

# The red cross and red crescent emblems\*

by François Bugnion

*Only the unity of the distinctive sign can ensure that it is respected internationally.*

Max Huber\*\*

In the first half of the nineteenth century in Europe, each army used a different colour to mark its medical services: Austria a white flag, France a red one, Spain yellow, others black. Sometimes, the emblems varied from one corps of troops to another. Moreover, the carts used to transport the wounded bore no particular markings to distinguish them from the other army service vehicles, and there was no means of identifying members of the medical corps at a distance.

It is easy to imagine the consequences of such a situation: soldiers were barely able to recognize their own army's ambulances, let alone those of the enemy. Medical vehicles were just as likely to come under fire as those used to transport ammunition. Doctors and nurses were no less exposed to attack than the combatants themselves.

Under these circumstances, there was no question of bringing relief to the wounded before the fighting ended. In order to place them beyond the range of enemy fire, ambulances were stationed a long way from the battlefield; but for the unfortunate casualties this meant a long haul on uncomfortable farm carts or on the straw-covered floor of wagons, their broken limbs interminably jolted and jerked, while their wounds became infected. The medical services, their resources spread over too great a distance, were not equal to their task, and when the wounded finally reached the hospitals there was often no alternative but

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\* This article reflects the author's personal views and does not engage the responsibility of the ICRC.

\*\* *Fourteenth International Conference of the Red Cross, Brussels, October 1930, Report*, p. 127.

to amputate. Troops returning from campaigns were followed by a long procession of maimed and disabled men.

One of the first steps to be taken to improve the plight of soldiers wounded on the battlefield was thus the adoption of a single distinctive sign, used by all armies, to protect the wounded and anyone endeavouring to come to their assistance.

This was one of the objectives which the International Committee for Relief to the Wounded—the future International Committee of the Red Cross—set itself, when it was created in 1863, to implement the two ideas put forward by Henry Dunant in *A Memory of Solferino*:

- to promote the founding in each country of a voluntary society for relief to wounded soldiers;
- to promote the establishment of a convention protecting the wounded and anyone endeavouring to assist them.

Right from its very first meeting, the International Committee concerned itself with the adoption of a single distinctive sign, both for army medical services and for the relief societies which it was planned to set up. The record of the meeting of 17 February 1863 contains the following statement:

*Finally, a badge, uniform or armband might usefully be adopted, so that the bearers of such distinctive and universally adopted insignia would be given due recognition.*<sup>1</sup>

The matter was then referred to the October 1863 Conference, convened at the International Committee's initiative, which instituted the relief societies for wounded soldiers—the future National Red Cross Societies.

In preparation for the Conference, the International Committee had drawn up a draft covenant, Article 9 of which stipulated that:

*Voluntary nurses in all countries shall wear a distinctive and identical uniform or sign. They shall be inviolable and military commanders shall give them protection.*<sup>2</sup>

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<sup>1</sup> “Unpublished documents relative to the foundation of the Red Cross, Minutes of the Committee of Five”, Jean S. Pictet, ed. In: *Revue internationale de la Croix-Rouge*, English Supplement, Vol. II, No. 3, March 1949, pp. 123-140; *ad* p. 127.

<sup>2</sup> *Compte rendu de la Conférence internationale réunie à Genève les 26, 27, 28 et 29 octobre 1863 pour étudier les moyens de pourvoir à l'insuffisance du service sanitaire dans les armées en campagne*, Imprimerie Fick, Geneva, 1863, p. 16.

The International Conference used the International Committee's draft as a basis for its work; draft Article 9 was considered during the third meeting, on 28 October 1863.

The matter was introduced by Dr. Appia, a member of the International Committee:

*Dr. Appia stressed the importance of a distinctive international sign and proposed adding to the first paragraph the sentence: "The Conference proposes a white armlet on the left arm". He went on to say that the Conference should not disregard the effect of a symbol the mere sight of which, like the flag for a soldier, could stimulate the esprit de corps which would attend this most generous idea, this undertaking common to all civilized mankind.*<sup>3</sup>

The minutes do not say why the Conference decided to add a red cross to the white armlet proposed by Dr. Appia, but merely record the result of the discussions:

*... following discussion, Mr. Appia's proposal was adopted after being amended to the effect that the white armlet would bear a red cross.*<sup>4</sup>

Dr. Brière, delegate of Switzerland, again raised the question of the inviolability of ambulances and medical personnel:

*Dr. Brière recommended that the wounded be succoured irrespective of the side to which they belonged; that those who tended the wounded be safeguarded and not taken prisoner; that the same flag be given to all military hospitals and ambulances of the various nations; that any place displaying that flag be considered as an inviolable place of asylum; and that a single distinctive sign, if possible a uniform of a special colour or an easily recognizable mark be attributed to the military medical corps of every army.*<sup>5</sup>

The Conference had no hesitation in adopting the principle of the unity of the distinctive sign to be worn by volunteer nurses. Resolution 8 states:

*They shall wear in all countries, as a uniform distinctive sign, a white armlet with a red cross.*<sup>6</sup>

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<sup>3</sup> *Idem*, p. 118.

<sup>4</sup> *Idem*, p. 119.

<sup>5</sup> *Idem*, p. 120.

<sup>6</sup> *Idem*, p. 148; *International Red Cross Handbook*, Twelfth edition, International Committee of the Red Cross—League of Red Cross Societies, Geneva, 1983, p. 548.

The Conference further recommended that a uniform sign be adopted in all countries to indicate ambulances and army health services.<sup>7</sup>

However, the October 1863 Conference was not empowered to make decisions binding on governments. So the following year the Federal Council of the Swiss Confederation convened a diplomatic conference which adopted the Geneva Convention of 22 August 1864 for the Amelioration of the Condition of the Wounded in Armies in the Field.

The principle of the unity of the distinctive sign for army medical services was embodied in Article 7 of the Convention:

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

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

*Both flag and armband shall bear a red cross on a white ground.*<sup>8</sup>

Thus, the adoption of a uniform distinctive sign emerged as one of the prerequisites for the inviolability of medical services, ambulances and voluntary nurses.

For reasons which it was not considered necessary to record in the minutes of the October 1863 Conference, the emblem chosen was the red cross on a white ground. Contemporary documents—at least those which are still available—do not shed any light on the reasons for the choice. We are therefore reduced to conjecture.<sup>9</sup>

Since the dawn of time, the white flag had been recognized as a sign of the wish to negotiate or of surrender; firing on anyone displaying it in good faith was forbidden. With the addition of a red cross, the flag's message was taken a stage further, demanding respect

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<sup>7</sup> *Compte rendu...*, p. 149; *International Red Cross Handbook*, p. 548.

<sup>8</sup> *Compte rendu de la Conférence internationale pour la Neutralisation du Service de Santé militaire en Campagne*, Geneva, 8-22 August 1864 (handwritten), Annex B; *International Red Cross Handbook*, p. 20.

<sup>9</sup> On the origin of the red cross sign, reference may be made to the following works: Maurice Dunant, "Les origines du drapeau et du brassard de la Croix-Rouge", *La Croix-Rouge Suisse*, XXX<sup>e</sup> année, No. 1, January 1922, pp. 2-5; Jean Pictet, "The Sign of the Red Cross", *Revue internationale de la Croix-Rouge*, English Supplement, Vol. II, No. 4, April 1949, pp. 143-175; Perceval Frutiger, "L'origine du signe de la croix rouge", *Revue internationale de la Croix-Rouge*, No. 426, June 1954, pp. 456-467; Pierre Boissier, *From Solferino to Tsushima: History of the International Committee of the Red Cross*, Henry Dunant Institute, Geneva, 1985, in particular pp. 77-78.

for the wounded and for everyone coming to their assistance. Furthermore, the resulting sign had the advantage of being easy to make and recognizable at a distance.

There is every reason to believe that the October 1863 Conference did not have the slightest intention of conferring any religious significance whatsoever on the distinctive sign for medical services, and was not in the least conscious that any religious significance could be attached to the emblem, since the very aim of the founders of the Red Cross was to set up an institution which would transcend national and religious frontiers.

However, nineteenth-century Europe saw itself as the centre of the world, and those who devised the emblem no doubt overlooked the fact that it might meet with opposition when the institution extended beyond the bounds of the old continent.

Yet problems were just around the corner.

Right at the beginning of the Russo-Turkish war of 1876-1878, the Ottoman Empire, although it had acceded to the Geneva Convention of 22 August 1864 without any reservation, declared that it would henceforth use the red crescent to mark its own ambulances, while respecting the red cross sign protecting enemy ambulances. The Sublime Porte stated that the distinctive sign of the Convention “*has so far prevented Turkey from exercising its rights under the Convention, because it gave offence to Muslim soldiers*”.<sup>10</sup>

There followed a lengthy exchange of correspondence, which we shall not dwell upon here.<sup>11</sup> Ultimately, the modification unilaterally decided by the Porte was accepted, but only for the duration of the conflict under way.

The Ottoman Empire nonetheless continued to use the red crescent emblem to indicate its health services, and to request that the red crescent be recognized by the international conferences convened to revise the Geneva Convention, while at the same time Persia called for recognition of the red lion and sun emblem.

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<sup>10</sup> Message from the Sublime Porte to the Federal Council, 16 November 1876, quoted in the *Bulletin international des Sociétés de Secours aux Militaires blessés*, No. 29, January 1877, pp. 35-37, ad p. 36.

<sup>11</sup> For more details, refer to the communications reproduced in the *Bulletin international des Sociétés de Secours aux Militaires blessés*, No. 29, January 1877, pp. 35-37; No. 30, April 1877, pp. 39-47; No. 31, July 1877, pp. 83-91; No. 32, October 1877, pp. 147-154. An account is also given in our study: *The Emblem of the Red Cross, A brief history*, ICRC, Geneva, 1977.

The Diplomatic Conference of 1906 maintained the general rule of the unity of the distinctive sign, while authorizing the Ottoman Empire and Persia to formulate reservations.<sup>12</sup> The Diplomatic Conference of 1929, on the other hand, agreed to recognize the red crescent emblem, which was used by Turkey and Egypt, and the red lion and sun emblem, used by Persia; nevertheless, in order to forestall further requests in future, the Conference made a point of clearly specifying that no new emblems would be recognized.<sup>13</sup>

The outcome was Article 19 of the Geneva Convention of 27 July 1929 which, while retaining the general rule of the unity of the distinctive sign, authorized use of the red crescent emblem or the red lion and sun emblem for the countries which were already using them.<sup>14</sup>

The Diplomatic Conference of 1949, convened to revise the Geneva Conventions following the events of the Second World War, had before it various proposals, including:

- a proposal by the Netherlands for the adoption of a new single sign;
- the recommendation of the Seventeenth International Conference of the Red Cross, held in Stockholm in 1948, for a return to the single red cross sign;
- an Israeli proposal for recognition of a new emblem, the red shield of David, which was used as a distinctive sign by Israeli army medical services.

These proposals gave rise to lively and lengthy debates.<sup>15</sup> The first two were not taken up, while the Israeli proposal was set aside after several successive votes had been taken.

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<sup>12</sup> *Actes de la Conférence de Révision réunie à Genève du 11 juin au 6 juillet 1906*, Imprimerie Henry Jarrys, Geneva, 1906, pp. 17, 63, 160-164, 175, 199, 214, 260 and 286.

<sup>13</sup> *Actes de la Conférence diplomatique convoquée par le Conseil fédéral suisse pour la Révision de la Convention du 6 juillet 1906 pour l'Amélioration du Sort des Blessés et Malades dans les Armées en Campagne, et pour l'Elaboration d'une Convention relative au Traitement des Prisonniers de Guerre, réunie à Genève du 1<sup>er</sup> au 27 juillet 1929*, Imprimerie du Journal de Genève, Geneva, 1930, pp. 19, 247-254, 570, 615 and 666.

<sup>14</sup> *Idem*, p. 666.

<sup>15</sup> *Final Record of the Diplomatic Conference of Geneva of 1949*, 4 volumes, Federal Political Department, Bern, 1949, Vol. I, pp. 53, 213 and 348; Vol. II-A, pp. 89-92, 150-151, 187-188, 197-198; Vol. II-B, pp. 223-232, 255-262, 393-395, 518-520 and 534; Vol. III, pp. 40, 167-168 and 176-179.

The outcome was Article 38 of the First Geneva Convention of 12 August 1949, which is identical to Article 19 of the 1929 Convention:

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

*Nevertheless, in the case of countries which already use as emblem, in place of the red cross, the red crescent or the red lion and sun on a white ground, those emblems are also recognized by the terms of the present Convention.*<sup>16</sup>

The State of Israel—which had acceded to the 1929 Convention without reservation—ratified the new Geneva Conventions subject to the following reservation:

*Subject to the reservation that, while respecting the inviolability of the distinctive signs and emblems of the Convention, Israel will use the Red Shield of David as the emblem and distinctive sign of the medical services of her armed forces.*<sup>17</sup>

At the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law (1974-1977), the Israeli delegation again submitted a draft amendment with a view to securing recognition of the red shield of David.<sup>18</sup> However, seeing that the proposal would not obtain the necessary number of votes to be adopted, the Israeli delegation withdrew the amendment.

In a note of 4 September 1980, the Islamic Republic of Iran announced that it was adopting the red crescent emblem as the distinctive sign of the medical services of her armed forces, instead of the red lion and sun.<sup>19</sup>

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<sup>16</sup> *Idem*, Vol. I, p. 213; *International Red Cross Handbook*, p. 37.

<sup>17</sup> *Final Record of the Diplomatic Conference of Geneva of 1949*, Vol. I, p. 348.

<sup>18</sup> *Official Records of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, (Geneva, 1974-1977)*, 17 volumes, Federal Political Department, Bern, 1978, Vol. III, p. 14.

<sup>19</sup> "Adoption of the red crescent by the Islamic Republic of Iran", *International Review of the Red Cross*, No. 219, November-December 1980, pp. 316-317.

Gravely concerned by the problems caused by the multiplicity of emblems within the Red Cross Movement, the International Committee proposed at the Twenty-third International Conference of the Red Cross held in Bucharest in 1977 that a working group be set up to study the matter.<sup>20</sup> The group considered a large number of different suggestions, but was unable to reach agreement on any specific proposal; accordingly, it was dissolved by the Twenty-fourth International Conference held in Manila in 1981.<sup>21</sup>

Finally, the Twenty-fifth International Conference of the Red Cross held in Geneva in 1986 adopted the Statutes of the International Red Cross and Red Crescent Movement, to replace the Statutes of the International Red Cross which had been adopted by the Thirteenth Conference in The Hague in 1928 and revised by the Eighteenth Conference in Toronto in 1952.<sup>22</sup>

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The upshot of these developments is that the emblem of the red cross and the emblem of the red crescent are recognized on an equal footing as distinctive signs for army medical services and as emblems of National Red Cross or Red Crescent Societies. The new Statutes of the International Red Cross and Red Crescent Movement confirm the long-standing equality of status between the two emblems and the two names.

The red lion and sun emblem has not been used since 1980. Insofar as Article 19 of the Geneva Convention of 27 July 1929 and Article 38 of the First Geneva Convention of 12 August 1949 recognized the red crescent and red lion and sun emblems only for countries which already used them, it must be assumed that the red lion and sun emblem has now become obsolete, since it has not been used for nearly ten years.

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<sup>20</sup> Twenty-third International Conference of the Red Cross, Bucharest 15-21 October 1977, *Report*, pp. 60 and 149.

<sup>21</sup> Twenty-fourth International Conference of the Red Cross, Manila 7-14 November 1981, *Report*, pp. 49-58 and 171-172; *International Review of the Red Cross*, No. 226, January-February 1982, pp. 35-39.

<sup>22</sup> Statutes of the International Red Cross and Red Crescent Movement (adopted by the Twenty-fifth International Conference of the Red Cross, Geneva, October 1986), *International Review of the Red Cross*, No. 256, January-February 1987, pp. 25-44.

The emblem of the red shield of David is covered in a reservation whose validity has been challenged by a number of authors.<sup>23</sup> Without embarking on a lengthy analysis of a controversial technical legal point, we hold the view that opponents of the State of Israel are bound to respect Israeli medical personnel and equipment on the field of battle.

In any event, the protective emblem is not constitutive of protection under the Convention; it is merely the visible sign thereof. Members of the medical service shall command respect by virtue of their relief mission, and not because they are indicated by any given distinctive sign.

On the other hand, the International Committee of the Red Cross has been unable formally to recognize the Israeli Red Shield of David Society (*Magen David Adom*), with which it has maintained excellent working relations for over forty years, owing to the fact that the Society does not fulfil one of the conditions for recognition of new National Societies laid down by the Seventeenth International Conference of the Red Cross in Stockholm in 1948 and confirmed by the Twenty-fifth Conference in Geneva in 1986, to the effect that the applicant Society, to be entitled to recognition, must "*use the name and emblem of the Red Cross or Red Crescent in conformity with the Geneva Conventions*".<sup>24</sup> For the same reason, the League of Red Cross and Red Crescent Societies could not admit the Israeli relief society.

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The solution adopted by the 1929 Diplomatic Conference and confirmed by the 1949 Conference was somewhat illogical. It recognized two exceptions to the principle of the unity of the sign, while planning to shut the door to any further exceptions in the future. Yet no-one could guarantee that the circumstances which had led to recognition of the red crescent and red lion and sun emblems would not recur.

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<sup>23</sup> The validity of Israel's reservation has been challenged, *inter alia*, by Claude Pilloud, "Reservations to the Geneva Conventions of 1949", *International Review of the Red Cross*, No. 180, March 1976, pp. 107-124, and No. 181, April 1976, pp. 163-187; the opposite view is defended by Shabtai Rosenne, "The Red Cross, Red Crescent, Red Lion and Sun and the Red Shield of David", *Israel Yearbook on Human Rights*, Vol. 5, 1975, pp. 9-54.

<sup>24</sup> Seventeenth International Conference of the Red Cross, Stockholm, 20-30 August 1948, *Report*, pp. 77-78 and 89-90; Statutes of the International Red Cross and Red Crescent Movement, Article 4, paragraph 5, *International Review of the Red Cross*, No. 256, January-February 1987, pp. 31-32.

The solution has serious drawbacks, which it may be worth recalling.

- a) It may legitimately be asked whether the situation resulting from Article 38 of the First Geneva Convention is truly consistent with the principle of equality which should govern international relations. It implies, at least on the face of it, preferential treatment in favour of Christian and Muslim countries over other religions (Buddhism, Hinduism, Judaism, etc.).

Many pages have been written on the religious significance or lack of religious significance of the red cross or red crescent emblems. We have avoided expressing any view on this aspect; after all, an emblem ultimately takes on the significance which people attach to it. Nevertheless, it must be pointed out that owing to the coexistence of the red cross and red crescent, the two emblems take on a religious connotation which is not necessarily inherent in either. To some extent, it is the emergence of the red crescent alongside the red cross which has projected onto the latter a religious connotation which the founders of the institution certainly had no intention of conferring on it.

The return to a single emblem, devoid of any national or religious connotation, would eliminate any semblance of discrimination or prejudice.

- b) The coexistence of two emblems is at odds with the principle of unity of the International Red Cross and Red Crescent Movement, and bears within it the seeds of division.

In adopting the Movement's new Statutes, it was complacently stated that putting the red cross and red crescent on equal footing strengthened the unity of the Movement. Yet public opinion was left with the overriding feeling that the Movement was no longer capable of uniting under a single emblem and a single name.

- c) The present situation undermines the universality of the International Red Cross and Red Crescent Movement since the majority of the Israeli population feels that it cannot identify with any of the emblems referred to in Article 38 of the First Convention, whereas the Movement's Statutes require each and every National Society to use one or other of those emblems.
- d) The situation constitutes an open invitation to further splits. The Israeli request is not unique. In 1977, for instance, the Indian Red Cross requested recognition of a new emblem.

- e) The coexistence of two emblems at the international level causes many problems in countries where different religious communities live together. However great the efforts made by the National Society to serve the whole population, it will be identified with the social group evoked by its emblem. This will impede its ability to develop. In the event of an internal conflict, there is a danger that the National Society's relief work will be paralysed.

It might be thought that the National Societies of countries in which Christian and Islamic communities live together should use the double emblem of the red cross and red crescent, already employed by the League of Red Cross and Red Crescent Societies. However, this solution is not consistent with the law in force, since the double emblem does not enjoy international recognition. Furthermore, it would be ineffectual in countries where other communities are involved.<sup>25</sup>

- f) Finally, and most seriously, the coexistence of two emblems—even three, if the Israeli reservation is taken into account—undermines their protective force, in particular when two opposing parties use different emblems. Instead of appearing as a symbol of neutrality, the distinctive sign becomes identified with one or other of the parties to the conflict.

For, over and above the provisions of the Conventions, the emblem derives its protective value from the fact that the same sign is used by friend and foe. Once, the unity of the sign is breached, respect for the emblem—and hence the safety of the wounded and everyone endeavouring to assist them—is threatened.

Article 38 of the First Convention could be amended only by a diplomatic conference to which all the States party to the Geneva Conventions were convened.

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<sup>25</sup> The Alliance of Red Cross and Red Crescent Societies of the USSR is a special case. In the spirit of the Constitution of 31 January 1924, which conferred a federative structure upon the Union of Soviet Socialist Republics, the Russian Red Cross was reorganized to ensure the decentralization and autonomy of its branches in the various Republics. At the national level, these branches were recognized as autonomous Societies and their choice of the red cross or red crescent emblem was determined according to the group which composed the majority of the population in each case. These Societies established a co-ordinating body in Moscow, the Alliance of Red Cross and Red Crescent Societies of the USSR, which is responsible, *inter alia*, for representing them internationally. For administrative purposes, the Alliance uses the double emblem of the red cross and red crescent. However, to the best of our knowledge, each Society uses its own emblem in its operational activities.

To our mind, however, it is within the International Red Cross and Red Crescent Movement that a solution to the problems arising from the present situation has to be worked out, for submission to States. After all, it is the Movement that is the main victim of the situation, which jeopardizes its unity, its universality and its relief work.

By approaching the problem without preconceptions and uniting around a single emblem, the Movement would provide a living example of its ideal—a movement of solidarity spanning national, cultural, religious and ideological frontiers.

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