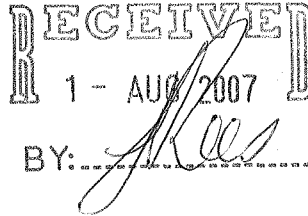




Australian Government

Department of Defence
Defence Support Group



Submission 5
TT 9 May 2007

Mr James Rees
Secretary
Joint Standing Committee on Treaties
Parliament House
CANBERRA ACT 2600

Dear Mr Rees

I write to clarify evidence that I gave at the 18 June 2007 hearing into the Adoption of a Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III) done at Geneva on 8 December 2005.

In answer to a question from the Chair, Dr Southcott (page 26 of Proof Committee Hansard 18 June 2007):

'If it were a PKO, would the decision be made by the United Nations commander of the PKO?'

I stated that:

'It would all depend on the information available on the ground. After nearly 50-odd years the Red Cross and the Red Crescent have achieved a certain amount of recognition and respect. I do not think you can quite say that for the Red Crystal at this stage. Not enough countries have signed up or ratified it, let alone enough people in the international community and domestic populations of some of these countries recognising it'.

Upon further reflection, this information was slightly ambiguous. Although the information is not incorrect, it did not directly answer the question asked and in the absence of a clarification, it could be inadvertently taken as an affirmative answer to the question which was not my intention.

The direct answer to the question is:

'It is ultimately a matter for each Troop Contributing Nation's military authorities to issue appropriate instructions to their own troops on the use of the distinctive emblems (Red Cross, Red Crescent, Red Lion and Sun or Red Crystal). In so doing, each Troop Contributing Nation would have due regard to their own nation's international legal obligations, military policy requirements and the prevailing circumstances on the ground'.

A Troop Contributing Nation may of course give their Peace Keeping Force Commanders some discretion whether or not to use the red crystal on a particular PKO in lieu of or in addition to the distinctive emblem its military

forces ordinarily use. In such cases, the use of the red crystal would then depend on the information available on the ground which indicates whether or not the red crystal was likely to be recognised and respected by the belligerent parties. After nearly 58 years since the Geneva Conventions were first signed, the Red Cross and the Red Crescent have achieved a certain amount of recognition and respect throughout the world. I do not think you can quite say the same for the Red Crystal at this stage. Not nearly enough countries have signed or ratified Additional Protocol III yet, let alone has knowledge of the new distinctive sign been disseminated to the populations of those countries which have.

Yours sincerely



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