and religious personnel of armed forces of High Contracting Parties may, without prejudice to their current emblems, make temporary use of any distinctive emblem referred to in paragraph 1 of this Article where this may enhance protection.

Article 3 - Indicative use of the third Protocol emblem

1. National Societies of those High Contracting Parties which decide to use the third Protocol emblem may, in using the emblem in conformity with relevant national legislation, choose to incorporate within it, for indicative purposes:

a) a distinctive emblem recognized by the Geneva Conventions or a combination of these emblems; or

b) another emblem which has been in effective use by a High Contracting Party and was the subject of a communication to the other High Contracting Parties and the International Committee of the Red Cross through the depositary prior to the adoption of this Protocol.

Incorporation shall conform to the illustration in the Annex to this Protocol.

2. A National Society which chooses to incorporate within the third Protocol emblem another emblem in accordance with paragraph 1 above, may, in conformity with national legislation, use the designation of that emblem and display it within its national territory.

3. National Societies may, in accordance with national legislation and in exceptional circumstances and to facilitate their work, make temporary use of the distinctive emblem referred to in Article 2 of this Protocol.

4. This Article does not affect the legal status of the distinctive emblems recognized in the Geneva Conventions and in this Protocol, nor does it affect the legal status of any particular emblem when incorporated for indicative purposes in accordance with paragraph 1 of this Article.

Article 4 - International Committee of the Red Cross and International Federation of Red Cross and Red Crescent Societies

The International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies, and their duly authorized personnel, may use, in exceptional circumstances and to facilitate their work, the distinctive emblem referred to in Article 2 of this Protocol.

Article 5 - Missions under United Nations auspices

The medical services and religious personnel participating in operations under the auspices of the United Nations may, with the agreement of participating States, use one of the distinctive emblems mentioned in Articles 1 and 2.

Article 6 - Prevention and repression of misuse

1. The provisions of the Geneva Conventions and, where applicable, the 1977 Additional Protocols, governing prevention and repression of misuse of the distinctive emblems shall apply equally to the third Protocol emblem. In particular, the High Contracting Parties shall take measures necessary for the prevention and repression, at all times, of any misuse of the distinctive emblems mentioned in Articles 1 and 2 and their designations, including the perfidious use and the use of any sign or designation constituting an imitation thereof.

2. Notwithstanding paragraph 1 above, High Contracting Parties may permit prior users of the third Protocol emblem, or of any sign constituting an imitation thereof, to continue such use, provided that the said use shall not be such as would appear, in time of armed conflict, to confer the protection of the Geneva Conventions and, where applicable, the 1977 Additional Protocols, and provided that the rights to such use were acquired before the adoption of this Protocol.

Article 7 - Dissemination

The High Contracting Parties undertake, in time of peace as in time of armed conflict, to disseminate this Protocol as widely as possible in their respective countries and, in particular, to include the study thereof in their programmes of military instruction and to encourage the study thereof by the civilian population, so that this instrument may become known to the armed forces and to the civilian population.

Article 8 - Signature

This Protocol shall be open for signature by the Parties to the Geneva Conventions on the day of its adoption and will remain open for a period of twelve months.

Article 9 - Ratification

This Protocol shall be ratified as soon as possible. The instruments of ratification shall be deposited with the Swiss Federal Council, depositary of the Geneva Conventions and the 1977 Additional Protocols.

Article 10 - Accession

This Protocol shall be open for accession by any Party to the Geneva Conventions which has not signed it. The instruments of accession shall be deposited with the depositary.

Article 11 - Entry into force

1. This Protocol shall enter into force six months after two instruments of ratification or accession have been deposited.
2. For each Party to the Geneva Conventions thereafter ratifying or acceding to this Protocol, it shall enter into force six months after the deposit by such Party of its instrument of ratification or accession.

Article 12 - Treaty relations upon entry into force of this Protocol

1. When the Parties to the Geneva Conventions are also Parties to this Protocol, the Conventions shall apply as supplemented by this Protocol.
2. When one of the Parties to the conflict is not bound by this Protocol, the Parties to the Protocol shall remain bound by it in their mutual relations. They shall furthermore be bound by this Protocol in relation to each of the Parties which are not bound by it, if the latter accepts and applies the provisions thereof.

Article 13 - Amendment

1. Any High Contracting Party may propose amendments to this Protocol. The text of any proposed amendment shall be communicated to the depositary, which shall decide, after consultation with all the High Contracting Parties, the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies, whether a conference should be convened to consider the proposed amendment.
2. The depositary shall invite to that conference all the High Contracting Parties as well as the Parties to the Geneva Conventions, whether or not they are signatories of this Protocol.

Article 14 - Denunciation

1. In case a High Contracting Party should denounce this Protocol, the denunciation shall only take

effect one year after receipt of the instrument of denunciation. If, however, on the expiry of that year the denouncing Party is engaged in a situation of armed conflict or occupation, the denunciation shall not take effect before the end of the armed conflict or occupation.

2. The denunciation shall be notified in writing to the depositary, which shall transmit it to all the High Contracting Parties.

3. The denunciation shall have effect only in respect of the denouncing Party.

4. Any denunciation under paragraph 1 shall not affect the obligations already incurred, by reason of the armed conflict or occupation, under this Protocol by such denouncing Party in respect of any act committed before this denunciation becomes effective.

Article 15 - Notifications

The depositary shall inform the High Contracting Parties as well as the Parties to the Geneva Conventions, whether or not they are signatories of this Protocol, of:

- a) signatures affixed to this Protocol and the deposit of instruments of ratification and accession under Articles 8, 9 and 10;
- b) the date of entry into force of this Protocol under Article 11 within ten days of said entry into force;
- c) communications received under Article 13;
- d) denunciations under Article 14.

Article 16 - Registration

1. After its entry into force, this Protocol shall be transmitted by the depositary to the Secretariat of the United Nations for registration and publication, in accordance with Article 102 of the Charter of the United Nations.

2. The depositary shall also inform the Secretariat of the United Nations of all ratifications, accessions and denunciations received by it with respect to this Protocol.

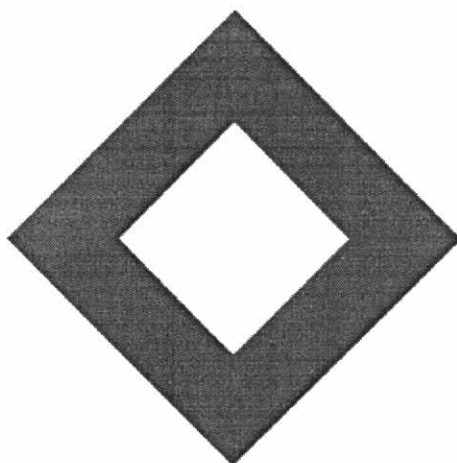
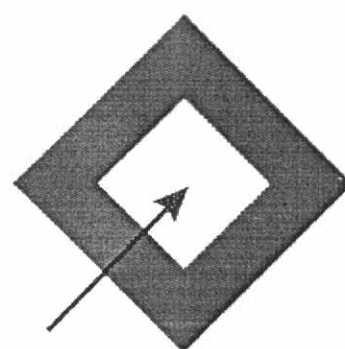
Article 17 - Authentic texts

The original of this Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the depositary, which shall transmit certified true copies thereof to all the Parties to the Geneva Conventions.

ANNEX

THIRD PROTOCOL EMBLEM

(Article 2, paragraph 2 and Article 3, paragraph 1 of the Protocol)

Article 1 - Distinctive emblem*Article 2 - Indicative use of the third Protocol emblem*

Incorporation in
accordance with Art. 3

ภาคผนวก (ณ)
รายนามภาคีแห่งอนุสัญญาเจนีวา 1949 ทั้งสี่ฉบับ

Geneva Conventions of 12 August 1949.

State Parties	Signature	Ratification / Accession ¹⁾	Reservation / Declaration ²⁾
Afghanistan	08.12.1949	26.09.1956	
Albania	12.12.1949	27.05.1957	27.05.1957 (text)
Algeria		20.06.1960	
Andorra		17.09.1993	
Angola		20.09.1984	20.09.1984 (text)
Antigua and Barbuda		06.10.1986	
Argentina	08.12.1949	18.09.1956	
Armenia		07.06.1993	
Australia	04.01.1950.	14.10.1958	14.10.1958 (text)
Austria	12.08.1949	27.08.1953	
Azerbaijan		01.06.1993	
Bahamas		11.07.1975	
Bahrain		30.11.1971	
Bangladesh		04.04.1972	20.12.1988 (text)
Barbados		10.09.1968	10.09.1968 (text)
Belarus	12.12.1949	03.08.1954	
Belgium	08.12.1949	03.09.1952	
Belize		29.06.1984	
Benin		14.12.1961	
Bhutan		10.01.1991	
Bolivia	08.12.1949	10.12.1976	
Bosnia-Herzegovina		31.12.1992	
Botswana		29.03.1968	
Brazil	08.12.1949	29.06.1957	
Brunei Darussalam		14.10.1991	
Bulgaria	28.12.1949	22.07.1954	
Burkina Faso		07.11.1961	
Burundi		27.12.1971	
Cambodia		08.12.1958	
Cameroon		16.09.1963	
Canada	08.12.1949	14.05.1965	
Cape Verde		11.05.1984	
Central African Republic		01.08.1966	
Chad		05.08.1970	
Chile	12.08.1949	12.10.1950	
China	10.12.1949	28.12.1956	28.12.1956 (text)
Colombia	12.08.1949	08.11.1961	

Comoros		21.11.1985	
Congo (Dem. Rep.)		24.02.1961	
Congo		04.02.1967	
Cook Islands		11.06.2001	
Costa Rica		15.10.1969	
Côte d'Ivoire		28.12.1961	
Croatia		11.05.1992	
Cuba	12.08.1949	15.04.1954	
Cyprus		23.05.1962	
Czech Republic		05.02.1993	19.12.1950 (text)
Denmark	12.08.1949	27.06.1951	
Djibouti		06.03.1978	
Dominican Republic		22.01.1958	
Dominica		28.09.1981	
Ecuador	12.08.1949	11.08.1954	
Egypt	08.12.1949	10.11.1952	
El Salvador	08.12.1949	17.06.1953	
Equatorial Guinea		24.07.1986	
Eritrea		14.08.2000	
Estonia		18.01.1993	
Ethiopia	08.12.1949	02.10.1969	
Fiji		09.08.1971	
Finland	08.12.1949	22.02.1955	
Former Yugoslav Republic of Macedonia		01.09.1993	18.10.1996. (text)
France	08.12.1949	28.06.1951	
Gabon		26.02.1965	
Gambia		20.10.1966	
Georgia		14.09.1993	
Germany		03.09.1954	03.12.1954. (text)
Ghana		02.08.1958	
Greece	22.12.1949	05.06.1956	
Grenada		13.04.1981	
Guatemala	12.08.1949	14.05.1952	
Guinea-Bissau		21.02.1974	21.02.1974. (text)
Guinea		11.07.1984	
Guyana		22.07.1968	
Haiti		11.04.1957	
Holy See	08.12.1949	22.02.1951	
Honduras		31.12.1965	
Hungary	08.12.1949	03.08.1954	
Iceland		10.08.1965	

India	16.12.1949	09.11.1950	
Indonesia		30.09.1958	
Iran (Islamic Rep.of)	08.12.1949	20.02.1957	20.02.1957 (text)
Iraq		14.02.1956	
Ireland	19.12.1949	27.09.1962	
Israel	08.12.1949	06.07.1951	08.12.1949 (text)
Italy	08.12.1949	17.12.1951	
Jamaica		20.07.1964	
Japan		21.04.1953	
Jordan		29.05.1951	
Kazakhstan		05.05.1992	
Kenya		20.09.1966	
Kiribati		05.01.1989	
Korea (Dem.People's Rep.)		27.08.1957	27.08.1957. (text)
Korea (Republic of)		16.08.1966	16.08.1966. (text)
Kuwait		02.09.1967	02.09.1967. (text)
Kyrgyzstan		18.09.1992	
Lao People's Dem.Rep.		29.10.1956	
Latvia		24.12.1991	
Lebanon	08.12.1949	10.04.1951	
Lesotho		20.05.1968	
Liberia		29.03.1954	
Libyan Arab Jamahiriya		22.05.1956	
Liechtenstein	12.08.1949	21.09.1950	
Lithuania		03.10.1996	
Luxembourg	08.12.1949	01.07.1953	
Madagascar		18.07.1963	
Malawi		05.01.1968	
Malaysia		24.08.1962	
Maldives		18.06.1991	
Mali		24.05.1965	
Malta		22.08.1968	
Marshall Islands		01.06.2004	
Mauritania		30.10.1962	
Mauritius		18.08.1970	
Mexico	08.12.1949	29.10.1952	
Micronesia		19.09.1995	
Moldova (Republic of)		24.05.1993	
Monaco	12.08.1949	05.07.1950	
Mongolia		20.12.1958	
Montenegro (Republic of)		02.08.2006	

Morocco		26.07.1956	
Mozambique		14.03.1983	
Myanmar		25.08.1992	
Namibia		22.08.1991	
Nauru		27.06.2006	
Nepal		07.02.1964	
Netherlands	08.12.1949	03.08.1954	
New Zealand	11.02.1950.	02.05.1959	02.05.1959 (text)
Nicaragua	12.08.1949	17.12.1953	
Nigeria		20.06.1961	
Niger		21.04.1964	
Norway	12.08.1949	03.08.1951	
Oman		31.01.1974	
Pakistan	12.08.1949	12.06.1951	12.06.1951. (text)
Palau		25.06.1996	
Panama		10.02.1956	
Papua New Guinea		26.05.1976	
Paraguay	10.12.1949	23.10.1961	
Peru	12.08.1949	15.02.1956	
Philippines	08.12.1949	06.10.1952	
Poland	08.12.1949	26.11.1954	
Portugal	11.02.1950.	14.03.1961	14.03.1961. (text)
Qatar		15.10.1975	
Romania	10.02.1950.	01.06.1954	
Russian Federation	12.12.1949	10.05.1954	12.12.1949 (text)
Rwanda		05.05.1964	
Saint Kitts and Nevis		14.02.1986	
Saint Lucia		18.09.1981	
Saint Vincent Grenadines		01.04.1981	
Samoa		23.08.1984	
San Marino		29.08.1953	
Sao Tome and Principe		21.05.1976	
Saudi Arabia		18.05.1963	
Senegal		18.05.1963	
Serbia (Republic of)		16.10.2001	
Seychelles		08.11.1984	
Sierra Leone		10.06.1965	
Singapore		27.04.1973	
Slovakia		02.04.1993	
Slovenia		26.03.1992	
Solomon Islands		06.07.1981	

Somalia		12.07.1962	
South Africa		31.03.1952	
Spain	08.12.1949	04.08.1952	
Sri Lanka	08.12.1949	28.02.1959	
Sudan		23.09.1957	
Suriname		13.10.1976	13.10.1976. (text)
Swaziland		28.06.1973	
Sweden	08.12.1949	28.12.1953	
Switzerland	12.08.1949	31.03.1950	
Syrian Arab Republic	12.08.1949	02.11.1953	
Tajikistan		13.01.1993	
Tanzania (United Rep.of)		12.12.1962	
Thailand		29.12.1954	
Timor-Leste		08.05.2003	
Togo		06.01.1962	
Tonga		13.04.1978	
Trinidad and Tobago		24.09.1963	
Tunisia		04.05.1957	
Turkey	12.08.1949	10.02.1954	
Turkmenistan		10.04.1992	
Tuvalu		19.02.1981	
Uganda		18.05.1964	
Ukraine	12.12.1949	03.08.1954	
United Arab Emirates		10.05.1972	
United Kingdom	08.12.1949	23.09.1957	23.09.1957. (text)
United States of America	12.08.1949	02.08.1955	02.08.1955. (text)
Uruguay	12.08.1949	05.03.1969	05.03.1969. (text)
Uzbekistan		08.10.1993	
Vanuatu		27.10.1982	
Venezuela	10.02.1950.	13.02.1956	
Viet Nam		28.06.1957	28.06.1957. (text)
Yemen		16.07.1970	25.05.1977. (text)
Zambia		19.10.1966	
Zimbabwe		07.03.1983	

1) **Ratification** : a treaty is generally open for signature for a certain time following the conference which has adopted it. However, a signature is not binding on a State unless it has been endorsed by ratification. The time limits having elapsed, the Conventions and the Protocols are no longer open for signature. The States which have not signed them may at any time accede or, in the appropriate circumstances, succeed to them.

Accession : instead of signing and then ratifying a treaty, a State may become party to it by the single act called accession.

2) **Reservation / Declaration** : unilateral statement, however phrased or named, made by a State when ratifying, acceding or succeeding to a treaty, whereby it purports to exclude or to

modify the legal effect of certain provisions of the treaty in their application to that State (provided that such reservations are not incompatible with the object and purpose of the treaty).

Palestine : On 21 June 1989, the Swiss Federal Department of Foreign Affairs received a letter from the Permanent Observer of Palestine to the United Nations Office at Geneva informing the Swiss Federal Council "that the Executive Committee of the Palestine Liberation Organization, entrusted with the functions of the Government of the State of Palestine by decision of the Palestine National Council, decided, on 4 May 1989, to adhere to the Four Geneva Conventions of 12 August 1949 and the two Protocols additional thereto".

On 13 September 1989, the Swiss Federal Council informed the States that it was not in a position to decide whether the letter constituted an instrument of accession, "due to the uncertainty within the international community as to the existence or non-existence of a State of Palestine".

INTERNATIONAL HUMANITARIAN LAW

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ภาคผนวก (ณ)

รายนามภาคีแห่งพิธีสารเพิ่มเติมอนุสัญญาเจนีวา 1949 ฉบับที่ 3 ปี 2005.

**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**

State Parties	Signature	Ratification / Accession ¹⁾	Reservation / Declaration ²⁾
Albania		06.02.2008	
Belize		03.04.2007	
Bulgaria	14.03.2006	13.09.2006	
Canada	19.06.2006	26.11.2007	26.11.2007 (text)
Croatia	29.05.2006	13.06.2007	
Cyprus	19.06.2006	27.11.2007	
Czech Republic	12.04.2006	23.05.2007	
Denmark	08.12.2005	25.05.2007	
El Salvador	08.03.2006	12.09.2007	
Georgia	28.09.2006	19.03.2007	
Honduras	13.03.2006	08.12.2006	
Hungary	19.06.2006	15.11.2006	
Iceland	17.05.2006	04.08.2006	
Israel	08.12.2005	22.11.2007	22.11.2007 (text)
Latvia	20.06.2006	02.04.2007	
Liechtenstein	08.12.2005	24.08.2006	
Lithuania	06.12.2006	28.11.2007	
Monaco	15.03.2006	12.03.2007	
Netherlands	14.03.2006	13.12.2006	
Norway	08.12.2005	13.06.2006	
Philippines	13.03.2006	22.08.2006	
San Marino	19.01.2006	22.06.2007	
Slovakia	25.04.2006	30.05.2007	
Switzerland	08.12.2005	14.07.2006	
United States of America	08.12.2005	08.03.2007	

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ภาคผนวก (ญ)
รายนามประเทศที่ลงนามในพิธีสารเพิ่มเติมอนุสัญญาเจนีวา 1949
ฉบับที่ 3 ปี 2005.

**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**

State Signatories	Signature	Ratification / Accession ¹⁾	Reservation / Declaration ²⁾
Angola	14.03.2006		
Argentina	13.03.2006		
Australia	08.03.2006		
Austria	08.12.2005		
Belgium	08.12.2005		
Bolivia	08.12.2005		
Bosnia-Herzegovina	14.03.2006		
Brazil	14.03.2006		
Burkina Faso	07.12.2006		
Burundi	08.12.2005		
Cape Verde	10.01.2006		
Chile	08.12.2005		
Colombia	08.12.2005		
Congo	08.12.2005		
Costa Rica	08.12.2005		
Dominican Republic	26.07.2006		
Ecuador	08.12.2005		
Estonia	14.03.2006		
Ethiopia	13.03.2006		
Finland	14.03.2006		
Former Yugoslav Republic of Macedonia	18.05.2006		
France	08.12.2005		
Germany	13.03.2006		
Ghana	14.06.2006		
Greece	08.12.2005		
Guatemala	08.12.2005		
Haiti	06.12.2006		
Ireland	20.06.2006		
Italy	08.12.2005		
Jamaica	05.12.2006		
Kenya	30.03.2006		
Korea	02.08.2006		
Luxembourg	08.12.2005		
Madagascar	08.12.2005		
Malta	08.12.2005		

Mexico	16.11.2006	
Moldova (Republic of)	13.09.2006	
Nauru	27.06.2006	
Nepal	14.03.2006	
New Zealand	19.06.2006	
Nicaragua	08.03.2006	
Panama	19.06.2006	
Paraguay	14.03.2006	
Peru	08.12.2005	
Poland	20.06.2006	
Portugal	08.12.2005	
Romania	20.06.2006	
Russian Federation	07.12.2006	
Serbia (Republic of)	31.03.2006	
Sierra Leone	20.06.2006	
Singapore	02.08.2006	
Slovenia	19.05.2006	
Spain	23.12.2005	
Sweden	30.03.2006	
Tanzania (United Rep.of)	08.12.2005	
Timor-Leste	08.12.2005	
Togo	26.06.2006	
Turkey	07.12.2006	07.12.2006 (text)
Ukraine	23.06.2006	
United Kingdom	08.12.2005	
Uruguay	13.03.2006	

1) **Ratification** : a treaty is generally open for signature for a certain time following the conference which has adopted it. However, a signature is not binding on a State unless it has been endorsed by ratification. The time limits having elapsed, the Conventions and the Protocols are no longer open for signature. The States which have not signed them may at any time accede or, in the appropriate circumstances, succeed to them.

Accession : instead of signing and then ratifying a treaty, a State may become party to it by the single act called accession.

2) **Reservation / Declaration** : unilateral statement, however phrased or named, made by a State when ratifying, acceding or succeeding to a treaty, whereby it purports to exclude or to modify the legal effect of certain provisions of the treaty in their application to that State (provided that such reservations are not incompatible with the object and purpose of the treaty).

INTERNATIONAL HUMANITARIAN LAW

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ภาคผนวก (ฎ)

Report on the follow-up of the resolution 3 of the 27th international Conference on the emblem. 28th, International Conference of the Red Cross and Red Crescent 2-6 December 2003.

PROTECTING HUMAN DIGNITY
PROTÉGER LA DIGNITÉ HUMAINE
PROTEGER LA DIGNIDAD HUMANA



**28th International Conference
of the Red Cross and Red Crescent**
2-6 December 2003

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

**Report prepared by
The Standing Commission of the Red Cross and Red Crescent**

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

1. INTRODUCTION

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

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

2. THE MANDATE GIVEN TO THE STANDING COMMISSION

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

"The Council of Delegates,

recognizing the International Red Cross and Red Crescent Movement's Fundamental Principle of universality and the common goal of States, which are parties to the Geneva Conventions, and of the Movement to remove any obstacles to the universal application of the 1949 Geneva Conventions,

further recognising the current problems in some States and National Societies regarding the emblems of the red cross or red crescent,

taking into account and commending the work and consultations undertaken since 1995 by the Standing Commission of the Red Cross and Red Crescent at the request of the Movement, and in particular resolution 2 of the 1997 Council of Delegates,

1. calls upon the 27th International Conference

a) to invite the Standing Commission of the Red Cross and Red Crescent to establish a joint working group from the Movement and States on the emblems

with a mandate to find a comprehensive solution, as rapidly as possible, which is acceptable to all parties in terms of substance and procedure;

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

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

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

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

"The 27th International Conference,

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

recognizing the points raised in the above-mentioned Resolution,

accepts the proposals made in the Resolution."²

3. THE ORIGINS OF THE PROBLEM

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

At the Diplomatic Conference in 1929, which undertook to revise the Geneva Convention in the light of the experiences of the First World War, the Turkish, Persian and Egyptian delegates requested that the emblems of the red cross and red lion and sun, which were used by the medical services of their countries' armed forces, be recognized. The Conference decided to grant their request but, to avoid any proliferation of protective emblems, limited the derogation to the three countries that had asked for recognition of the emblems actually in use by their armed forces medical services.

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

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

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

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

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

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

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

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

⁷ *Actes 1929*, pp. 252-253.

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

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

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

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

4. THE CURRENT LEGAL SITUATION

The emblem fulfills two separate purposes:

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

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

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

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

[...]

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

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

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

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

The provisions relating to indicative use have been expanded over time by practice, especially since the development of traditions of international assistance in the field beyond the original humanitarian law mandate flowing from the Geneva Conventions. It is now common for National Societies to work in other countries in peace-time, in harmony with the national Society of that country and under conditions originally set by a resolution adopted by the Tenth International Conference of the Red Cross which met in Geneva in 1921.¹²

5. CONSEQUENCES OF THE PRESENT SITUATION

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

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

¹¹ *Handbook*, p. 421.

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

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

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

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

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

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

The following three points should be underlined:

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

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

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

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

- Dr Ahmed Mohammed Hassan, President of the Somali Red Crescent Society; Mr Lawrence Egelburger, member of the Governing Board of the American Red Cross;
- the ICRC and the International Federation.

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

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

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

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

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

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

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

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

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

On 5 July 2000, the ICRC forwarded the draft third additional protocol to the Swiss Government, which, in its capacity as the depositary, circulated the text to all the States party to the Geneva Conventions and took over the conduct of consultations from that date,

with the ICRC and the Federation continuing to take an active part. Numerous consultations were held, either in Geneva or in the field, through the delegation of goodwill missions or through the Swiss embassies.

On 5 and 6 September 2000, an informal preparatory conference ahead of the Diplomatic Conference brought together in Geneva representatives of all the States party to the Geneva Conventions. It was followed on 6 September by a preparatory meeting ahead of the 28th International Conference, convened by the ICRC and the International Federation; this meeting was attended by the representatives of the States and of the National Societies. At the conclusion of these meetings the Swiss authorities considered that the conditions for reaching a consensus were fulfilled and thus decided formally to invite the States to take part in the Diplomatic Conference on the emblem scheduled for 25 October in Geneva.

The intensive consultations which continued throughout the month of September 2000 provided an opportunity to smooth out most difficulties that still subsisted with regard to the text of the draft third protocol. Agreement was also reached on a broadly accepted design for which no trace was found of any prior international use.¹⁵ Although there had as yet been no decision on the new emblem's name, it soon appeared that the term "red crystal" presented undeniable advantages: it is identical in all three of the Movement's statutory languages and in many other languages; it has no negative connotations in any of the numerous languages tested; in French and in English the initials are the same as for the red cross and red crescent; and lastly, crystals are a symbol of purity and transparency, and they bring to mind water, the source of life.

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

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

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

On 12 November 2000, the situation was reviewed by the Governing Board of the International Federation. It adopted a decision in which it considered the 12 October draft as a sound basis for the proposed third additional protocol and urged all national Societies to actively and publicly support the work under way to resolve the issue through the adoption of the protocol.¹⁶

Since then, the ICRC and the Federation have continued to undertake consultations with the permanent missions of the various States in order to obtain their comments on the draft third additional protocol and on the future of the process. This has ensured that governments also understand that the Movement has not allowed the priority for the issue to recede.

¹⁵ See Annex I.

¹⁶ Decision 15, 12 November 2000.

These consultations have shown that the 12 October 2000 version of the draft third additional protocol is still widely accepted as the basis for discussion on which negotiations can be resumed as soon as circumstances permit. The representatives of many States have expressed the wish that a solution be found which can be adopted by consensus.

On 16 May 2001, the Governing Board of the Federation reaffirmed its November 2000 decision and declared that the 12 October draft remained a sound basis for agreement among States party to the Geneva Conventions as soon as circumstances allow.¹⁷

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

The Standing Commission took a similar position. In a decision adopted on 12 June 2001, it strongly endorsed the work being done towards the proposed third additional protocol and reaffirmed its position that a comprehensive solution, acceptable to all Parties, can only be found through the adoption of the proposed protocol, as well as its determination to continue consultations towards a comprehensive and lasting solution.¹⁸

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

- commended the efforts made by the Joint Working Group on the Emblem;
- confirmed its objective of finding a comprehensive solution to the question of the emblem;
- noted that the adoption of an additional emblem devoid of any political, national or religious connotation whatsoever would be conducive to strengthening the protection of the victims of war and other situations of violence;
- noted that the draft third additional protocol to the Geneva Conventions drawn up by the ICRC in consultation with the International Federation and circulated on 12 October 2000 by Switzerland constituted an acceptable working basis for the resumption of negotiations when circumstances permitted;
- expressed the wish that a diplomatic conference convened with a view to the adoption of the third protocol could meet as soon as circumstances suggested favourable prospects for reaching an agreement;
- invited the International Federation and the ICRC to take all possible initiatives with a view to pursuing cooperation - in particular in the operational field - with the National Societies that were not yet recognized;
- requested the Standing Commission to continue consultations with a view to finding a comprehensive solution to the question of the emblem on the basis of the work already carried out.¹⁹

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

- ❖ First, they stand ready to resume the process of consultation and negotiation with a view to the adoption of the third additional protocol as soon as the circumstances would seem to allow for a reasonable chance of success. From this point of view, the decisive factor will be the resumption of genuine dialogue in the Middle East, leading

¹⁷ Decision 15.3, 16 May 2001.

¹⁸ Decision 9, 12 June 2001.

¹⁹ The text of the resolution adopted on 14 November 2001 by the Council of Delegates (Resolution 6) is appended (Annex 2).

to a true easing of tension on the ground. Specific measures have been taken to polish the draft third protocol; with the support of the Swiss army, the ICRC has conducted visibility tests to ensure that the new emblem has the same visual qualities as the red cross and the red crescent; inquiries have been made to ascertain the most appropriate name; and the ICRC and the International Federation have taken care to ensure that the matter remains on the agenda of the international community until such time as the circumstances provide fresh impetus to the process of negotiation.

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

Pursuant to a recommendation issued by the ICRC and the International Federation, the Standing Commission established a new working group on the emblem made up exclusively of well-known members of the Movement and tasked with examining the means of following up the Council of Delegates resolution.²⁰

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

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

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

- continue its efforts, in cooperation with the Swiss Government and all components of the Movement, to achieve the adoption of the third protocol additional to the Geneva Conventions based on the draft circulated on 12 October 2000, as soon as circumstances allow for a resumption of negotiations;
- actively inform and demonstrate within the Movement and among States that the issue is one of utmost importance and highest priority for its worldwide value, but

²⁰ 10th meeting of the Standing Commission, 6 February 2002, Decision 3.

also one that the Movement will only be able to solve with the proactive support of States;

- invite the 28th International Conference of the Red Cross and Red Crescent, which will be held in December 2003, to adopt a resolution which proactively advances the objective to adopt the third protocol as soon as possible, thus achieving the comprehensive and lasting solution to the emblem question as requested by the 27th International Conference in 1999, and seek endorsement for this objective from the Council of Delegates preceding the 28th International Conference;
- should it prove possible to adopt the third additional protocol before December 2003, prepare for the rapid revision of the Movement's Statutes so as to allow for the recognition and admission of the National Societies concerned without delay;
- promote and extend operational cooperation initiatives to all National Societies awaiting recognition and admission with the aim of preparing for their membership in the Movement;
- propose to the next Standing Commission that it establish a methodology for following up these recommendations.²¹

In its meeting of 13 May 2003, the Standing Commission endorsed all the recommendations made by the Working Group, recalling that any National Society asking to be recognized had to meet the conditions for recognition in force.²²

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

7. CONCLUSIONS

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

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

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

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

Furthermore, the ICRC and the International Federation have decided to develop and to step up their cooperation – particularly in the operational field – with those National Societies

²¹ Report to the Standing Commission by the Working Group on the Follow-up to Resolution 6 of the Council of Delegates 2001, 5 May 2003, p. 7.

²² 14th meeting of the Standing Commission, 13 May 2003, Decision 13.

which have not yet been admitted as full members of the Movement, owing to difficulties relating to the emblem, and with the Palestine Red Crescent Society.

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

- to approve the measures it has taken to date to implement Resolution 2 of the 1999 Council of Delegates and Resolution 3 of the 27th International Conference;
- to welcome the decisions adopted by the Federation Governing Board, the ICRC Assembly and the 2001 Council of Delegates on the subject:
- to authorize the Standing Commission to continue consultations with a view to the adoption of the third protocol additional to the Geneva Conventions as soon as circumstances allow;
- to express their support for the draft third additional protocol and to recognize that the text circulated by the Government of Switzerland on 12 October 2000 constitutes a sound basis for pursuing negotiations as soon as circumstances allow the depositary to convene the required Diplomatic Conference of States party to the Geneva Conventions;
- to encourage the International Federation and the ICRC to develop, on a pragmatic basis, cooperation with the National Societies whose recognition still depends on the adoption of the third protocol and thus promote their integration in and subsequent admission to the Movement.

* * *

Appended:

- Draft Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III), prepared by the International Committee of the Red Cross in consultation with the International Federation of Red Cross and Red Crescent Societies, 12 October 2000.
- Council of Delegates, Geneva, 11-14 November 2001, Resolution 6.

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* * *



ICRC

**Draft Protocol additional to the Geneva
Conventions of 12 August 1949, and relating to
the Adoption of an Additional Distinctive
Emblem**

(Protocol III)

Prepared by the International Committee of the Red Cross in
consultation with the International Federation of Red Cross and
Red Crescent Societies*

* This text was drawn up following discussions within the Joint Working Group established by the Standing Commission of the Red Cross and Red Crescent pursuant to the mandate assigned to it by Resolution 3 of the 27th International Conference of the Red Cross and Red Crescent and subsequent consultations.

Geneva

12 October 2000

**Draft Protocol Additional to the Geneva Conventions of 12 August
1949, and relating to the Adoption of an Additional Distinctive
Emblem**

(Protocol III)

Preamble

The High Contracting Parties,

(PP1) *Reaffirming* the provisions of the Geneva Conventions of 12 August 1949 (in particular Articles 26, 38, 42 and 44 of the First Geneva Convention) and, where applicable, their Additional Protocols of 8 June 1977 (in particular Articles 18 and 38 of Additional Protocol I and Article 12 of Additional Protocol II), concerning the use of distinctive emblems,

(PP2) *Desiring* to supplement the aforementioned provisions so as to enhance their protective value and universal character,

(PP3) *Noting* that this Protocol is without prejudice to the recognized right of High Contracting Parties to continue to use the emblems they are using in conformity with their obligations under the Geneva Conventions and, where applicable, the Protocols additional thereto,

(PP4) *Recalling* that the obligation to respect persons and objects protected by the Geneva Conventions and the Protocols additional thereto derives from their protected status under international law and is not dependent on use of the distinctive emblems, sign or signals,

(PP5) *Stressing* that the distinctive emblems are not intended to have any religious, ethnic, racial, regional or political significance,

(PP6) *Emphasizing* the importance of ensuring full respect for the obligations relating to the distinctive emblems recognized in the Geneva Conventions, and, where applicable, the Protocols additional thereto,

(PP7) *Recalling* that Article 44 of the First Geneva Convention makes the distinction between the protective use and the indicative use of the distinctive emblems,

(PP8) *Recalling further* that National Societies undertaking activities on the territory of another State must ensure that the emblems they intend to use within the framework of such activities may be used in the country where the activity takes place and in the country or countries of transit,

(PP9) *Recognizing* the difficulties that certain States and National Societies may have with the use of the existing distinctive emblems,

(PP10) *Noting* the determination of the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies and the International Red Cross and Red Crescent Movement to retain their current names and emblems,

Have agreed on the following:

Article 1 - Respect for and scope of application of this Protocol

1. The High Contracting Parties undertake to respect and to ensure respect for this Protocol in all circumstances.
2. This Protocol reaffirms and supplements the provisions of the four Geneva Conventions of 12 August 1949 ("the Geneva Conventions") and, where applicable, of their two Additional Protocols of 8 June 1977 ("the 1977 Additional Protocols") relating to the distinctive emblems, namely the red cross, the red crescent and the red lion and sun, and shall apply in the same situations as those referred to in these provisions.

Article 2 - Distinctive emblems

1. This Protocol recognizes an additional distinctive emblem in addition to, and for the same purposes as, the distinctive emblems of the Geneva Conventions. The distinctive emblems shall enjoy equal status.
2. This additional distinctive emblem, composed of a red frame in the shape of a square on edge on a white ground shall conform to the illustration in the annex to this Protocol. This distinctive emblem is referred to in this Protocol as the "third Protocol emblem".
3. The conditions for use of and respect for the third Protocol emblem are identical to those for the distinctive emblems established by the Geneva Conventions and, where applicable, the 1977 Additional Protocols.
4. The medical services and religious personnel of armed forces of High Contracting Parties may, without prejudice to their current emblems, make temporary use of any distinctive emblem referred to in paragraph 1 of this Article where this may enhance protection.

Article 3 - Indicative use of the third Protocol emblem

1. National Societies of those High Contracting Parties which decide to use the third Protocol emblem may, in using the emblem in conformity with relevant national legislation, choose to incorporate within it, for indicative purposes:
 - a) a distinctive emblem recognized by the Geneva Conventions or a combination of these emblems; or
 - b) another emblem which has been in effective use by a High Contracting Party and was the subject of a communication to the other High Contracting Parties and the International Committee of the Red Cross through the depositary prior to the adoption of this Protocol.

Incorporation shall conform to the illustration in the Annex to this Protocol.

2. A National Society which chooses to incorporate within the third Protocol emblem another emblem in accordance with paragraph 1 above, may, in conformity with national legislation, use the designation of that emblem and display it within its national territory.
3. National Societies may, in accordance with national legislation and in exceptional circumstances and to facilitate their work, make temporary use of the distinctive emblem referred to in Article 2 of this Protocol.
4. This Article does not affect the legal status of the distinctive emblems recognized in the Geneva Conventions and in this Protocol, nor does it affect the legal status of any particular emblem when incorporated for indicative purposes in accordance with paragraph 1 of this Article.

Article 4 - International Committee of the Red Cross and International Federation of Red Cross and Red Crescent Societies

The International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies, and their duly authorized personnel, may use, in exceptional circumstances and to facilitate their work, the distinctive emblem referred to in Article 2 of this Protocol.

Article 5 - Missions under United Nations auspices

The medical services and religious personnel participating in operations under the auspices of the United Nations may, with the agreement of participating States, use one of the distinctive emblems mentioned in Articles 1 and 2.

Article 6 - Prevention and repression of misuse

1. The provisions of the Geneva Conventions and, where applicable, the 1977 Additional Protocols, governing prevention and repression of misuse of the distinctive emblems shall apply equally to the third Protocol emblem. In particular, the High Contracting Parties shall take measures necessary for the prevention and repression, at all times, of any misuse of the distinctive emblems mentioned in articles 1 and 2 and their designations, including the perfidious use and the use of any sign or designation constituting an imitation thereof.
2. Notwithstanding paragraph 1 above, High Contracting Parties may permit prior users of the third Protocol emblem, or of any sign constituting an imitation thereof, to continue such use, provided that the said use shall not be such as would appear, in time of armed conflict, to confer the protection of the Geneva Conventions and, where applicable, the 1977 Additional Protocols, and provided that the rights to such use were acquired before the adoption of this Protocol.

Article 7 - Dissemination

The High Contracting Parties undertake, in time of peace as in time of armed conflict, to disseminate this Protocol as widely as possible in their respective countries and, in particular, to include the study thereof in their programmes of military instruction and to encourage the study thereof by the civilian population, so that this instrument may become known to the armed forces and to the civilian population.

Article 8 - Signature

This Protocol shall be open for signature by the Parties to the Geneva Conventions on the day of its adoption and will remain open for a period of twelve months.

Article 9 - Ratification

This Protocol shall be ratified as soon as possible. The instruments of ratification shall be deposited with the Swiss Federal Council, depositary of the Geneva Conventions and the 1977 Additional Protocols.

Article 10 - Accession

This Protocol shall be open for accession by any Party to the Geneva Conventions which has not signed it. The instruments of accession shall be deposited with the depositary.

Article 11 - Entry into force

1. This Protocol shall enter into force six months after two instruments of ratification or accession have been deposited.
2. For each Party to the Geneva Conventions thereafter ratifying or acceding to this Protocol, it shall enter into force six months after the deposit by such Party of its instrument of ratification or accession.

Article 12 - Treaty relations upon entry into force of this Protocol

1. When the Parties to the Geneva Conventions are also Parties to this Protocol, the Conventions shall apply as supplemented by this Protocol.
2. When one of the Parties to the conflict is not bound by this Protocol, the Parties to the Protocol shall remain bound by it in their mutual relations. They shall furthermore be bound by this Protocol in relation to each of the Parties which are not bound by it, if the latter accepts and applies the provisions thereof.

Article 13 - Amendment

1. Any High Contracting Party may propose amendments to this Protocol. The text of any proposed amendment shall be communicated to the depositary, which shall decide, after consultation with all the High Contracting Parties, the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies, whether a conference should be convened to consider the proposed amendment.

2. The depositary shall invite to that conference all the High Contracting Parties as well as the Parties to the Geneva Conventions, whether or not they are signatories of this Protocol.

Article 14 - Denunciation

1. In case a High Contracting Party should denounce this Protocol, the denunciation shall only take effect one year after receipt of the instrument of denunciation. If, however, on the expiry of that year the denouncing Party is engaged in a situation of armed conflict or occupation, the denunciation shall not take effect before the end of the armed conflict or occupation.
2. The denunciation shall be notified in writing to the depositary, which shall transmit it to all the High Contracting Parties.
3. The denunciation shall have effect only in respect of the denouncing Party.
4. Any denunciation under paragraph 1 shall not affect the obligations already incurred, by reason of the armed conflict or occupation, under this Protocol by such denouncing Party in respect of any act committed before this denunciation becomes effective.

Article 15 - Notifications

The depositary shall inform the High Contracting Parties as well as the Parties to the Geneva Conventions, whether or not they are signatories of this Protocol, of:

- a) signatures affixed to this Protocol and the deposit of instruments of ratification and accession under Articles 8, 9 and 10;
- b) the date of entry into force of this Protocol under Article 11 within 10 days of said entry into force;
- c) communications received under article 13:
- d) denunciations under Article 14.

Article 16 - Registration

1. After its entry into force, this Protocol shall be transmitted by the depositary to the Secretariat of the United Nations for registration and publication, in accordance with Article 102 of the Charter of the United Nations.
2. The depositary shall also inform the Secretariat of the United Nations of all ratifications, accessions and denunciations received by it with respect to this Protocol.

Article 17 - Authentic texts

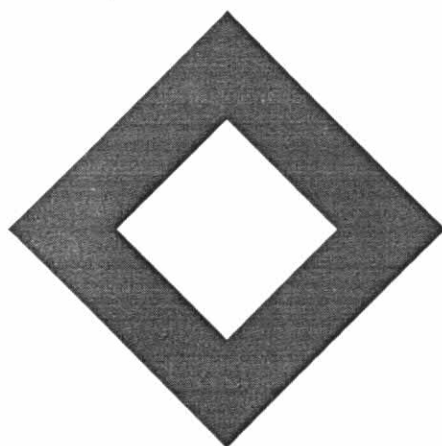
The original of this Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the depositary, which shall transmit certified true copies thereof to all the Parties to the Geneva Conventions.

ANNEX

THIRD PROTOCOL EMBLEM

(Article 2, paragraph 2 and Article 3, paragraph 1 of the Protocol)

Article 1 - Distinctive emblem



Article 2 - Indicative use of the third Protocol emblem



Incorporation in
accordance with art. 3

RESOLUTION 6

EMBLEM

Council of Delegates, 2001

The Council of Delegates,

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

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

ภาคผนวก (ฐ)

Report on the Emblem, Council of Delegates, Seoul, November 16 –18, 2005,
(item 8 of the provisional agenda) Document prepared by the Standing
Commission of the Red Cross and Red Crescent September 2005.

CD 2005 8/1
Original: English

COUNCIL OF DELEGATES
Seoul, November 16 – 18, 2005

**REPORT ON THE
EMBLEM**

(item 8 of the provisional agenda)

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

September 2005

Executive summary

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

In 2003, the Council of Delegates and the 28th IC "requested the Standing Commission to continue to give high priority to securing, as soon as circumstances permit, a comprehensive and lasting solution to the question of the emblem, in cooperation with the Swiss government as depositary of the Geneva Conventions and with other concerned governments and components of the Movement, on the basis of the proposed draft third additional Protocol".

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

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

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

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

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

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

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

1. Introduction

Resolution 5 at the Council of Delegates (CoD) in 2003 was unanimously adopted and it *requested* the Standing Commission to "continue to give high priority to securing, as soon as circumstances permit, a comprehensive and lasting solution to the question of the emblem, in cooperation with the Swiss government as depositary of the Geneva Conventions and with other concerned governments and components of the Movement, on the basis of the proposed draft third additional Protocol."

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

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

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

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

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

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

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

2. Consultations

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

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

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

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

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

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

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

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

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

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

3. Movement preparatory action

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

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

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

4. Towards a Diplomatic Conference

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

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

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

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

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

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

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

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

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

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

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

Annex 1

RESOLUTION 5

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

The Council of Delegates

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

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

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

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

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

Annex 2Working Group on the Emblem

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

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

Tasks and working methods

The WG is requested specifically

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

Composition of WG

Chair: Ambassador Philippe Cuvillier,
SC Special Representative

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

Africa:

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

Europe:

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

Americas:

Mr Gerald Jones, USA

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

Asia:

ภาคผนวก (จ)

30th International Conference of the Red Cross and Red Crescent, Geneva,
Switzerland, 26-30 November 2007, Resolution 5.



30IC/07/R5
Original: English
adopted

**30th INTERNATIONAL CONFERENCE
OF THE RED CROSS AND RED CRESCENT**

Geneva, Switzerland,
26-30 November 2007

RESOLUTION 5

**FOLLOW-UP TO THE IMPLEMENTATION
OF THE MEMORANDUM OF UNDERSTANDING OF 28 NOVEMBER 2005
BETWEEN THE PALESTINE RED CRESCENT SOCIETY AND
THE MAGEN DAVID ADOM IN ISRAEL**

**FOLLOW-UP TO THE IMPLEMENTATION
OF THE MEMORANDUM OF UNDERSTANDING OF 28 NOVEMBER 2005
BETWEEN THE PALESTINE RED CRESCENT SOCIETY AND
THE MAGEN DAVID ADOM IN ISRAEL**

RESOLUTION 5

The 30th International Conference of the Red Cross and the Red Crescent,

Recalling the Memorandum of Understanding (MOU) and its associated Agreement on Operational Arrangements (AOA) signed by the PRCS and the MDA on 28 November 2005;

Noting with concern the report on the implementation of the MOU presented to the Council of Delegates on 24 November 2007 by Mr. Pär Stenbäck, the independent monitor appointed by the ICRC and the IFRC at the request of the signatories of the MOU;

1. *Endorses* the Council of Delegates' Resolution [CD/07/R2] of 24 November 2007 on the implementation of the MOU and the AOA between PRCS and MDA, and *expresses its full support* for the steps called for therein;
 2. *Supports* the efforts by the Movement to strengthen monitoring, and in this regard
 - Requests the ICRC and the IFRC to appoint an independent monitor, after seeking the views of the two National Societies, who shall enjoy the institutional backing and support of the Movement;
 - Invites interested National Societies to support the work of the independent monitor in appropriate ways upon his request;
 3. *Encourages* the MDA and the PRCS to enhance their cooperation to achieve full implementation of the MOU consistent with the Statutes and all applicable Rules and Principles of the Movement;
 4. *Calls on* all Authorities concerned to support the full implementation of the MOU;
 5. *Calls upon* the independent monitor to report to the IFRC and the ICRC, for appropriate follow-up, on the following two topics:
 - Progress towards the full implementation of the MOU, and
 - Steps taken to support and strengthen the monitoring of the implementation of the MOU, as well as to support cooperation between the two National Societies,
- by 31 May 2008;
6. *Decides* to include the progress reports referred to above in the agenda of the 31st International Conference of the Red Cross and the Red Crescent.

ภาคผนวก (ต)

Regulations on the use of the Emblem of the Red Cross or the Red Crescent
by the National Societies.

Regulations on the use of the Emblem of the Red Cross or the Red Crescent by the National Societies

Adopted by the 20th Red Cross and Red Crescent International Conference (Vienna, 1965) and revised by the Council of Delegates (Budapest, 1991)
31-08-1992 International Review of the Red Cross no 289, p.339-362

Preamble

The Regulations on the Use of the Emblem of the Red Cross or the Red Crescent by the National Societies, adopted by the 20th International Conference in Vienna in 1965, were revised by the Council of Delegates in Budapest in November 1991. After the postponement of the 26th International Conference, the ICRC submitted the text of the present Regulations to all the States party to the Geneva Conventions, inviting them to inform it within a period of six months of any objections they might have. No amendments having been submitted, the Regulations therefore came into force at the end of that period.

The main rules governing the use of the emblem are contained in the Geneva Conventions and many countries have made them part of their national legislation, chiefly to be able to repress any misuse of the emblem. The Regulations specify the various conditions governing the use of the emblem by National Societies and their members in greater detail.

One of the purposes of revising the Regulations in 1991 was to enable the National Societies to diversify and expand their sources of income, without prejudice to the respect due to the emblem and the name of the red cross or red crescent.

The ICRC stressed that the Regulations were in accordance with the law. While it considers that the scope allowed by the revised version is as wide as it possibly can be within the framework of the Geneva Conventions, it nonetheless finds this broad interpretation of them acceptable. There is however, nothing to prevent National Societies from setting narrower limits they so wish.

Regulations on the use of the emblem of the Red Cross or the Red Crescent by the National Societies

CONTENTS

INTRODUCTION

1. Purpose of the Regulations
2. Legal basis
3. Field of application
4. Contents of the Regulations

CHAPTER I : GENERAL RULES

- | | |
|-----------|--|
| Article 1 | Purposes of the emblem |
| Article 2 | Competence of the National Society |
| Article 3 | Prestige and respect of the emblem |
| Article 4 | Distinction between the two uses |
| Article 5 | Design of the emblem |
| Article 6 | Visibility of the emblem used as a protective device |
| Article 7 | Internal regulations of the National Society |

CHAPTER II : PROTECTIVE USE OF THE EMBLEM

Section I General Principle

- | | |
|-----------|---|
| Article 8 | Consent of the Authority and conditions governing the use of the emblem |
|-----------|---|

Section 2 Persons

Article 9 Medical personnel of the National Society

Section 3 Objects

Article 10 Medical units and transports of the National Society

Article 11 Specific rules for marking

Article 12 Optional distinctive signals

Article 13 Marking already in time of peace

Section 4 Specific Rules

Article 14 Simultaneous use of the emblem as a protective and as an indicative device

Article 15 National Society of a neutral or other State not party to the conflict

CHAPTER III : INDICATIVE USE OF THE EMBLEM**Section 1 Persons**

Article 16 Members and employees of the National Society

Article 17 Members of the Red Cross or Red Crescent Youth

Article 18 Other persons authorized by the National Society to wear the emblem

Section 2 Objects

Article 19 Buildings and premises used by the National Society

Article 20 Buildings and premises belonging to the National Society, not occupied by it

Article 21 Hospitals, aid stations and means of transportation of the National Society

Article 22 Aid stations and ambulances run or used by third parties

Section 3 Dissemination and Fund-raising

Article 23 Campaigns and events organized by the National Society

Article 24 Requests by third parties to use the emblem

Section 4 Specific Rules

Article 25 Co-operation with other organizations

Article 26 Medals and other tokens of acknowledgement

Article 27 Relief consignments

INTRODUCTION**1. Purpose of the Regulations**

These Regulations (hereinafter "the Regulations") stipulate the various ways the emblem of the red cross or the red crescent on a white ground may be used by the National Societies, in keeping with the provisions of international humanitarian law and the Fundamental Principles of the International Red Cross and Red Crescent Movement (hereinafter "the Movement").

2. Legal basis

The Regulations are based on the Geneva Conventions of 12 August 1949, mainly on the First Convention (Convention for the amelioration of the condition of the wounded and sick in armed forces in the field) and, for certain provisions, on Protocol I of 8 June 1977 additional to the Geneva Conventions, relative to the protection of victims of international armed conflicts.

Article 44 of the First Geneva Convention of 12 August 1949 makes the distinction between the protective use and the indicative use of the emblem and outlines the general rules governing the two uses.

Protocol I extends the protective use of the emblem by giving to the competent State

authority (hereinafter "the Authority") the possibility of granting such use to categories of persons and objects not covered by the 1949 Conventions. It further introduces the possibility of using distinctive visual, acoustic or electronic signals.

3. Field of application

The Regulations apply to all National Red Cross or Red Crescent Societies. They develop Article 44 of the First Convention which sets out the obligations of the National Societies with regard to the emblem. The limits they impose on the lawful use of the emblem must therefore be respected, but this does not prevent the National Societies from laying down stricter rules.

When Protocol I is applicable, certain provisions of the Regulations take on a broader meaning which concerns the National Society of the State in which Protocol I is in force; it does not concern the National Society of a State not party to Protocol I, except with the consent of the Authority.

4. Contents of the Regulations

The Regulations contain one chapter dealing with the protective use of the emblem and another on its indicative use. The two chapters are preceded by general rules which should provide guidelines for cases not specifically mentioned in either chapter.

The articles of the Regulations are usually accompanied by a commentary, in italics, which refers where necessary to the relevant articles of the Geneva Conventions and Protocol I.

CHAPTER I : GENERAL RULES

Article 1

Purposes of the emblem

The protective use of the emblem is meant to mark medical and religious personnel and equipment which must be respected and protected in armed conflicts.

The indicative use of the emblem serves to show that persons or objects are linked to the Movement.

There is only one emblem, but it can be used for two different purposes: the first use of the emblem is as a visible sign of the protection conferred by international humanitarian law on certain persons and objects, in particular those belonging to or made available to the Army Medical Service and medical staff from National Red Cross and Red Crescent Societies and from civil defence organizations (Articles 38 and 44, First Convention; Article 8 [c] of Protocol I). The second use of the emblem indicates only that persons or objects displaying it are linked to the Movement.

Article 2

Competence of the National Society

The National Society may use the emblem as a protective device only with the consent of and in accordance with the conditions laid down by the Authority.

The National Society may make use of the emblem as an indicative device in peacetime and during armed conflicts within the limits stipulated in national legislation, the Regulations, and its statutes.

Re paragraph 1: *Therefore, the National Society does not have the right to use the emblem as a protective device merely because it is the National Society. It is up to States to take the necessary steps to allow and to supervise the protective use of the emblem. In order to avoid the National Society being caught unprepared in the event of an armed conflict, the Authority should determine already in peacetime the National Society's role as auxiliary to the Army Medical Service and its right to use the emblem for its medical personnel and equipment.*

Article 3 **Prestige and respect of the emblem**

The National Society may use the emblem only for activities consistent with the principles set out by International Conferences of the Red Cross and Red Crescent. It shall ensure at all time that nothing shall tarnish its prestige or reduce the respect due to the emblem.

The principles mentioned, the Fundamental Principles in particular, are those which give to the Movement its aims and are the basis of its specific action: voluntary assistance to those who suffer, to the direct and indirect victims of conflicts and of natural and social disasters. The raison d'être of the Red Cross/Red Crescent is set out in the Preamble to the Movement's Statutes.

National Societies shall refrain from displaying the emblem when carrying out activities which have only a tenuous connection with their essential mission.

Article 4 **Distinction between the two uses**

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 use of a large-size emblem is not excluded in certain cases, such as events where it is important for first-aid workers to be easily identifiable.

Article 5 **Design of the emblem**

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.

Use of the emblem for decorative purposes is permitted, within the limits of Article 3, on the occasion of public events or on material intended to promote the National Society and the Movement, such as films, publications, medals or other tokens of acknowledgement. For such use a freer design is permitted, provided that national legislation does not prohibit it. Moreover, the emblem used as an indicative device should as far as possible be displayed together with the decorative design.

Re paragraph 1: *The design of the emblem must be clear so that persons and objects with the right to use it can be easily identified and thus effectively protected. Protection,*

however, does not depend on the emblem: a protected person not marked or badly marked obviously does not lose his right to protection because of this.

Re paragraphs 2 and 3: *A distinction must be made between the indicative use showing that a person or an object is linked to the Society, in which case strict design is essential, and indicative use for the purpose of promoting the National Society and the Movement, in which case a freer design is permitted if it is not prejudicial to the prestige of the emblem. With regard to the latter case, it is up to the National Society to decide, depending on the national legislation and the national context, whether it is possible or advisable to authorize such use. The freer design may consist, for example, of a red cross set with gold, a crescent with graded shades of red, a cross cut out, or an emblem with a motif. The Society shall not display such a design on the buildings it uses or on its letterhead, as these are typical cases of indicative use.*

Article 6

Visibility of the emblem used as a protective device

The emblem used as a protective device must be identifiable from as far away as possible. It shall be as large as necessary under the circumstances. At night or when visibility is reduced, it may be lighted or illuminated. It shall as far as possible be made of materials rendering it recognizable by technical means of detection and displayed on flags or flat surfaces visible from as many directions as possible, including from the air.

Article 7

Internal regulations of the National Society

The National Society shall lay down the conditions governing the use of the emblem in regulations or internal directives.

The regulations or directives may consist, for example, of:

A. Concerning the protective use of the emblem:

- the reference to the national legislation on the subject and to the Regulations;
- the indication of the competent authorities who can authorize the use of the emblem;
- the list of steps to be taken at the beginning of a conflict to avoid any confusion with the indicative use of the emblem;
- the conditions governing the use of the emblem for persons and objects of the National Society.

B. Concerning the indicative use of the emblem:

- the reference to the national legislation on the subject and to the Regulations;
- the conditions governing the use of the emblem by members of the National Society and by members of the Red Cross or Red Crescent Youth;
- the mention of other persons not members of the National Society but trained by it and authorized to wear the emblem;
- the list of aid stations and ambulances run by third parties authorized to use the emblem,;
- the dimensions and proportions of the emblem;
- details concerning the use of the emblem for fund-raising and dissemination purposes and on medals or other tokens of acknowledgement;
- the rules governing the documents carried by persons to justify their use of the emblem, or persons in charge of objects marked with the emblem.

CHAPTER II: PROTECTIVE USE OF THE EMBLEM

SECTION I : GENERAL PRINCIPLE

Article 8

Consent of the Authority and conditions governing the use of the emblem

Before using the emblem as a protective device the National Society must receive permission from the Authority and with it lay down the rules governing its use. The National Society shall take the necessary measures to see that its members respect those rules and to avoid any confusion with the indicative use of the emblem.

The National Society shall endeavour already in peacetime to lay down with the Authority rules governing the protective use of the emblem, in the event of armed conflict, by its medical personnel and on its medical equipment. Regarding the risk of confusion, see Article 4 above.

In cases where it is not practically possible for the Authority to give its permission (for example, in the event of serious disturbances), and where there is an obvious and urgent need for humanitarian measures, the National Society may act on the assumption that such permission has been granted. This is because the principle of humanity requires action to be taken. Further- more, the National Society need fear no penalty under international law as the essential purpose of international law is to serve mankind; faced with a glaring need for humanitarian action, a formal obstacle such as that mentioned above must not be allowed to block an initiative that so clearly corresponds to the spirit of the law. These points apply to Articles 8 to 10 of the present Regulations.

SECTION 2 : PERSONS

Article 9

Medical personnel of the National Society

The medical personnel of the National Society authorized to wear the emblem as a protective device shall display it during the discharge of their duties in a manner ensuring optimum visibility.

In evidence of their status, such personnel shall carry identity cards issued by the Authority.

Re paragraph 1: *Medical personnel status is granted to the National Society personnel when it is placed at the disposal of the Army Medical Service (Article 26, First Convention) and when, in the discharge of its tasks, it is "regularly and solely engaged in the operation and administration of civilian hospitals" (Article 20, Fourth Convention).*

Protocol I gives the Authority the possibility of granting the right to use the emblem as a protective device to all civil medical personnel, which can thus include National Society medical personnel not covered by the 1949 Conventions. A definition of medical personnel is set out in Article 8, subparagraph (c) of Protocol I.

Special emphasis must be put on the visibility of the emblem, particularly when the emblem is worn in occupied territories and areas where fighting has broken out or seems about to break out. See also Article 6 above.

Re paragraph 2: *See Articles 40 and 41 and Annex II, First Convention, and Article 18, paragraph 3, Protocol I and Articles I and 2 of Annex I to Protocol I. The National Society shall, if necessary, remind the Authority of its duty to issue such identity cards to the Society's medical personnel.*

SECTION 3 : OBJECTS

Article 10

Medical units and transports of the National Society

The medical units and transports of the National Society authorized by the Authority to display the emblem as a protective device shall do so in a manner ensuring optimum visibility.

In the Conventions, the medical units and transports include medical units and establishments, medical buildings, medical equipment and transports (see Chapters III, V and VI of the First Convention). With regard to the National Society, these include hospitals, ambulances, hospital ships, aircraft and stores of medical material when placed at the disposal of the Army Medical Service, as well as civilian hospitals belonging to it, when these have been recognized as such and authorized by the Authority to display the emblem (see Article 18 of the Fourth Convention).

Protocol I gives the Authority the possibility of granting the right to use the emblem as a protective device to all civilian medical units and means of medical transport, which can therefore include National Society medical units and means of medical transport not covered by the 1949 Geneva Conventions. A definition of medical units, medical transport and means of medical transport is set out in Article 8, subparagraphs (e), (f) and (g) of Protocol I.

Detailed comments on the visibility of the emblem are contained in Article 42 of the First Convention and Chapter II of Annex I to Protocol I. See also Article 6 above.

Article 11

Specific rules for marking

Hospital ships and coastal rescue craft of the National Society shall be marked with the emblem as provided for in Article 43 of the Second Geneva Convention of 1949.

Medical aircraft of the National Society shall be marked in conformity with Article 36 of the First Convention.

Re paragraph 1: *Hospital ships and coastal rescue craft (or rescue craft, as they are referred to nowadays since, being often of large tonnage and long range, they may operate far from the coast) must carry a document from the Authority declaring that they were under its control when they were being fitted out or when they set sail. Their names and characteristics must be communicated to all the parties to the conflict. These hospital ships and rescue craft are exempt from capture. More detailed rules for marking are set out in Article 43 of the Second Convention. See also Articles 22 to 35 of the Second Convention and Articles 3 to 11 of Annex I to Protocol I.*

Moreover, in accordance with Article 23 of Protocol I, other ships and craft of the National Society used temporarily or permanently for medical purposes shall be marked in conformity with the provisions of Article 43, paragraph 2, of the Second Convention. These ships and craft are not exempt from capture.

Re paragraph 2: *The relevant provisions are Articles 36 of the First Convention, 39 of the Second Convention, 22 of the Fourth Convention, Articles 24 to 31 of Protocol I, and 5 to 13 of Annex I to Protocol I.*

Article 12

Optional distinctive signals

With the consent of the Authority, in addition to the emblem, the National Society may make its medical units and transports identifiable by the recognized optional distinctive signals, namely, the blue light signal, the radio signal and electronic means of identification.

The regulations on distinctive signals can be found in:

- *Annex I of Protocol I, Articles 5 to 8;*

- Document 9051 (blue lights) of the Airworthiness Technical Manual issued by the International Civil Aviation Organization (ICAO);

- Section II of Article 40 and Section III of Article N 40 (medical transport) of the Radio Regulations issued by the International Telecommunication Union (ITU);

- Chapter XIV of the International Code of Signals issued by the International Maritime Organization (IMO).

Article 13

Marking already in time of peace

With the consent of the Authority, the National Society may, already in time of peace, use the emblem and optional distinctive signals to identify units and transports whose assignment to medical purposes in the event of an armed conflict is definitively decided.

SECTION 4 : SPECIFIC RULES

Article 14

Simultaneous use of the emblem as a protective and as an indicative device

Unless otherwise directed by the Authority, the National Society may authorize its members to display the emblem as an indicative device, together with its name, simultaneously with the emblem used as a protective device.

Under the same conditions, the objects placed at the disposal of the Authority may also bear the emblem with the name of the Society.

In such cases, the emblem used as an indicative device and the name of the National Society must be of small dimensions.

Article 15

National Society of a neutral or other State not Party to the conflict

The National Society of a neutral or other State not Party to the conflict that intends to provide medical personnel or objects to any Party to an armed conflict must obtain prior consent from the said Party and from its own State authorities. The rules governing the protective use of the emblem must be established by the said Party to the conflict. The said persons and objects may display the emblem from the moment of their departure on mission.

See on this point Article 27, First Convention.

CHAPTER III : INDICATIVE USE OF THE EMBLEM

SECTION I : PERSONS

Article 16

Members and employees of the National Society

The members and the employees of the National Society may wear the emblem, usually of small dimensions, when on duty.

When not on duty, members may only wear an emblem of very small dimensions, for example, in the form of a brooch or a badge.

Save in exceptional circumstances, the emblem shall be accompanied by the name or initials of the National Society.

Re paragraph 1: *Although in its indicative use the emblem is usually of small dimensions, it may at times be of large dimensions, especially when meant to allow easy identification of first-aid workers (see Article 4 above and its commentary).*

Re paragraph 2: *In this case the emblem must be of very small dimensions because its use is not related to any specific activity carried out on behalf of the Society.*

Re paragraph 3: *As a general rule volunteers should be identifiable as members of the National Society. However, in some cases they should be allowed to forego use of the name or initials of the Society alongside the emblem, for example during internal disturbances when such markings may hinder their work.*

Article 17

Members of the Red Cross or Red Crescent Youth

Article 16 above is applicable. The emblem shall be accompanied by the words "Red Cross Youth" or "Red Crescent Youth" or the initials "RCY".

Article 18

Other persons authorized by the National Society to wear the emblem

The National Society may authorize, under the conditions laid down in its own internal regulations, persons who are not members of the National

Society but have taken its courses or passed its exams to wear an emblem of very small dimensions and accompanied by the name or the initials of the National Society, for example, in the form of a brooch or a badge.

These persons are usually first-aid workers or nurses thus brought to the attention of the public.

SECTION 2 : OBJECTS

Article 19

Buildings and premises used by the National Society

The emblem, accompanied by the name of the National Society, may be displayed on the buildings and premises used by the Society, whether or not they belong to it.

When only part of the buildings is used by the National Society, the emblem may be displayed only on the part which it occupies.

The emblem shall be of relatively small dimensions and shall not be displayed on the roof, in order to avoid, in the event of armed conflict, any confusion with the emblem used as a protective device.

Re paragraph 2: *When the National Society shares a building with other persons or societies, it shall ensure that the activities of its neighbours are not indirectly detrimental to the prestige of the emblem.*

Re paragraph 3: *Regarding the risk of confusion, see Article 4 above.*

Article 20

Buildings and premises belonging to the National Society, not occupied by it

The National Society shall not mark with the emblem buildings or premises belonging to it, not occupied by it but which it rents or lends to third parties.

Article 21

Hospitals, aid stations [1] and means of transportation of the National Society

The emblem, accompanied by the name of the National Society, may figure on hospitals and aid stations run by the Society and on the means of transportation, especially ambulances, used by its members and employees. Subject to Article 13, the emblem so used shall be of relatively small dimensions in order to avoid, in the event of armed conflict, confusion with the emblem used as a protective device.

With regard to hospitals, it should be noted that the indicative use of the emblem is reserved exclusively for hospitals of the National Society, not forgetting, however, that those hospitals which the Authority intends to authorize to display the emblem as a protective device in time of armed conflict may - with the consent of the Authority - be marked accordingly already in peacetime (see Articles 10 and 13 above).

In order to prevent any misuse, the National Society shall remove or cover the emblem and its name if it lends a means of transportation to other organizations.

Regarding the risk of confusion, see Article 4 above.

Article 22

Aid stations [2] and ambulances run or used by third parties

The National Society may permit third parties to use the emblem, in peacetime and in conformity with national legislation, to mark aid stations used exclusively to give free treatment and ambulances.

The National Society shall only give this permission in exchange for the right regularly to control the use of the emblem. It shall reserve the right to withdraw this authorization at all times and with immediate effect.

Article 44, paragraph 4 of the First Convention allows the marking, besides ambulances, of aid stations "exclusively assigned for the purpose of giving free treatment". Experience has shown that this rule of free treatment is often interpreted with a degree of flexibility. This practice is acceptable, and in conformity with the spirit of the Convention, only in so far as treatment is in no case conditional on payment of a fee and the idea of voluntary service linked to the Movement is upheld.

SECTION 3 : DISSEMINATION AND FUND-RAISING

Article 23

Campaigns and events organized by the National Society

The National Society may use the emblem to support the campaigns and events it organizes to make its activities known, to disseminate knowledge of international humanitarian law and of the Movement's Fundamental Principles, or to raise funds, within the limits of Articles 2 to 5 of the Regulations.

When displayed on printed matter, objects or other advertising material of such campaigns, the emblem shall be accompanied, as far as practically possible, by the name of the Society or a text or publicity drawing. The objects shall in no way suggest the protection of international humanitarian law or membership of the Movement, nor give rise to misuse at some later date. The object shall be of reduced dimensions or else made of rapidly perishable material.

A National Society which co-operates with a commercial company or other organization in order to raise funds or further its dissemination activities may display the company's trademark, logo or name on articles used by the Society, on its advertising material or items which it sells, provided that the following conditions are met:

(a) no confusion must be created in the mind of the public between the company's activities or the quality of its products and the emblem or the National Society itself.,

(b) the National Society must retain control over the entire campaign, In particular the choice of articles on which the company's trademark, logo or name is displayed and the siting, form and size of such markings;

(c) the campaign must be linked to one particular activity and, as a general rule, be limited in time and geographical area;

(d) the company concerned must in no way be engaged in activities running counter to the Movement's objectives and Principles or which might be regarded by the public as controversial;

(e) the National Society must reserve 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 the respect for or the prestige of the emblem;

(f) the material or financial advantage which the National Society gains from the campaign must be substantial without, however, jeopardizing the Society's independence;

(g) the contract between the National Society and its partner must be in writing;

(h) the contract must be approved by the National Society's central leadership.

The National Society may authorize commercial companies or other organizations to mention in their advertising material that they have made a donation to or otherwise contributed to the National Society's work. Such mention may also be authorized on products for sale the proceeds from which are to be donated in full or in part to the National Society. Such authorization shall, however, be subject to strict compliance with the conditions set out in the previous paragraph, subparagraphs (a), (c), (d), (e), (f), (g) and (h). During a promotional campaign, the National Society shall reserve the right to inspect the company's accounts pertaining to that campaign. Moreover, the National Society shall carefully monitor the manner in which the assistance is described in the advertising material or on the products mentioned above. The same applies to any photographs or other visual material used within the context of the campaign. It shall not authorize the display of its emblem on items for sale and may authorize its display on advertising material only with the utmost restraint and on condition that the emblem be of small dimensions and accompanied by a clear explanation of the assistance received by the Society. The National Society shall ensure that the conditions governing the use of the emblem are an essential part of its contract with the company and that deliberate violation of those conditions entitles the Society to terminate the contract with immediate effect, without being liable for any compensation.

Re paragraph 1: *The reference to Article 3 above leads to the conclusion that the name and emblem may be used for fund-raising purposes to sell an Object or give a momentary service, but not, for instance, to sell a lasting or a long-term service, especially if the service has no connection with the Movement's traditional activities or competes with other similar services provided on a commercial basis. The aim is to prevent sales of objects or services of the National Society and the events it organizes from becoming more representative of its work than its humanitarian and social activities.*

Re paragraph 2: *Such advertising material, distributed or sold to the public, can consist of printed matter and objects of all kinds: leaflets, publications, posters, philatelic souvenirs, films, pencils, etc. With regard to clothing, flags or banners - given the risk of confusion which such objects could create, in the event of armed conflict, with the emblem used as a protective device - it is essential to ensure that the emblem is accompanied by the name of the National Society, or a text or a publicity drawing.*

Re paragraph 3: *The general provisions set out in the first two paragraphs obviously apply to the specific situations described in paragraph 3. Use of the red cross or red crescent emblem or name by "individuals, societies, firms or companies either public or private" is prohibited by international humanitarian law (First Geneva Convention, Article 53). It is nevertheless acceptable for a National Society to mention that it has received certain assistance from a commercial company or other organization. Insisting that the donors of such assistance remain anonymous could mean that the National Society would lose major sources of funds or other benefits. It is nevertheless important that the National Societies closely monitor the manner in which the assistance is publicized so as to avoid any abuse or risk of confusion in the mind of the public. The conditions set out in paragraph 3 provide precise guidelines in that respect.*

Subparagraphs (a) and (b)

It is necessary first and foremost to avoid any confusion in the mind of the public between commercial companies and the emblem or the National Society itself. Thus, when a National Society announces that it is receiving support from a commercial company in a given campaign (for example in producing printed matter or other items), the Society must ensure that the role played by the company is expressly defined and that the emblem can in no way be interpreted as guaranteeing product quality. It must also ensure that the company's trademark, logo or name remains in reasonable proportions compared with the rest of the display.

Subparagraph (c)

The National Society may not involve a commercial company in its activities as a whole but only in specific programmes. The duration of its association with the company must be determined in advance and should not exceed three years. Moreover, it must be limited to the country's territory unless there is an agreement with the National Society (or Societies) of any other State on whose territory the campaign would also be held.

Subparagraph (d)

Some companies are engaged in activities which are themselves directly contrary to the Movement's objectives (for example the manufacture or sale of arms, tobacco, alcohol or products clearly seen as being harmful to the environment. The linking of the names or logos of such companies with those of a National Society must therefore be avoided.

Subparagraph (e)

Association with a commercial company whose activity is not contrary to the Movement's objectives could prove embarrassing for reasons not known to the National Society when it enters into the agreement (serious pollution by the company concerned, for example). It is therefore essential that the National Society be able to end its association with the company very rapidly.

Subparagraph (f)

Sponsorship is an important serious matter, which should be envisaged only when major contracts are involved and when substantial advantages will be gained by the National Society concerned. However, the Society must ensure that the advantages gained do not make it dependent on the company concerned. Financial gain, for example, should not exceed a certain percentage of the Society's total resources (20% maximum).

Subparagraph (g)

It is also essential that all terms and conditions of the agreement between the National Society and the contracting company or organization be the subject of a written contract.

Subparagraph (h)

Before an agreement is reached between the National Society and the contracting company or organization it must be discussed by the body normally responsible for making decisions pertaining to the National Society's administration.

Re paragraph 4: *To avoid the loss of major sources of funds, the National Society may authorize a commercial company or other organization that has contributed to its work to mention this assistance in its advertising material or on products for sale the proceeds from which are to be donated in full or in part to the National Society. However, as this entails a considerable risk of abuse, the conditions set out in paragraph 3, subparagraphs (a), (c), (d), (e), (f), (g) and (h) must be strictly observed.*

Moreover, the National Society must ensure that such mention remain discreet and not give rise to confusion. The emblem may be reproduced in the companies' advertising material. It is though prohibited to display the emblem on products or items for sale, since they are often designed to last and the National Society has no control over their use.

Wherever such reproduction in advertising material is authorized, the emblem must be of small dimensions and should be accompanied by an explanation enabling the public to clearly understand the relationship between the National Society and the contracting company or organization.

Furthermore, the National Society shall reserve the right to inspect the company's accounts pertaining to the activities connected with the promotional campaign. The Society may exercise this right itself or through a specialized institution, for example an auditing firm.

Finally, in addition to the right of cancellation stipulated in Article 23, paragraph 3, subparagraph (e), the National Society shall reserve the right to terminate the contract with immediate effect, without being liable for any compensation, should the conditions governing the use of the emblem be deliberately violated by the contracting company or organization.

Article 24

Requests by third parties to use the emblem

With the exception of the cases mentioned in Articles 18, 22 and 23 above, and those provided for in the present Article with a view to promoting the activities of the Society and the Movement, the National Society may not authorize any third parties to use the emblem.

The National Society can accede to a request for the emblem to be put on objects to be sold on the market if such objects represent persons or objects which may display the emblem in reality in accordance with the Geneva Conventions, as a protective or indicative device, and if the emblem is not placed alongside the trademark of the company in question. The authorization shall be limited to a specific time or number of objects. It may be subject to payment but its main aim shall remain dissemination of international humanitarian law or of the activities of the National Society and the Movement.

The National Society may authorize use of the emblem by institutions whose purpose is not commercial but solely to make known or to promote the activities of the Society and of the Movement.

The National Society shall require that third parties provide all facilities necessary to exercise control on the use of the emblem at any time, with the possibility of withdrawing its authorization with immediate effect.

Re paragraph 1: *It is therefore clear that, except in the above-mentioned cases, the National Society may not authorize third parties to use the emblem. Such use calls for very strict control on the part of the National Society and must therefore remain an exception.*

Re paragraph 2: *These can be, for instance, miniature military ambulances, or figurines representing members of the Army Medical Service or of the National Society. The authorization will be valid only in the country of the National Society giving it, except where there is an agreement with the National Society(ies) of one or several other countries. Moreover, the National Society will have to take care that by granting such authorization it does not favour one company to the detriment of another. Even where permission to use the emblem is not granted in return for a financial contribution, the rules laid down in Article 23 concerning respect for the emblem apply to the cases provided for in the present Article. Likewise, companies wishing to use the emblem, even for purposes other than financial gain, must ask the National Society for permission and the general conditions set out in Article 23 must be met.*

Re paragraph 3: *The National Society may grant the authorization to institutions such as associations or foundations whose purpose is to promote the activities of the Society and of the Movement but which -for reasons of opportuneness or some legal reason (for example, fiscal) - are legal entities independent of the National Society. It should be noted that these institutions are entitled to the emblem only in so far as it is used to make*

known or promote the activities of the Society and of the Movement, and not by their members as such. It is therefore important that the use of the emblem be strictly controlled by the National Society (see paragraph 4 above).

SECTION 4 : SPECIFIC RULES

Article 25

Co-operation with other organizations

In addition to the cases mentioned in Articles 23 and 24, the National Society may in exceptional circumstances use the emblem jointly with that of another humanitarian organization, in the event of a specific undertaking and provided that such use is discreet and does not give rise to confusion in the public mind between the National Society and the other organization.

In principle, the National Society must not use its emblem jointly with that of other organizations. It must endeavour to find a way of avoiding such a procedure and should have recourse to joint use only in exceptional circumstances, in connection with humanitarian activities or dissemination campaigns (for example, in a joint publication). In such cases, only indicative use may be made of the emblem.

Article 26

Medals and other tokens of acknowledgement

The emblem may figure on medals and other tokens of acknowledgement given by the National Society, on condition that it is shown together with its name and, if possible, a few words describing the purpose of the medal or defining the services rendered. Its design may be decorative, in accordance with the conditions set out in Article 5, paragraph 3 above.

Article 27

Relief consignments

The National Society may use the emblem, accompanied by its name or its initials, to mark relief consignments sent by rail, road, sea or air and intended for victims of armed conflicts or natural disasters. The National Society shall take the measures necessary to prevent any misuse.

It is important to note that this right applies only to relief consignments themselves, to allow identification of their origin, and not to the means of transport used.

Notes

1. The United Nations Convention on road signs and signals adopted in Vienna on 8 November 1968, and the European agreement supplementing it, adopted in Geneva on 1 May 1971, include two road signs displaying the emblem:

(a) the sign "First-aid stations" (F, 1a), made up of the red cross or red crescent on a white ground, the whole framed by blue. As this is an indicative use of the emblem, the National Society shall request the authorities to use this sign to mark only aid stations run or authorized by it;

(b) the "hospital" sign (E, 12b), made up of a red cross or red crescent on a blue ground with a white bed. Since this is a misuse of the emblem, the National Society shall request the authorities to use the other "hospital" sign (E, 12a) only. This sign is also provided for in these agreements and is made up of the letter H in white on a blue ground.

2. See (1) Article 21.

ประวัติผู้เขียนวิทยานิพนธ์

นายเดชอุดม ขุนนะสิทธิ์ เกิดเมื่อวันที่ 27 ตุลาคม พ.ศ. 2523 สำเร็จการศึกษาชั้นปริญญา นิติศาสตรบัณฑิตจากมหาวิทยาลัยรามคำแหงในปี พ.ศ. 2547 ต่อจากนั้นทำงานในสำนักงาน กฎหมายติลลิเกีแอนด์คิบบิโนส์ อินเตอร์เนชั่นแนลจำกัดในปี พ.ศ. 2547 หลังจากเข้าศึกษาต่อใน ระดับชั้นปริญญานิติศาสตรมหาบัณฑิตในปีการศึกษา 2548 ได้ทำงานเป็นผู้ช่วยสอนของผู้ช่วย ศาสตราจารย์ ดร.จันทิขย์ ไสตติพันธ์และรองศาสตราจารย์ ดร.ศนันท์ภรณ์ (จำปี) ไสตติพันธ์ ใน ระหว่างปี พ.ศ. 2548-2549

มีผลงานทางวิชาการกับสถาบันวิจัยและพัฒนากระบวนการยุติธรรม กระทรวงยุติธรรม โดยได้รับทุนสนับสนุนจากสำนักงานกองทุนสนับสนุนการวิจัย (สกว.) คือ รายงานการเก็บข้อมูล เรื่อง "การเปิดเผยพยานที่ไม่ใช่บุคคลอย่างบังคับในประเทศที่ใช้ระบบ Civil Law: กรณีศึกษา เฉพาะประเทศเยอรมัน ฝรั่งเศส ญี่ปุ่น" (คดีอาญา) ในปี พ.ศ. 2549 รายงานการเก็บข้อมูล เรื่อง "การเปิดเผยพยานที่ไม่ใช่บุคคลอย่างบังคับในประเทศที่ใช้ระบบ Civil Law: กรณีศึกษาเฉพาะ ประเทศเยอรมัน ฝรั่งเศส ญี่ปุ่น" (คดีแพ่ง) ในปี พ.ศ. 2549 และรายงานการเก็บข้อมูล เรื่อง "การ สอบสวนคดีอาญาในประเทศมุสลิม กรณีศึกษาเฉพาะประเทศสิงคโปร์ มาเลเซีย อินโดนีเซีย" ในปี พ.ศ. 2549 และได้รับทุนสนับสนุนการวิจัยจากสภาการศึกษาไทยในการทำวิทยานิพนธ์ในระดับชั้น ปริญญานิติศาสตรมหาบัณฑิต นอกจากนี้ยังได้รับเชิญให้เข้าร่วมการประชุมและการทำกิจกรรม แลกเปลี่ยนวัฒนธรรมและความรู้ระหว่างประเทศอย่างมากมาย โดยเฉพาะอย่างยิ่งการประชุม เยาวชนระหว่างประเทศที่ประเทศอินโดนีเซียใน 12th Asia Pacific Youth Conference 2006 ในปี พ.ศ. 2549 และการเข้าฝึกอบรมเกี่ยวกับทักษะผู้นำในสังคมและการสมานฉันท์ระหว่างประเทศที่ ประเทศออสเตรเลียในโครงการ Life Matters Course 2007 ในปี พ.ศ. 2550

ปัจจุบันทำงานเป็นผู้ช่วยวิจัยกฎหมายในส่วนของกฎหมายระหว่างประเทศกับ ศาสตราจารย์วิทิต มันทาภรณ์ นับตั้งแต่ปี พ.ศ. 2549 จนถึงปัจจุบัน