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THE ROLE OF NATIONAL SOCIETIES
DURING INTERNATIONAL ARMED
CONFLICT UNDER IHL:
AN OPERATIONAL VIEW

**Briefing Note, Executive Summary
& Talking Points**

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I. INTRODUCTION

What is the purpose of this note?

This note outlines and explains the role of National Red Cross and Red Crescent Societies (“NSs” or singular “NS”) during international armed conflict under international humanitarian law (“IHL”). While it primarily focuses on roles under the Geneva Conventions and their Additional Protocols which apply to NSs of a party to the conflict, it also touches on some roles which apply to other NSs or to NSs as “impartial humanitarian organizations” in general. An international armed conflict is defined as a situation where one or more States resort to the use of armed force against another State. It exists regardless of whether the parties acknowledge the existence of a state of armed conflict or war. The law governing international armed conflicts also covers situations of occupation, including those established without meeting armed resistance.

The purpose of this note is two-fold: - firstly, to explain the role of NSs of a party to an international armed conflict under IHL, including their operational mandates and roles to deliver humanitarian assistance and protection activities for victims of armed conflicts; and, - secondly, to explain the general role of NSs in disseminating IHL and ensuring that it is respected. It also clarifies the obligations of states and parties to the conflict vis-à-vis NSs and their International Federation of Red Cross and Red Crescent Societies (“IFRC”).

Who is the audience for this note?

This note is designed for National Societies. It is aimed at a non-legal audience, including individuals involved in operations, NS leadership, and other individuals who may be concerned.

While it addresses NSs of parties to international armed conflicts (“IACs”), it will also be useful for NSs working internationally and/or who are supporting NSs of parties to IAC.

What is not covered by this note?

This note is not an exhaustive legal analysis, under IHL or otherwise, but covers the basics of NSs’ roles in international armed conflict.

It also is not intended to outline the Movement’s agreed coordination rules and frameworks to which all Movement components remain committed.

In addition, this note supplements but is not intended as a replacement for the [Safer Access Framework](#) (SAF) whose aim is to help NSs increase their capacities and preparedness to respond safely and effectively to humanitarian needs in sensitive and insecure contexts. These include armed conflicts and internal disturbances and tensions, referred to as “sensitive and insecure contexts”.

II. IHL AND THE MANDATE OF A NATIONAL SOCIETY

What is the relationship between IHL and the International Red Cross and Red Crescent Movement?

IHL is a universal body of law and its rules are rooted in the practices of ancient civilisations worldwide. Modern IHL dates to the Battle of Solferino in 1859 when Geneva businessman Henry Dunant witnessed the miserable fate of the wounded abandoned on the battlefield and decided to lead an impromptu relief effort to help them. Once back in Geneva, Dunant helped to create an organisation that would become known as the International Committee of the Red Cross (ICRC). Two of the first tasks of this organisation were to encourage states to establish National Societies to help the sick and wounded in war and to adopt an international treaty. The latter was accomplished in 1864 when states adopted the original Geneva Convention to protect the sick and wounded and those caring for them. Ever since, there has been a close relationship between IHL and the International Red Cross and Red Crescent Movement (the Movement), enshrined in, among other texts, the Geneva Conventions and the Statutes of the Movement.

Components of the Movement

Today, the Movement is made up of different components: the ICRC, the NSs, and the International Federation of Red Cross and Red Crescent Societies (IFRC). It is guided by seven [Fundamental Principles](#) and united by a mission to prevent and alleviate human suffering wherever it may be found, to protect life and health and ensure respect for the human being and to promote mutual understanding, friendship, cooperation and lasting peace amongst all peoples.

The mandate of the International Committee of the Red Cross is to ensure protection and assistance for victims of armed conflict and internal strife. It does so through its operations around the world, as well as by promoting respect for IHL by governments and all weapon bearers. The ICRC also endeavours to prevent suffering by promoting and strengthening IHL and universal humanitarian principles.

As of March 2022, 192 National Red Cross or Red Crescent Societies exist worldwide. Each NS has a responsibility to help vulnerable people within its own borders, and to work in conjunction with the other components of the Movement to assist the victims of armed conflicts, natural disasters, and other emergencies. As auxiliaries to their respective governments in the humanitarian field, the specific activities of NSs vary from one national context to the next. National Societies were initially created to provide auxiliary medical support to their respective armed forces' medical services during times of armed conflict. NSs still have a mandate under IHL to serve in this role, and when they do, they are subject to military regulations. They also undertake a range of protection and assistance activities for the benefit of the civilian population and members of the military out of action – both as an auxiliary to the public authorities in the humanitarian field and on their own initiative.

The International Federation of Red Cross and Red Crescent Societies is a humanitarian organization aiming to inspire, encourage, facilitate, and promote at all times all forms of humanitarian activities by National Societies with a view to preventing and alleviating human suffering and contributing to the maintenance and promotion of human dignity and peace in the world. Primarily working outside situations of armed conflict, the IFRC coordinates international assistance before, during and after disasters and health emergencies to meet the needs and improve the lives of people in vulnerable contexts. It also supports the establishment and development of National Societies.

Mandate of National Red Cross and Red Crescent Societies during armed conflict

The mandate for the work of NSs during armed conflict is contained in specific provisions found in the Geneva Conventions of 1949 (“GCs” or singular “GC”) and their Additional Protocols of 1977 (“APs” or singular “AP”). Moreover, it can be found in the Statutes of the International Red Cross and Red Crescent Movement, a foundational document which has been adopted by the Movement and the States Parties to the Geneva Conventions at the International Conference of the Red Cross and Red Crescent. Article 3(2) succinctly describes the role of the National Societies in this regard:

(...) They organize, in liaison with the public authorities, emergency relief operations and other services to assist the victims of armed conflicts as provided in the Geneva Conventions, and the victims of natural disasters and other emergencies for whom help is needed.

They disseminate and assist their governments in disseminating international humanitarian law; they take initiatives in this respect. They disseminate the principles and ideals of the Movement and assist those governments which also disseminate them. They also cooperate with their governments to ensure respect for international humanitarian law and to protect the distinctive emblems recognized by the Geneva Conventions and their Additional Protocols.

The mandate of NSs during armed conflict has been reaffirmed during numerous international statutory meetings of the Movement and in other international forums.²



III. THE NATIONAL SOCIETY'S HUMANITARIAN ACTIVITIES DURING AN INTERNATIONAL ARMED CONFLICT (IAC)

More than 40 articles of the GCs and APs make reference to the roles of National Societies in providing humanitarian aid for people and communities affected by international armed conflict.

As stated in a 1986 ICRC *Guide for National Red Cross and Red Crescent Societies to Activities in the Event of Conflict*, when an armed conflict breaks out, the NS of a party to the conflict should consider engaging with its own authorities to confirm their determination to apply the Geneva Conventions. Indeed, this is a good way of encouraging all parties to the conflict to uphold their obligations to avoid civilian suffering.³

Although auxiliaries to the public authorities in the humanitarian field, including during times of armed conflict, NSs must maintain sufficient autonomy to act in accordance with the Fundamental Principles of the Movement and to continue to work while retaining the trust of all sides.

In addition to activities based on their auxiliary status, NSs may engage in a number of activities on their own initiative, with or without additional support from the other components of the Movement. The role of NSs in international armed conflict is covered in the four Geneva Conventions of 1949 and their Additional Protocol I of 1977. Some examples of NSs' humanitarian activities during IAC follow below along with references to the relevant IHL treaty articles which mention such work.

Activities in favour of the civilian population⁴

NSs may conduct an array of *activities in favour of the civilian population* such as:

- conducting relief actions/operations for the civilian population, including in occupied territories⁵
- undertaking civil defence activities⁶, for example, rescue services, evacuations, and establishing shelters, when performing such tasks under the control of the competent authorities
- setting up (or expanding) a system to exchange family messages and trace relatives in other countries through the Central Tracing Agency⁷
- endeavouring to restore family links by collecting and identifying children separated from their parents: this may require setting-up of reception centres and helping to organize the reuniting of families and the evacuation of children from the combat area⁸
- providing impartial relief for civilians deprived of their liberty, including undertaking welfare work and care for those more vulnerable (children, expectant/nursing mothers, the elderly, etc.)⁹
- helping its own nationals interned by the enemy, by preparing and sending relief, or collecting relatives' inquiries concerning the internees.¹⁰

Wounded and sick civilians

For *wounded and sick civilians*, NSs can provide humanitarian services by:

- providing relief by distributing blankets, clothing, food, kitchen utensils and medicines
- cooperating with the civil defence organizations or the authorities to provide temporary lodgings (schools, huts, tents)¹¹
- continuing or augmenting the provision of civilian healthcare and emergency services¹² for example by:
 - providing civilian hospitals, pharmacies, ambulances, mobile units, first responders, hospital and clinic staff, and stretcher-bearers
 - conducting first aid training
 - provision of wheelchairs and mobility aids
 - making available blood / plasma donor, supplier, and transfusion services
- NSs may provide specific assistance to persons with disabilities, in the form of artificial limbs, wheelchairs and other equipment and appliances
- encourage the authorities to establish zones under special protection (i.e., a zone without any military activities and located as far away as possible from long-range artillery and air attacks) and offer them, and as appropriate the ICRC, its assistance to do so¹³
- offering its services (medical services, distribution of relief, aid to children, etc.) to the ICRC to help in administering any neutral zones located beside the hospital zones in combat areas¹⁴, as well as in demilitarized zones¹⁵

Wounded and sick combatants

For *wounded and sick combatants*, NSs may act as an auxiliary to the armed forces medical services (for example, to provide them with medics, ambulance crews or hospital staff).¹⁶ Staff working in this auxiliary role become subject to military laws and regulations.¹⁷ Working either in this role or on its own initiative, the NS may also assist with:

- evacuating from combat zones all wounded and sick, including civilians¹⁸
- collecting the dead, including identification, examination, collection of personal effects, burial, marking of graves, and transmission of details to ICRC¹⁹
- co-operating, in case of need, with recognized rescue services to rescue shipwrecked persons by means of hospital ships or coastal rescue craft²⁰

Combatants deprived of their liberty

For *combatants who are deprived of their liberty*:

- NSs may support the ICRC to make regular visits to prisoners of war (PoW) held by their countries²¹
- they may be invited, with the authorization of the military authorities, to contribute to impartial relief for enemy PoWs. This could include the provision of food, clothing and articles of a religious, educational or recreational character.²²
- NSs may also prepare relief parcels for their own nationals who are PoW²³
- it is the Detaining Power's responsibility to institute a National Information Bureau to collect and register the details of PoWs (and missing persons).²⁴ NSs may provide auxiliary support to set up, build the capacity of, and operate the National Information Bureau, for instance, by employing its tracing services already established in peacetime, as well as its own links to the Central Tracing Agency (CTA).

These are examples of activities for which NSs have a mandate during IAC. The operationalisation of their auxiliary status²⁵ and their capacity in any given operational context will determine the scope of their activities. NS IHL advisers may be well positioned to provide legal advice in these areas if so requested by authorities.

IV. OBLIGATIONS OF AUTHORITIES TO RESPECT, PROTECT AND FACILITATE THE ACTIVITIES OF NATIONAL SOCIETIES

As well as specifying which activities NSs may undertake during international armed conflicts, IHL contains provisions that protect NS staff and volunteers, oblige authorities to facilitate their work, and protect NSs in situations of occupation.

Protections

During armed conflict, whether the NS is working as an auxiliary or on its own initiative, the volunteers and staff of the National Society must be respected and protected from attack.

NS personnel working in an auxiliary capacity to the medical services of the armed forces are afforded the same protections as military medics.²⁶ NS staff within the civilian healthcare system are protected as civilian medical personnel.²⁷ When performing civil defence tasks under the control of the competent authorities, personnel must be respected and protected.²⁸

Other NS personnel are protected primarily by virtue of their status as civilians. Depending on their role, NS volunteers and staff may also qualify as personnel participating in relief actions²⁹ and are protected as such.

To avoid the possibility of losing their protected status or having facilitations revoked, NS volunteers and staff should never directly participate in hostilities³⁰ nor, if they are assigned as medical personnel or qualify as civil defence personnel, should they commit, outside their humanitarian function, acts harmful to the enemy or acts that could be perceived as contributing to the military effort.³¹

If they are participating in relief actions, they must not exceed the terms of their humanitarian mission.³² It is critical that NS personnel strictly observe the Fundamental Principles of the International Red Cross and Red Crescent Movement at all times.

Facilitations

In general, IHL obliges states not to obstruct the work of certain impartial medical and humanitarian actors³³ and indeed, to facilitate them wherever possible. Subject to supervisory and safety measures, civilian medical personnel shall have access to any place where their services are essential.³⁴ Similarly, although the authorities may require certain control measures, such as inspections at checkpoints, they must allow and facilitate rapid and unimpeded passage of all relief consignments, equipment and personnel, even if such assistance is destined for the civilian population of the enemy.³⁵ Personnel participating in relief actions should be respected and protected and assisted with their work to the fullest extent practicable.³⁶ Those authorised to act as civil defence personnel are entitled to perform civil defence tasks except in cases of imperative military necessity.³⁷



Yemen Red Crescent

In addition, there are specific provisions within Additional Protocol I which facilitate the activities of NSs. The Parties to the armed conflict must grant to their respective NS the facilities necessary for carrying out their humanitarian activities in favour of the victims of the conflict in accordance with the provisions of the Geneva Conventions, their Additional Protocol I and the Fundamental Principles of the Movement. Likewise, the Parties to the armed conflict and all States parties to Additional Protocol I must facilitate in every possible way the assistance provided by any NS and by the IFRC to the victims of the conflict.³⁸ In return, NSs must show themselves to be honest and act impartially.³⁹ Protected persons may apply to the NS for assistance and – within the bounds set by military or security considerations – the authorities shall grant the NS all facilities for that purpose.⁴⁰

Sanctions

Sanctions are not inherently incompatible with IHL. However, specific sanctions regimes should be tailored in a way so as to allow principled humanitarian action. They must not be designed in a way that hampers relief efforts, including by NSs.

Freedom from interference during occupation

Regarding occupied territories, IHL contains specific provisions to protect the integrity of the National Society's structure and ability to carry out operations.⁴¹ It provides that, subject to temporary and exceptional measures imposed for urgent reasons of security by the Occupying Power, National Societies must be able to pursue their activities in accordance with the Fundamental Principles and the Occupying Power may not require changes in their personnel or structure which would prejudice their activities. Examples of interferences include the arrest and/or replacement of staff and volunteers, the imposition of conditions or restrictions on medical and humanitarian access incompatible with the Fundamental Principles and the confiscation of the NS's assets.

V. USE OF EMBLEM

The red cross, red crescent and red crystal emblems are among the most recognised symbols in the world, but their use in both peace and war time is strictly regulated under IHL. NSs are specifically authorised to use the emblem under certain conditions. During armed conflict, a NS may use the emblem in two ways: as an indicative device to show a connection with the International Red Cross and Red Crescent Movement and as a protective symbol afforded to authorised personnel, units, and objects.

Indicative use: at all times⁴²

The indicative use of the emblem is to show the connection with the Movement and designate the NS's establishments and material, such as its headquarters, depots, administrative offices, service vehicles, letterheads, etc. NS personnel and volunteers will wear the indicative emblem— the NS logo— as a badge, whereas armlets are reserved for the protective use of the emblem. As an indicative device, the emblem must be relatively small in size (for example, the size of a nameplate); the red cross / crescent / crystal must be displayed on a white background and always include the name or initials of the NS. It will thus be visible at a short distance only.

NS must regulate the use of their logo in conformity with IHL, national legislation and Movement regulations.

For decorative purposes, there is a possibility for NSs to use the emblem in an adapted 'freer' design, in close proximity to the NS logo. This use should be avoided during armed conflict as such designs may cause confusion and undermine its protective use.⁴³

Protective use: only in the event of armed conflict and only when authorised⁴⁴

For protective use, the emblem must be large in size, and without any additional text, as it is intended to be clearly visible to the combatants, including from the air. It is used solely to identify authorised medical units and transports (and staff and equipment) and religious personnel. As such, the primary users of the emblem are the medical services of the armed forces. In principle, the protective emblem is displayed only in the event of armed conflict, but it may be displayed in peacetime as a preparatory measure. This use is authorised by the authorities, not the NS.

Additional Protocol I provides for use of the protective emblem by civilian medical units and transports duly recognised and authorised by the competent authority and under the latter's control, as well as by civilian religious personnel.⁴⁵

Consequently, the only circumstances under which a National Society is enabled to display the protective emblem in an armed conflict are: (1) when acting as an auxiliary to the medical services of the armed forces; and (2) when duly authorised to do so by the competent authority for the purposes of carrying out the medical function.

Civil Defence Sign

In addition to use of the emblem as an indicative device, NS personnel who are exclusively devoted to civil defence tasks and duly authorised may wear the international distinctive sign of civil defence as a protective device.⁴⁶ Civil defence tasks include evacuations, provision of emergency supplies, and emergency disposal of the dead.

Misuses

Everything should be done to ensure that the emblems, and their designations (names), are respected at all times, not only during armed conflict.⁴⁷ In order to maintain the prestige and respect for the emblems, as well as trust in the humanitarian work of the Movement, it is essential that the use of the emblem be restricted to those duly authorised to do so under IHL.

The NS has two specific duties in this regard. First and foremost, NSs should themselves comply with the 1991 Regulations on the Use of the Emblem of the Red Cross or the Red Crescent by the National Societies⁴⁸ (both in their operational engagements as well as in their branding and communication practices). Secondly, in accordance with the Statutes of the Movement, NSs should monitor use and misuse of the emblem and work with their authorities to approach unauthorised users to encourage them to stop displaying the emblem or designation (i.e., the name “Red Cross” or “Red Crescent”).⁴⁹

Sometimes unauthorised individuals or organisations will use the emblem based on the mistaken belief that it is a way to signal their civilian status (civilians and civilian objects do not need to be marked in any particular way to be protected from attack). In many cases, such unauthorised users have good intentions.

Nevertheless, any misuse should be discouraged. This is because the emblem has a very particular meaning and use. It is true that the symbol contributes to effective protection against attack during armed conflict, but it is also a way to show that authorised users are entitled to certain facilitations, such as being allowed through checkpoints more easily. Authorisation is required in order to confirm that those using the emblem are acting in a completely neutral and impartial manner – and in accordance with IHL.

The emblem must be understood and trusted by all so that it can protect those suffering during armed conflict. It is therefore crucial that the emblem is displayed correctly, and only by those authorised to do so by law. If the parties to an armed conflict do not trust or are confused by the meaning of the emblem, they may choose to ignore the symbol – even when displayed correctly. This puts lives at risk.

There are other widely-known symbols (such as the “Star of Life” used by paramedics worldwide) which do not require special authorisation and may be used to indicate more general medical or humanitarian matters.



VI. DISSEMINATION OF INTERNATIONAL HUMANITARIAN LAW AND THE FUNDAMENTAL PRINCIPLES

In addition to their operational activities, NSs have a mandate to disseminate and to assist their governments in disseminating international humanitarian law and they take initiatives in this respect. They also cooperate with their governments to ensure respect for international humanitarian law and to protect the red cross / crescent / crystal emblems. The Statutes of the Movement also foresee that NSs disseminate the principles and ideals of the Movement and assist those governments which disseminate them.⁵⁰

Dissemination should start in peacetime to help ensure respect for IHL when an armed conflict breaks out. Once an armed conflict begins, the NS might find that it is only possible to issue very simple messaging to educate the public about IHL. It will depend upon what is feasible and appropriate in the circumstances.

Moreover, disseminating IHL and the principles and ideals of the Movement during an armed conflict can be difficult to accomplish in a neutral way. Care should be taken to avoid the perception that the NS is accusing one or more of the parties to the conflict of IHL violations. This is to preserve trust from all sides to the conflict and so maximise the potential for the NS's humanitarian access to those in need.

It is important to note that NSs do not have a mandate to collect evidence of IHL violations nor to publicly condemn IHL violations being committed by the parties to the conflict. There are other civil society and mandated actors (e.g., human rights organisations, police and courts) who perform such roles. If NS volunteers or staff come across evidence of possible IHL violations, the NS may report these to the ICRC so that the ICRC can raise the points diplomatically in their confidential dialogue with the relevant States.

In coordination and in agreement with the ICRC and considerate of any adverse implications to the Movement's humanitarian response or perception, NSs may wish to issue a statement reminding all parties to the armed conflict of their obligations under IHL. If it is necessary to highlight attacks on NS personnel or objects in particular, care should be taken to avoid using the phrase "war crime" as it implies those responsible had criminal intent. Criminal intent is difficult to determine other than by a court assessing all the evidence, so a NS operates outside its mandate when it declares an action to be a "war crime". Instead, it would be better to use more factual phrases, such as "possible IHL violation".



EXECUTIVE SUMMARY & TALKING POINTS

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Background

International Humanitarian Law (IHL) is a universal body of law and its rules are rooted in the practices of civilisations worldwide. It applies during armed conflict to protect persons who are not or are no longer participating in the hostilities and restricts the means and methods of warfare. The International Red Cross and Red Crescent Movement has a longstanding and continuing connection with the development of IHL and in helping to ensure its compliance.

National Societies' humanitarian activities

During international armed conflicts, National Red Cross and Red Crescent Societies have a mandate to undertake certain activities under the 1949 Geneva Conventions, their Additional Protocol I, and resolutions of the International Conference of the Red Cross and Red Crescent. These can be undertaken as part of the National Society's role as an auxiliary to the public authorities in the humanitarian field or on its own initiative. The National Society's activities should be properly coordinated with the other components of the Movement, notably the International Committee of the Red Cross (ICRC), which has its own distinct mandate. Examples of actions for which the National Society has a mandate include (but are not limited) to the following:

- Conducting relief actions for the civilian population and civilians deprived of their liberty
- Undertaking civil defence activities such as rescue services and establishing shelters
- Restoring family links
- Providing civilian healthcare services
- Tending to sick and wounded combatants
- Evacuating the sick and wounded from combat zones
- Collecting the dead
- Supporting the ICRC with visits to prisoners of war held by their country
- Preparing relief parcels for their own nationals who are prisoners of war

The operationalisation of National Societies' auxiliary status and their capacity in any given context will determine the scope of their activities in practice.

Protection of National Society personnel and Facilitation of their activities

Regardless of whether the National Society is working as an auxiliary or on its own initiative, its volunteers and staff must be respected and protected from attack. To avoid the risk of losing their protected status or having facilitations revoked, National Society volunteers and staff should never directly participate in hostilities nor commit acts that could be perceived as contributing to the military effort. It is critical that, as in times of peace, and to preserve their reputation and the trust of all sides, National Society personnel strictly observe the Fundamental Principles of the International Red Cross and Red Crescent Movement at all times.

In general, IHL obliges States not to obstruct the work of impartial humanitarian organisations and indeed, to facilitate them wherever possible. General treaty rules apply to the work of National Societies as do some specific provisions. For example, Additional Protocol I requires the Parties to the armed conflict to grant to their respective National Society the facilities necessary for carrying out their humanitarian activities in favour of the victims of the conflict. Likewise, the Parties to the armed conflict and all States parties to Additional Protocol I must facilitate in every possible way the assistance provided by any National Red Cross or Red Crescent Society and by the International Federation of Red Cross and Red Crescent Societies (IFRC) to the victims of the conflict. In return, National Societies and the IFRC must show themselves to be honest and act impartially.

In occupied territories, IHL contains specific provisions to protect the integrity of the National Society's structure and ability to carry out operations. It provides that, subject to temporary and exceptional measures imposed for urgent reasons of security by the Occupying Power, National Societies must be able to pursue their activities in accordance with the Fundamental Principles and the Occupying Power may not require changes in their personnel or structure which would prejudice their activities.

Use of emblem

The red cross, red crescent and red crystal emblems are among the most recognised symbols in the world, but their use in both peace and war time is strictly regulated under IHL. National Societies are specifically authorised to use the emblem under certain conditions. During armed conflict, a National Society may use the emblem in two ways: as a relatively small indicative device, together with its name or initials, to show a connection with the International Red Cross and Red Crescent Movement and – when authorised – as a large protective symbol afforded to authorised personnel, units, and objects.

The only circumstances under which a National Society is enabled to display the protective emblem in an armed conflict are: (1) when acting as an auxiliary to the medical services of the armed forces; and (2) when duly authorised to do so by the competent

authority for the purposes of carrying out the medical function.

Sometimes unauthorised individuals or organisations will use the emblem based on the mistaken belief that it is a way to signal their civilian status (civilians and civilian objects do not need to be marked in any particular way to be protected from attack). In many cases, such unauthorised users have good intentions – nevertheless, any misuse should be discouraged. It is true that the symbol contributes to effective protection against attack during armed conflict, but it is also a way to show that authorised users are entitled to certain facilitations, such as being allowed through checkpoints more easily. Authorisation is required in order to confirm that those using the emblem are acting in a completely neutral and impartial manner – and in accordance with IHL. Even well-intentioned misuse can make humanitarian action more difficult and dangerous.

Dissemination of IHL

In addition to their operational activities, National Societies have a mandate to disseminate and to assist their governments in disseminating international humanitarian law. They also cooperate with their governments to ensure respect for international humanitarian law and to protect the red cross / crescent / crystal emblems. Dissemination should start in peacetime to help ensure respect for IHL when an armed conflict breaks out. Once an armed conflict begins, messaging on IHL will depend upon what is feasible and appropriate in the circumstances.

Moreover, disseminating IHL and the principles and ideals of the Movement during an armed conflict can be difficult to accomplish in a neutral way. Care should be taken to avoid the perception that the National Society is accusing one or more of the parties to the conflict of IHL violations. This is to preserve trust from all sides to the conflict and so maximise the potential for the National Society's humanitarian access to those in need.

It is important to note that National Societies do not have a role or a mandate to collect evidence of IHL violations nor to publicly condemn IHL violations being committed by the parties to the conflict. There are other civil society and mandated actors (e.g., human rights organisations, police and courts) who perform such roles. If volunteers or staff come across evidence of possible IHL violations, the National Society may report these to the ICRC so that the ICRC can raise the points diplomatically in their confidential dialogue with the relevant Parties to the conflict.

Talking points

- International humanitarian law is a set of rules which applies during armed conflict. It protects persons who are not or are no longer participating in the hostilities and restricts the means and methods of warfare.
- During international armed conflict, National Red Cross and Red Crescent Societies (National Societies) have a mandate to undertake certain activities under the 1949 Geneva Conventions, their First Additional Protocol, and resolutions of the International Conference of the Red Cross and Red Crescent.
- Under IHL, National Societies benefit from certain protections and facilitations in order to continue their lifesaving and humanitarian work. The authorities of all Parties to the conflict must respect, protect, and facilitate the activities undertaken by the National Society of a Party to the conflict.
- In return, National Societies must uphold the Fundamental Principles, including the Principles of Neutrality, Impartiality and Independence.
- During times of armed conflict, National Societies have a mandate to undertake certain activities as an auxiliary to the authorities in the humanitarian field. They may also undertake certain activities on their own initiative. Examples of possible activities include:
 - Conducting relief actions for the civilian population and civilians deprived of their liberty
 - Undertaking civil defence activities such as rescue services and establishing shelters
 - Restoring family links
 - Providing civilian healthcare services
 - Tending to sick and wounded combatants
 - Evacuating the sick and wounded from combat zones
 - Collecting the dead
 - Supporting the International Committee of the Red Cross (ICRC) with visits to prisoners of war held by their country
 - Preparing relief parcels for their own nationals who are prisoners of war
- The National Society's activities during armed conflict should be properly co-ordinated with other components of the Movement, notably the ICRC, which has its own distinct mandate.
- During armed conflict, the red cross, red crescent and red crystal emblems are visible signs of neutrality and protection. They may only be used by authorised organisations and personnel. Misuse of these emblems – even by well-meaning actors – causes confusion and makes it more likely that those displaying the symbol properly will be attacked or obstructed. This costs lives.
- National Societies have a role in helping to educate people about IHL in general. They also cooperate with their governments to ensure respect for international humanitarian law and to protect the red cross / crescent / crystal emblems.
- However, they do not have a mandate to collect evidence of war crimes. There are other civil society and judicial actors who do this work. These include human rights organisations – and military and civilian police and courts. The Movement is not the arbiter of whether specific actions constitute a war crime.
- If a National Society does come across evidence of IHL violations, it may raise its concerns with the ICRC. In turn, the ICRC may raise the matter in its confidential dialogue with the Parties to the conflict.
- Please contact your National Society IHL adviser or the ICRC regional delegation if you have questions on the National Society's role during international armed conflict.
- Please respect our neutrality and our impartial life-saving work.

Prepared by a team of experts from the National Societies of Belgium, Canada, Denmark, Germany, Sweden and the UK, and the IFRC – April 2022

FOR FURTHER INFORMATION

For further information on how IHL applies in the context of your country, please contact your NS IHL adviser. If your NS does not have its own IHL advice, please contact the ICRC regional delegation.

For more general resources on IHL, please contact the ICRC Advisory Service on IHL. Details follow below.

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- Belgian Red Cross
- British Red Cross
- Canadian Red Cross
- Danish Red Cross
- German Red Cross
- Swedish Red Cross
- IFRC

1 Including but not limited to the [Statutes of the Movement](#), [the Seville Agreement and its Supplementary Measures](#) or in other Resolutions adopted by the Statutory meetings of the Movement

2 See, in particular: Resolution 2 of the 30th International Conference (2007) on the “Specific nature of the International Red Cross and Red Crescent Movement in action and partnerships and the role of National Societies as auxiliaries to the public authorities in the humanitarian field” and Resolution 7 of the 2011 Council of Delegates on “National Societies preparing for and responding to armed conflict and other situations of violence”. This mandate has been re-affirmed by the United Nations General Assembly, see e.g. latest UNGA, Resolution, “[Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts](#)”, A/RES/73/204 (9 January 2019).

3 25th International Conference (1986), *Guide for National Red Cross and Red Crescent Societies to Activities in the Event of Conflict*, at p. 17.

4 *Ibid*, at pp. 24-33.

5 API arts 70 and 81; GCIV art 59.

6 API, art 61 describes the remit of civil defence organisations.

7 GCIV, art 25.

8 API, art 78.

9 GCIV, arts 30, 108 and 142; API, art 81.

10 GCIV, arts 108 and 142; API, art 81.

11 API, arts 70 and 72.

12 API, art 8(c).

13 GCIV, arts 14 and 15.
14 GCIV, art 15.
15 API, arts 59 and 60.
16 GCI, art 26.
17 NB: *Only* the NS's assigned personnel are subject to military laws and regulations. The National Society itself and assigned personnel must continue to abide by the Fundamental Principles (See, for example, [Resolution 2 of the 30th International Conference](#)).
18 GCIV, art 17.
19 GCI, arts 15-17; GCII, arts 18-20.
20 GCII, arts 22-24 (see also arts 31-34 and 43); API, arts 22 and 23.
21 The ICRC's role in visiting POWs is described in GCIII, art 126.
22 GCIII, arts 72-75, 125; API, art 81.
23 GCIII, arts 72-75, 125; API, art 81.
24 GCIII, art 122; API, art 33. See also: Resolution XIV of the 25th IC (1986).
25 It is important to note that a NS's auxiliary role has two dimensions. Firstly, they may serve as an auxiliary to armed forces medical services as provided for under Article 26 GCI – this role may be exercised abroad (i.e. on the territory of another State). Secondly, NSs also have an auxiliary role to their respective governments in the humanitarian field more generally – in principle, this is performed within the NS's national borders.
26 GCI, art 26.
27 API, art 8(c)(ii).
28 API art 61(a) and 62.
29 API art 71.
30 API art 51(3). NB: In IHL, "Direct participation in hostilities" not only refers to active combat, but it could also include, for example, intelligence gathering activities and guiding armed forces.
31 For medical personnel: GCI, art 21; GCII, art 34; API, art 13(1). For civil defence personnel: GCIV, art 63, para two; API, art 65(1).
32 API, art 71(4).
33 GCI, art 9; GCII, art 9; GCIII, art 9; GCIV, art 10.
34 API art 15(4).
35 API art 70.
36 API art 71.
37 API arts 61(a) and 62.
38 API, art 81. *Verbatim*: "2. The Parties to the conflict shall grant to their respective Red Cross (Red Crescent, Red Lion and Sun) organizations the facilities necessary for carrying out their humanitarian activities in favour of the victims of the conflict, in accordance with the provisions of the Conventions and this Protocol and the fundamental principles of the Red Cross as formulated by the International Conferences of the Red Cross.
3. The High Contracting Parties and the Parties to the conflict shall facilitate in every possible way the assistance which Red Cross (Red Crescent, Red Lion and Sun) organizations and the League of Red Cross Societies extend to the victims of conflicts in accordance with the provisions of the Conventions and this Protocol and with the fundamental principles of the Red Cross as formulated by the International Conferences of the Red Cross."
39 ICRC's Commentary to API, at para. [3317](#).
40 GCIV, art 30.
41 GCIV, art 63.
42 GCI, art. 44 and [1991 Emblem Regulations for National Societies](#).
43 Emblem regulations, Art 5.
44 GCI, art 44.
45 API, art 18.
46 API, art 66; [ICRC Study on Use of the Emblems](#), p 124.
47 For that purpose, the NSs can assist their authorities to take all legislative measures necessary for the prevention and repression of any misuse of the emblem at all times (States parties' responsibility provided by GCI, art 54).
48 <<https://www.icrc.org/en/doc/resources/documents/article/other/57jmbg.htm>>
49 Statutes of the International Red Cross and Red Crescent Movement, art 3(2).
50 *Ibid*.