



# SUPPLEMENT

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ET

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DES SOCIÉTÉS  
DE LA CROIX-ROUGE

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## INTERNATIONAL COMMITTEE OF THE RED CROSS

### *NEW YEAR'S MESSAGE FROM THE PRESIDENT OF THE ICRC*

The Red Cross has now been in existence for well-nigh a hundred years. How can we explain the triumphant success of an idea which has found such ready acceptance, and spread throughout the world?

The Red Cross has survived and grown because, in the midst of turmoil and conflict, it has always sought the common ground on which men may unite.

But it is not enough for all countries and continents to recognize a name, or an emblem. The name, and the emblem, must have a living meaning—a meaning of which we must be as intensely conscious as was the founder of our movement, Henry Dunant. And what did this name, this symbol mean to him? Help—generous, unselfish, help to the victims; relief for those who suffer, whoever they may be; and respect for every man as a fellow human-being.

If we hold this belief—if each one of us is determined that the principles of the Red Cross shall be maintained—we may then begin to hope for that harmony for which the whole world longs.

## PRINCIPAL ITEMS OF INTEREST

*War Invalid Relief.* — As part of its scheme of collective and individual relief, the War Invalid Section sent the Finnish Red Cross, in December 1951, a watchmaker's lathe and four Braille watches—all purchased out of the bequest received from Australia.

Four Braille watches which indicate the time aloud were sent to the French Red Cross and two to Vienna; these had been presented, and were meant especially for blind persons who have also lost limbs.

Individual gifts of money received at Christmas allowed the Section to send parcels to some of the worst off of the invalids. Thanks to the generosity of one industrialist it was possible, for example, to send an adjustable table to a student who contracted tuberculosis during the War; the table allows him to work much more comfortably.

*Korea.* — On December 15, 1951, the President of the International Committee addressed himself once more to the Prime Minister of North Korea and to General Nam Il, head of its armistice delegation in Panmunjom, asking that the Committee's Delegate be authorized to operate in North Korea in accordance with the Conventions, and especially with a view to helping to organize the repatriation of prisoners of war if and when this becomes necessary.

Six further Delegates left Geneva for Korea on December 20. They were: MM. Nicolas Burckhardt, Georges Hoffmann, Jean Courvoisier, Jean Munier, Albert de Cocatrix and a medical Delegate, Dr. Maurice Piot. Having arrived at Tokio on December 25, they left a few days later for Pusan and from there began visiting prisoner of war camps. They are ready at any time to begin work on the exchange and repatriation of prisoners.

The head of the Delegation in Korea, Dr. Otto Lehner, requested an interview with General Nam Il so that he could

explain personally the Committee's system of working and the briefing its Delegates receive; so far this request has had no effect.

Two further Delegates are ready at any time to proceed to North Korea: Dr. Roland Marti, the Committee's Medical Adviser, who would go via Moscow, and M. André Durand, who is already at Hong Kong and would go by Peking.

The Delegation in Korea visited in December the No. 1 Transit Camp, No. 1 Prisoner of War Camp at Pusan, and Field Hospital No. 14 there.

On December 27, the Committee received at Geneva from the United Nations Command, through the intermediary of the United States Consulate, a list of 37,342 civil internees. These persons, formerly considered as prisoners, have been re-classified. The list was communicated immediately to the North Korean authorities for transmission to the Armistice Commission at Panmunjom.

*Visitors.* — A Delegation from the Soviet Alliance of Red Cross and Red Crescent Societies had several talks at Geneva with the Committee, and visited the different departments. It was composed of the Vice-President, Professor Pachkov, and M. Tchikalenko, who is a member of the Expert Commission of the Executive Committee of the Alliance, with which the mission led by M. Ruegger in November 1950 had discussions in Moscow. Questions discussed there were again dealt with in detail during the talks in Geneva. The Delegation was received by the President, by Dr. Gloor, Vice-President, and other members of the Committee and the staff.

M. Ruegger also renewed discussion on certain points which he raised at Peking in March last during a meeting he had with M<sup>me</sup> Li-Teh-Chuan, President of the Chinese Red Cross, who recently spent a short time in Geneva. M<sup>me</sup> Li-Teh-Chuan gave an assurance that the Chinese Red Cross would carefully examine certain questions submitted to it, in connection with the Committee's general activities in the Far East.

*Translation of the Geneva Conventions.* — The Delegate in the Near East has informed the Committee that the Egyptian Government has had the 1949 Conventions translated into Arabic.

It will be recalled that these Conventions were drawn up in English and French, both versions being equally authentic. The Swiss Federal Council, guardian of the Conventions, has published translations in Russian and Spanish. Versions exist in several other languages including Chinese, Czech, Danish, Flemish, German, Hebrew, Indonesian, Italian, Norwegian, Persian, Polish, Serbo-Croat, Swedish, and so on.

*Mail Statistics.* — From 1942 to 1951, a total of 139,383 letters and telegrams was received ; these refer to correspondence on general matters only.

In addition, the Central Prisoners of War Agency continues to receive a very large mail, the total for the same period amounting to 53,573,480 items.

The outgoing figure during the last ten years has been 52,124,827 items.

*Reunion of Families.* — Under the scheme for recruiting the dispersed members of families of German ethnic origin which the Committee has had in operation over a long period, and for which it has a Delegate in the field, some 240 further persons recently arrived in Western Germany from Czechoslovakia. The German Democratic Republic facilitated their transport over its territory. The Committee has given a fresh grant to the German Red Cross for its reception centre at Friedland Camp, the point of arrival from Poland, Czechoslovakia, Hungary and Roumania.

*Relief.* — The Committee has forwarded to Greece further relief supplies it received for Greek internees. A gift of the Bulgarian Red Cross contained 500 parcels of clothing, food-stuffs and medicine ; a gift of 1,500 parcels of sugar and biscuits arrived from the Czechoslovak Red Cross, for children living with interned parents ; a sixth consignment from the Polish Red Cross contained 71 parcels. The supplies were forwarded from Geneva to Athens via Genoa, and will be distributed by the Committee's Delegate in Greece, in co-operation with the Greek authorities and Red Cross.

JEAN S. PICTET,  
*Director for General Affairs of the ICRC*

## THE SIGN OF THE RED CROSS

Commentary on Chapter VII — The Distinctive Emblem —  
of the Geneva Convention  
for the Amelioration of the Condition of the Wounded and Sick  
in Armed Forces in the Field  
of August 12, 1949. (*Continued*)<sup>1</sup>

### ARTICLE 42. — MARKING OF MEDICAL UNITS AND ESTABLISHMENTS

*The distinctive flag of the Convention shall be hoisted only over such medical units and establishments as are entitled to be respected under the Convention, and only with the consent of the military authorities.*

*In mobile units, as in fixed establishments, it may be accompanied by the national flag of the Party to the conflict to which the unit or establishment belongs.*

*Nevertheless, medical units which have fallen into the hands of the enemy shall not fly any flag other than that of the Convention.*

*Parties to the conflict shall take the necessary steps, in so far as military considerations permit, to make the distinctive emblems indicating medical units and establishments clearly visible to the enemy land, air or naval forces, in order to obviate the possibility of any hostile action.*

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<sup>1</sup> See *Revue internationale de la Croix-Rouge*, English Supplement, Vol. IV, No 12, Dec. 1951, pp. 233-255.

## PARAGRAPH I. — USE OF THE CONVENTION FLAG

Although the Convention does not define “ the distinctive flag of the Convention ”, there can be no doubt that a white flag with a red cross in its centre is obviously meant. It is clear, for example, that the red cross on a white ground would not in turn be placed on a flag of another colour. What might possibly happen in the case of the armlet, is here excluded by the very fact that we are speaking of a flag, and that the proportions are different to those of the armlet. The need for visibility also requires this interpretation. The flag of the Convention would thus have the general appearance of the Swiss flag with the colours reversed.

The word “ flag ” must be taken in the widest sense. It is not necessarily a fabric. Hospitals are often marked by one or several red crosses on white ground painted on the roof.

The emblem should be flown by mobile units, as well as by fixed establishments attached to the Medical Service, to ensure them protection and respect. This presumes, however, the consent of the military authority. (For the general principle, see above under Art. 39.)

Although the armlet must be stamped by the military authority, this does not apply to the flag ; it would in any case be impracticable as when, for example, the emblem is painted on a roof.

What is important is that the military authority should take particular care that the flag is used only on buildings entitled to protection. Moreover, the same authority may alone decide to camouflage a medical unit, by concealing its presence.

During the preparatory work on the Conventions, several experts pointed out that conditions in modern warfare often make it advisable to conceal first-line units, so as not to inform the enemy of troop positions and strength. As we noted under Art. 39, nothing forbids such a practice but, obviously, medical units can be respected by the enemy only in so far as he can recognize them as such.

The 1937 Commission devoted considerable attention to this question. With its own report it included as an annex a report by General Schickelé, to which reference should be made. The writer recommended that medical units be not camouflaged longer than is absolutely necessary for military secrecy; when actual fighting begins, there is nothing further to hide, and they should be designated. This recommendation should be acted upon.

#### PARAGRAPH 2. — USE OF THE NATIONAL FLAG

The 1906 Convention made it a general rule that the national flag be flown on the mobile units and fixed establishments of the Medical Services. This rule was maintained in 1929 for the latter only, being made optional for the mobile units. In 1949, it is made optional for both to fly the national flag with that of the Convention.

This solution appears reasonable. It had been pointed out that on a battlefield, the national flag implies a state of war and is thus likely to provoke attack.

#### PARAGRAPH 3. — UNITS IN ENEMY HANDS

Art. 19 provides that hospital and medical units in enemy hands may continue to function so long as the capturing Power has not itself made arrangements to care for the wounded and sick. In such case, only the Convention flag will be flown.

There is no provision for flying the national flag beside the red cross emblem. There are obvious objections to flying either the home flag or that of the captor.

Although the paragraph uses the words "medical unit", we believe this expression covers fixed establishments as well as mobile units. The regime of both is, since 1949, so closely related that a distinction as to the flag would be pointless.

#### PARAGRAPH 4. — MARKINGS

This provision is identical with the corresponding text of 1929.

The recommendations made are fully justified. The distinctive emblem has its fullest importance when it appears on mobile units, and to a still greater extent on fixed establishments—the security of the many persons they shelter depends on them, and precautions must be taken against air raids.

The emblem must be visible from a distance and from all sides. Rigid panels, horizontal, vertical, or oblique, facing different directions, may be used; large red crosses may be painted on white backgrounds on the roof and the walls, or traced on the ground with suitable materials.<sup>1</sup>

The emblems must be sufficiently large. Government experiments carried out at the request of the ICRC have shown, for example, that a red cross on a white ground, five metres square, placed on a roof, was scarcely recognisable at above 2,500 metres.<sup>2</sup>

Medical units and establishments should of course be also indicated by night, using for example a string of lights to outline the crosses. As, however, total black-out is the most effective and practical safeguard against air attack, the military command is not likely to consent. Medical units lit up after their site is located during the day will give enemy aircraft useful landmarks. Lighting might conceivably be used only in case of attack.<sup>3</sup> As noted under Art. 19, Par. 2, the safety of medical units is best assured by keeping them away from military objectives.

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<sup>1</sup> For further detail, see the Report of General Schickel  : "Visibilit , signalisation et camouflage des formations sanitaires", attached to the Draft Revision of the Geneva Convention made by the 1937 Commission.

<sup>2</sup> See *Revue internationale de la Croix-Rouge*, May 1936, p. 409 (inset).

<sup>3</sup> General Schickel 's Report also alludes to this.

## ARTICLE 43. — MARKING OF UNITS OF NEUTRAL COUNTRIES

*The medical units belonging to neutral countries, which may have been authorized to lend their services to a belligerent under the conditions laid down in Article 27, shall fly, along with the flag of the Convention, the national flag of that belligerent, wherever the latter makes use of the faculty conferred on him by Article 42.*

*Subject to orders to the contrary by the responsible military authorities, they may on all occasions, fly their national flag, even if they fall into the hands of the adverse Party.*

This Article has been amended and brought into line with the new Article 42.

### PARAGRAPH 1. — THE FLAG OF THE BELLIGERENT

The Article covers units of neutral countries, allowed to assist a belligerent, as laid down in Art. 27. Paragraph 1 states that such units shall fly, along with the flag of the Convention, the national flag of the belligerent, if the belligerent commander has decided that his medical units shall do so. (Under the terms of Art. 42, Par. 2, this is not compulsory.)

This is commonsense. If a belligerent has the national flag on his medical units and establishments, it should also be displayed by neutral units attached ; if he does not fly it, there is no reason why neutral units in his service should do so.

### PARAGRAPH 2. — THE FLAG OF THE NEUTRAL COUNTRY

The right of a neutral unit to fly its own flag in addition to those of the Convention and of the belligerent with whom it is working, was introduced in 1929. It has been objected to for reasons of principle which we feel were scarcely sufficient.<sup>1</sup>

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<sup>1</sup> See Paul DES GOUTTES, *Commentaire*, p. 171.

Under the 1949 text, a neutral formation can fly its national flag even—and this is new—if captured.

A proviso is, however, added by the words: "Subject to orders to the contrary by the responsible military authorities." As distinct from the rules for the use of the national flag of the belligerent, this phrase does not signify that, in general, the belligerent can decide whether or not neutral units shall fly their own flag. It implies a restriction for a limited period only, under specific conditions, and for technical reasons, such as the necessity for concealing medical units in a forward position.

This, we believe, is the only interpretation that can be given to this provision, and corresponds to the intention of those who adopted it. Otherwise, the contradiction between "subject to orders to the contrary" and "they may on all occasions" would make the paragraph absurd.

#### ARTICLE 44. — RESTRICTIONS IN THE USE OF THE EMBLEM EXCEPTIONS

*With the exception of the cases mentioned in the following paragraphs of the present Article, the emblem of the red cross on a white ground and the words "Red Cross", or "Geneva Cross" may not be employed, either in time of peace or in time of war, except to indicate or to protect the medical units and establishments, the personnel and material protected by the present Convention and other Conventions dealing with similar matters. The same shall apply to the emblems mentioned in Article 38, second paragraph, in respect of the countries which use them. The National Red Cross Societies and other Societies designated in Article 26 shall have the right to use the distinctive emblem conferring the Protection of the Convention only within the framework of the Present paragraph.*

*Furthermore, National Red Cross (Red Crescent, Red Lion and Sun) Societies may, in time of peace, in accordance with their national legislation, make use of the name and emblem of the Red Cross for their other activities which are in conformity*

with the principles laid down by the International Red Cross Conferences. When those activities are carried out in time of war, the conditions for the use of the emblem shall be such that it cannot be considered as conferring the protection of the Convention ; the emblem shall be comparatively small in size and may not be placed on armlets or on the roofs of buildings.

The international Red Cross organizations and their duly authorized personnel shall be permitted to make use, at all times, of the emblem of the red cross on a white ground.

As an exceptional measure, in conformity with national legislation and with the express permission of one of the National Red Cross (Red Crescent, Red Lion and Sun) Societies, the emblem of the Convention may be employed in time of peace to identify vehicles used as ambulances and to mark the position of aid stations exclusively assigned to the purpose of giving free treatment to the wounded or sick.

The corresponding provision of 1929 (Art. 24) was most unsatisfactory. It did not make the fundamental distinction between the two uses of the emblem, which is absolutely necessary to bring out its real significance and solve the complex problems there are in regulating its use. The distinction, which looks plain enough, was put into words only recently ; for long, the fact that it was ignored caused a great deal of confusion in the whole question and put many on the wrong track, especially during the 1929 Conference.

A distinction must be drawn between the two different uses of the red cross on a white ground. They are in fact so fundamentally different in nature that their only common element is their external appearance.

The first—the essential significance is when the emblem is the visible sign of the protection accorded by the Convention to persons or things. It is then a virtually constitutive element of protection under the Convention, and we shall refer to it briefly as the *protective sign*. Its dimensions must then be large in proportion to the object it is to mark.

We have advisedly used the qualification *virtually* because in fact, marking is not a *sine qua non* of protection. A medical

unit which does not display the sign openly is still theoretically protected. It is clear, however, that protection can be effective only as far as the enemy can—e.g. in case of occupation—see evidence of its existence.

The second use is *purely indicatory*; in a word, it shows that a person or object is connected with the Red Cross, without implying the protection of the Convention or any intention to invoke it. It is used thus to draw public attention to premises or publications. The dimensions of the emblem should then as a rule be small and there should be no risk of confusing it with the protective sign.

Failure to recognize the distinction led the 1929 Conference to decide that, apart from their functions with the Medical Services, National Societies would be entitled to use the sign only in time of peace. This amounted to saying that on the outbreak of war, a National Society must forbid the use of the sign to mark personnel, buildings or objects, unless serving for the military wounded, or attached to the Medical Services of the armed forces. In practice, this stipulation usually remained a dead letter.

Article 44 has at least drawn a clear distinction between the protective and the indicatory sign, and reconciles the two needs: (1) strictly safeguarding the protective use of the sign, and (2) allowing National Societies to make extensive use of an emblem which has become popular and to which they have a very legitimate right.

## PARAGRAPH I. — THE PROTECTIVE SIGN

### I. *Persons and Objects Protected*

We have said that the vital importance of the emblem is when it has protective value; it is then known as the "emblem of the Convention". It is through the 1864 Geneva Convention that the emblem entered into positive international law, and the Convention has given it its peculiar significance, making it the symbol of the immunity accorded to the military wounded and sick.

Par. 1 lays down that the emblem cannot be employed—with the exception of cases mentioned in the following paragraphs, which principally concern the indicatory sign—either in time of peace or in time of war, except to indicate medical units and establishments, personnel and material protected by the Convention, and similar agreements.

While Arts. 38 and 39 stipulate that the sign of the red cross is the emblem of the Medical Services and that it should appear on everything which concerns them, Art. 44 specifies that it should appear on nothing else. Except on the conditions stated in the Geneva Conventions, every other use of the sign is strictly forbidden. “The prohibition is absolute, and is not one that can be lifted by such or such an authority”, wrote Louis Renault.<sup>1</sup> Neither Governments or National Societies can get around this prohibition; it binds them as it does individuals—a fact again underlined at the 1929 Conference.<sup>2</sup>

Similarly, Par. 1. provides that the words “red cross” or “Geneva cross” may indicate<sup>3</sup>—always with the exception of cases named in the following Paragraphs—only the establishments, personnel or material protected by the Conventions.

The second sentence of the Paragraph confirms that the same provisions naturally apply to the red crescent, and the red lion and sun, for countries employing them.

The following are entitled to the protective sign under the Convention :

- (a) Mobile units and fixed establishments of the armed forces and of relief societies (Arts. 19 and 42).
- (b) Medical units of neutral societies assisting a belligerent (Arts. 27 and 43).

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<sup>1</sup> Proceedings of the 1906 Conference, p. 265.

<sup>2</sup> Proceedings of the 1929 Conference, pp. 306, 307, 311 and 317.

<sup>3</sup> In the text of this Article the word “indicate” should refer to the words “red cross”, and the word “protect” to the emblem; owing to a clerical error, they are printed in the wrong order.

- (c) Permanent medical and religious personnel of the armed forces and relief societies, including the administration (Arts. 24, 26 and 40).
- (d) Medical personnel of neutral societies assisting a belligerent (Arts. 27 and 40).
- (e) Temporary medical personnel of the armed forces while on medical duty, wearing the special armlet (Art. 25 and 41).
- (f) Medical equipment of the armed forces and of relief societies (Arts. 33, 34 and 39).
- (g) Medical transport and vehicles (Arts. 35 and 39).
- (h) Medical aircraft (Art. 36).

In addition, the draft agreement relating to Hospital Zones and Localities, annexed to the Convention, provides in Art. 6 that such zones and localities shall be marked by the red cross on a white ground. This draft has no legal effect, however, its operation being subject to agreement between the interested Powers.

Although the emblem is bound up with the First Convention, and its use is most fully dealt with there, the Second and Fourth Conventions also have provisions concerning it.

Thus under the Second Convention, the following are entitled to the protective sign :

- (a) Hospital ships of States, relief societies and individuals (Arts. 22, 24 and 43).
- (b) Hospital ships of relief societies and individuals from neutral countries assisting a belligerent (Arts. 25 and 43).
- (c) Lifeboats of hospital ships, coastal lifeboats and all small craft used by the Medical Service (Arts. 27 and 43).
- (d) Fixed coastal installations used by lifeboats (Arts. 27 and 41).
- (e) Sick-bays on ships (Arts. 28 and 41).
- (f) Medical and religious personnel and crews of hospital ships (Arts. 36 and 42).

- (g) Medical and religious personnel of the Navy and the Mercantile Marine (Arts. 37 and 42).
- (h) Medical stores (Art. 41).
- (i) Medical aircraft (Art. 39).

Under the Fourth Convention :

- (a) Civilian hospitals (Art. 18).
- (b) Staff of civilian hospitals (Art. 20).
- (c) Convoys of vehicles or hospital trains on land, or specially provided vessels conveying wounded and sick civilians (Art. 21).
- (d) Civilian medical aircraft (Art. 22).

In addition, the draft agreement relating to Hospital and Safety Zones and Localities, annexed to the Fourth Convention, provides in Art. 6 that zones reserved exclusively for the wounded and sick may be marked by means of the red cross. The qualification above in relation to the draft agreement annexed to the First Convention also applies here.

## 2. *Organizations to Benefit*

Under the First Convention which we are here examining, what organizations are entitled to the protective sign?

Firstly, the Medical Services of the armed forces. Even before the emblem became that of the Red Cross qua institution, the Convention had assigned it as an international marking for the Medical Services.

Secondly, recognized relief societies assisting the Medical Services, under Art. 26. These include the National Red Cross Societies—happily mentioned explicitly in the 1949 text. But, apart from the Medical Service, the Red Cross Societies have no monopoly of the emblem. Apart from them, Governments may authorize other Societies to assist the Medical Services and these, although having no connection with the National Red Cross, are entitled both in peacetime and in war

to use the red cross sign. There are, in fact, only a few such Societies, such as the Order of St. John of Jerusalem and the Order of Malta.

The last sentence of the Paragraph under review emphasizes the fact—and there was need to do so—that Red Cross and other recognized Societies are entitled to the protective sign only within the limits set out in the Paragraph. This means that such Societies may employ the protective sign only for that part of the personnel and material which assists the official Medical Services, carries out the same functions and is subject to military laws and regulations—which forms, for all practical purposes, part of the Medical Services. Even then, they can use the protective emblem only with the consent of the military authority.

It follows that the directors and staff of a National Society are not entitled to the protective sign, and cannot wear the armlet, except in so far as they themselves are protected by the Geneva Convention. For that, their duties must contribute to the care of the military wounded and sick, and conform to those set out in Art. 24. Otherwise, as we shall see in Par. 2, they are entitled to the purely indicatory sign only. Similarly, the red cross cannot be painted on the roof of a building belonging to the Society, unless it is a hospital or a depot of medical stores for the military wounded and sick.<sup>1</sup>

Under Art. 44, Par. 3, the international Red Cross agencies and their duly authorized staff are entitled, at all times, to use the red cross sign. As we shall see below the sign thus employed will have protective value when circumstances and the nature of the activity require.

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<sup>1</sup> Under Art. 18 of the Fourth Convention, a civilian hospital—which may belong to a National Red Cross Society or other relief society—is entitled to the protective sign, if recognized by the State and authorized to use the sign. Similarly, under Art. 20 of the same Convention, the leaders or members of a Red Cross Society shall be protected, and may wear the armlet, if they are regularly and solely engaged in operating or administering a civilian hospital authorized by the State.

## PARAGRAPH 2. — THE PURELY INDICATORY SIGN

### I. *Nature and Limits of Use*

As stated above, the red cross sign is used with a purely indicatory value when it serves to show that a person or object has a connection with the Red Cross, without implying protection under the Geneva Convention. The sign should then be small in proportion to the person or object, and the conditions of its use should preclude confusion with the sign which affords immunity against enemy action.

In view of the profound difference between the two uses of the emblem, would it not have been better to take two different emblems: one as the visible sign of the protection conferred by the Convention, the other as a flag of the National Societies for their work as a whole? We have seen some of the drawbacks which result from the double sense, and shall see more. But, at the same time, the advantages must be kept in mind. The red cross has become, in people's minds, a single symbol of impartial aid to all who suffer. The standing the emblem has acquired as a symbol of immunity refers back to the welfare work—which it also covers—done by the Red Cross amongst the population as a whole. Reciprocally, esteem for the Red Cross heightens the prestige of the protective sign.

It is clearly out of question today to think of introducing a new symbol; but care must be taken that the distinction between the two uses is always clearly drawn.

As we have seen, under the 1929 Convention, the National Societies, as soon as war broke out, should have removed the sign from every person, building or object not devoted to the military wounded; this provision for the most part has remained a dead letter. The Proceedings of the 1929 Conference show that the plenipotentiaries had no intention of preventing National Societies from using the sign for their so-called peacetime activities, when these continued during wartime. The provisions adopted are nevertheless formal.

As the distinction between the protective sign and the purely indicatory, was at last established in 1949, in the Convention itself, use of the indicatory sign can now be extended without danger.

The National Societies are entitled in peacetime, in conformity with municipal legislation, to use the name and the emblem of the red cross for their activities other than assistance to the military Medical Service. When these activities continue in wartime—and the innovation is highly important—the National Societies may continue to employ the emblem, but in conditions such that it cannot then be considered as implying the protection of the Convention.

There must be no possibility of confusion for the enemy, causing him to attribute protective value to a sign which is merely indicatory; the dimensions must be relatively small, and the emblem must not appear on an armlet or a roof. The latter provision avoids confusion between persons bearing the indicatory sign and the medical personnel of the armed forces, and between buildings not protected, belonging to the Red Cross, and hospitals that have immunity under the Convention.

These restrictions apply only in wartime. It cannot, however, be too strongly recommended to National Societies to employ the smaller sign for all activities apart from relief to the military sick and wounded. Should war occur, they would thus not have the difficulty of reducing signs—an almost impossible and very expensive task, at short notice, and, if badly done, liable to have serious consequences.

For practical reasons, the Conference rejected the suggestion to name maximum limits for the indicatory sign. It merely provided that the sign should be of relatively small dimensions—in other words, small in proportion to the protective sign used for a given category of persons or of objects. Common sense must decide the actual size. Thus, a flag some three foot square placed above the door of a building, would pass as an indicatory sign; the same flag on a vehicle would appear to be a protective sign and should accordingly be reduced to about 8 or 9 inches. This, in turn, would be

too large for personal use and would be reduced by, say, three-quarters.

Although recognized relief societies other than National Red Cross Societies can use the protective sign, only the latter are entitled to the indicative sign, which marks their connection with the Red Cross.

The Convention, in granting the emblem to National Red Cross Societies for activities apart from those with the military Medical Services, stipulates that such activities must be "in conformity with the principles laid down by the International Red Cross Conferences". These words were not added without reason: they are, in fact, the solution of a problem discussed at length during the preliminary study.

At first limited to the military sick and wounded, the activities of National Societies have extended until they now embrace practically all forms of human suffering. But their work was always that of aiding the direct victims of war or social disaster. During the second World War, Red Cross Societies in certain countries took up new work; this was social or patriotic, like sending parcels to men at the front—welfare work for the troops, teaching swimming to enlisted men, helping relatives, and so forth. For the first time, the Red Cross looked after persons who were not really victims of war.

Without having anything against such eminently useful activities, the Committee emphasized the fact that they might imperceptibly bring the Red Cross to cover with its name and emblem work which, in the long run, had only the most tenuous connection with its proper duties and essential mission.

It was soon clear that the field of Red Cross action could not be defined by listing activities permitted and forbidden. It was decided that each new operation should be judged by permanent criteria. The touchstone to do so is that offered by the fundamental principles of the Red Cross, as they have been, or shall be defined by International Red Cross Conferences.

## 2. *The Different Uses*

The purely indicatory uses of the symbol may be classified as the *appurtenant*, the *decorative*, and the *associative*.

A. *The Appurtenant Emblem*. — This shows that persons are members of, or that objects belong to, a National Red Cross Society. Reproduced on flags or nameplates, it indicates Red Cross buildings or vehicles. As a badge affixed on a nurse's head-dress or worn in a buttonhole, it distinguishes the Society's staff. As a stamp it marks publications, writing-paper and parcels. The emblem is, as a rule, accompanied by the name of the organization which uses it.

While active members of National Societies must wear the badge may it also be worn by the numerous members or supporters of a Society who merely pay a small yearly subscription, without any actual service being required of them?

Only very rarely does municipal legislation deal with this question. National laws in most cases merely grant the use of the emblem to a Red Cross Society. Sometimes it is to be reserved "for the members"; sometimes the context makes it clear that members doing humanitarian work are alone intended. In some countries, legislation is more precise; for instance, the New Zealand law provides that the button and brooch may be worn only by members in uniform. In Germany, members of the Society are forbidden by law to use the emblem for personal ends.

Present-day practice of National Societies varies considerably from one country to another. Some Societies forbid their members to wear the emblem; others only allow them to display it in certain circumstances, as during Red Cross assemblies. In contrast, other Societies allow their members to wear it as they think fit, some even selling it in the streets in return for subscriptions.

The question must be seen in the light of general Red Cross principles. There is no doubt that the object of all regulations governing the emblem was to reserve its use to circumstances in which its essential significance, as a symbol of impartial

charitable aid, is involved. The XIIth International Red Cross Conference (Geneva, 1925) passed a Resolution, confirmed at Brussels in 1930, which recommended "that National Red Cross Societies should authorize their members to wear a Red Cross brooch only when engaged in their duties; this measure should, in particular, be very strictly enforced in regard to members of the Junior Red Cross". In his *Commentaire* (p. 181), Paul Des Gouttes wrote: "The emblem belongs to the Society and not to individual members... Its use by these should not be tolerated except when they are actually on duty." The Committee can only endorse this view, and recommend National Societies not to allow the emblem to be worn by non-active members, except possibly during meetings of the Society.

B. *The Decorative Emblem.* — Red Cross Societies use the decorative emblem on their medals and other awards, on propaganda posters or publications, and for the interior decoration of their premises. In the last instance, the emblem may be large in size, despite the usual rule. At Conferences, an immense red cross flag almost invariably hangs above the platform. In such cases, the emblem is displayed inside the building; no one is likely to imagine that protection against aircraft or artillery is being sought.

C. *The Associative Emblem.* — This name is given when the emblem is used for first-aid posts and ambulances which may have no connection with the National Red Cross Society, but are authorized by it to display the sign. We shall deal further with this in connection with Paragraph 4.

### 3. *The Appearance of the Sign*

The protective sign, consisting of a red cross on a white ground, as prescribed by the Geneva Convention, should always be displayed in its original form, without alteration or addition. It is highly desirable that this should also apply—with the exception of the name of the organization, which may be used—

to the appurtenant emblem, as it represents, besides the institution, the unique character and the dignity of the Red Cross. Further, to preserve its full significance in the public mind and to prevent misconception, the emblem should not be coupled with that of any institution not connected with the Red Cross.

In order to retain its full power of suggestion, the associative emblem should also be kept as distinct as possible.

The artist's imagination has, on the other hand, been in most countries allowed free rein in the treatment of the decorative emblem. The red cross is sometimes serrated, framed with a gold edging, or associated with lettering or mottoes. This need cause no misgiving, provided that restraint and good taste are observed, and that the decorative emblem alone is concerned.

#### 4. *Prestige of the Emblem*

Discussion of misuse of the emblem comes naturally under Art. 53. It is not sufficient, however, to combat misuses that are legally forbidden. In all circumstances, the emblem should retain its significance and prestige, and, accordingly, any practice likely to lower it in the public eye must be scrupulously avoided.

To take one example, Red Cross organizations, to raise funds, occasionally sell objects bearing the red cross. To different degrees, such sales are likely to lessen the standing of the emblem and as such are prejudicial to the good name of the Red Cross as a whole.

While the first care must be to guard against misuse of the protective emblem, it must be remembered that misuse of the sign when it is purely indicatory will indirectly weaken the respect for it as a protective sign. It should never be forgotten that the emblem, despite the varying legal significance of its use, remains in all cases a red cross on a white ground. Every portrayal of the red cross reinforces or weakens, to a certain extent, the associations of the sign, in its highest connotation of disinterested aid to the suffering.

The new Convention has granted Red Cross institutions large prerogatives in the use of the sign. Conscious of the honour, as well as the responsibilities this implies, they must jealously watch over what has been confided to them. There can not be much hope of successfully resisting those who use the symbol unscrupulously for commercial purposes, if those directly interested, and its natural guardians, are careless—or worse. It is much better to have to resist abuses of the sign which arise precisely from the fact that it has a special significance, than to see such abuses cease, because the sign had lost its authority.

### PARAGRAPH 3. — INTERNATIONAL RED CROSS AGENCIES

Under the 1929 Convention, the International Committee was not accorded the right to use the emblem which it had itself designed and which it was the first to employ. In Switzerland, however, it was so authorized by municipal law, which conformed more to the spirit than to the letter of the Convention. In any case, no one, seeing the important work the Committee is called upon to do in wartime, ever contested this right. The League of Red Cross Societies was similarly affected.

During the second World War, the International Committee thought advisable, in the immediate interest of certain war victims, to propose to Governments that, in given cases and with their formal consent, the sign should be displayed on certain forms of transport used for conveying food for undernourished prisoners of war and civilians. This use applied principally to ships exclusively employed in relief transport, and sailing under the control of the Committee or of a National Society. In the final phases of the war, the sign was also used on trains and road convoys improvised by the Committee to ensure the feeding of prisoners of war and deportees in Germany.

The 1949 Conference dealt with the peculiar oversight in the 1929 Convention. The international Red Cross bodies are now officially authorized to use the red cross sign.

The authorization is without reservation. Consequently—as the discussions at the Conference clearly show<sup>1</sup>—the sign will have protective value, whenever circumstances and the nature of the work require.

The four 1949 Conventions entrust several important duties to the Committee. They also recognize its work, outside the specific provisions, for the protection of the victims of war. Most of these activities are not, properly speaking, “protected” by the Geneva Conventions, as are those of the military Medical Services. But the extension of the protective sign accorded them is fully justified; such activities largely result from mandates given the Committee by the Conventions themselves, and there is a major humanitarian interest in facilitating them.

Where circumstances do not require the protective sign—that is in the majority of cases—the sign will be purely indicatory. Both the international Red Cross agencies and the National Societies must see to it that the sign is used only when really needed; they should apply the greatest prudence and all necessary precautions in exercising the valuable right that the Conventions have freely granted.

#### PARAGRAPH 4. — AMBULANCES AND FIRST-AID STATIONS

The 1929 Convention named a single instance where, quite apart from any connection with the National Red Cross Society but under its authority, the purely indicatory sign might be used: to mark, in peacetime, the position of first-aid stations, intended only for the free treatment of sick or injured civilians.

At public meetings, and wherever crowds are assembled, aid-stations are thus indicated. Highway aid-posts which serve in case of motor accidents are a familiar sight. That recourse was had to the red cross sign shows how real is its suggestive power; the red cross on a white ground evokes

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<sup>1</sup> See especially the report of the First Commission to the Plenary Assembly.

the idea of aid as automatically as an arrow does a direction to be followed.<sup>1</sup>

The 1949 Conference maintained this exceptional use of the sign and extended it, under the same conditions, to motor-ambulances. Police regulations in many countries grant right of way to ambulances, as to fire engines ; they should therefore be clearly and uniformly marked. In any case, this new provision did no more, on the whole, than bring the law into line with actual practice.

Paragraph 4 does, however, introduce a derogation from the leading principle the Convention adopts in reference to the emblem, and was adopted not without hesitation by the 1929 Conference. Very rigid safeguards were then added to limit the stipulation and prevent abuses. In 1949, the same hesitation was not apparent, but the precautions were maintained.

Firstly, the use in question must be regarded as exceptional. Apart from this specific case, no exception is tolerated.

The use of the sign is subject to express authorization. Tacit agreement is thus not enough. The authorization can be given only by National Red Cross (Red Crescent, Red Lion and Sun) Societies ; this right is granted to no other Society, not even to the State. Neither can the National Society delegate its right.

First-aid stations must be for the exclusive use of the sick and injured, and must give their services free. Thus, the idea which attaches to the emblem is safeguarded. Should a charge be made, or medicaments sold, the authorization must be withdrawn.

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<sup>1</sup> The Convention of March 30, 1931, on the standardization of road signals has, in annex, a Resolution on the markings to indicate a nearby first-aid station. The Resolution recommends that the sign be constituted by a rectangle, the small, horizontal side two-thirds of the large side ; the background, of a dark colour, framed with a white line, the centre leaving a white square with a red cross at least 30 cm. high. A sketch attached for illustration shows a blue background, and this colour seems to have been generally adopted.

We refer also to the work of the Standing International Commission for Highway First-Aid, set up by the XIVth International Red Cross Conference (Brussels, 1930).

Finally, this exceptional use of the sign is allowed only in peacetime. The moment a country becomes involved in war, such signs must disappear on its territory.

The National Societies, in giving their consent, would be well advised to keep a strict check on the use made of the sign, so that misuses may not occur which would lessen the respect due to the Red Cross emblem in all circumstances.

We may recall, in conclusion, the words of the Rapporteur to the 1929 Conference<sup>1</sup>: "In adopting this text, the Commission wishes to express formally its desire to maintain, in its complete integrity, the world-wide prestige of the sign of the Convention, and the high moral significance of the principles it represents in the eyes of all nations."

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<sup>1</sup> Proceedings of the 1929 Conference, p. 619.