

SUMMARY RECORD OF THE EIGHTY-NINTH MEETING

held on Friday, 6 May 1977, at 10.5 a.m.

Chairman: Mr. S-E. NAHLIK (Poland)

CONSIDERATION OF DRAFT PROTOCOLS I AND II (CDDH/1) (continued)

Draft Protocol I

Article 59 - Identification (CDDH/235/Rev.1, Annex III;
CDDH/II/427 and Add.1, CDDH/II/GT/103) (continued)

1. The CHAIRMAN drew attention to paragraph 6 of the report which the Technical Sub-Committee had submitted to Committee II at the third session of the Conference (CDDH/235/Rev.1, Annex III). It stated, in connexion with the international distinctive sign of civil defence, that the Sub-Committee had been in favour of the sign consisting of a blue triangle on an orange background. The view of the International Civil Defence Organization (ICDO) that an emblem consisting of two red stripes on a yellow background should be adopted had been taken up by the delegation of Zaire and submitted to the current session in the form of an amendment (CDDH/II/427), which had subsequently been co-sponsored by a number of other delegations (CDDH/II/427/Add.1). The time had come for the Committee to decide which of the two signs should be adopted.
2. Mr. KRASNOPEEV (Union of Soviet Socialist Republics), speaking as Vice-Chairman of the Technical Sub-Committee, said that the question of distinctive signs for the protection of medical objects had been considered in 1973 at a meeting of experts convened by the ICRC and that field studies and practical exercises had been conducted subsequently with the co-operation of the military services of the Swiss armed forces. The matter had also been considered by the Technical Sub-Committee at both the second and third sessions of the Conference. During its general discussion of the suggested sign consisting of two red stripes on a yellow background, the Sub-Committee had encountered two difficulties: namely, that the sign was very similar to that provided for in the fourth Geneva Convention of 1949 for the marking of hospital and safety zones and that its proponents had not brought forward any substantiated evidence enabling its objective qualities to be measured against those of the sign consisting of a blue triangle on an orange or yellow background.
3. The purpose of the civil defence sign was not only to enable the object concerned to be identified but also to provide for its protection, and the value of a protective sign lay above all in its ability to be clearly perceived from a great distance. Shapes were easier to distinguish than colours, since colour perceptibility could be impaired by lighting conditions. In certain circumstances

it might be difficult to distinguish between a white and a yellow background, and confusion might well arise if similar emblems were used against those two colours respectively to mark two different categories of objects. Furthermore, the closer two colours were to each other in the spectrum, the more difficult it was to distinguish between them; a red stripe on a yellow background would be less clearly perceptible than a red stripe on a white background.

4. If the sign adopted for civil defence consisted of an emblem similar to the one used to mark hospital and safety zones and set on a background the colour of which was hard to distinguish, the degree of protection enjoyed by the wounded, sick, disabled and aged in such zones would be reduced for the first time in the history of the Geneva Conventions. For those reasons, the proposal to introduce a sign consisting of two red bands on a yellow background appeared to be far less acceptable than the alternative recommended by the Technical Sub-Committee. With regard to the possibility which had been mentioned of adopting more than one distinctive sign for civil defence, he considered that the fewer signs there were, the greater would be their protective value.

5. Mr. LUKABU-K'HABOUJI (Zaire) said that he had already introduced the amendment in document CDDH/II/427 and Add.1 on behalf of the sponsors. He himself was not in a position to enter into any of the technical details involved, but ICDO had conducted studies on a number of different colours and the Secretary-General of that organization, who was present at the meeting, would be able to provide information on the subject. The sponsors of the amendment had no rigid views on the shape of the emblem itself but they thought that the adoption of yellow as the background colour of the sign deserved the Committee's most careful consideration.

6. Mr. BODI (Observer for the International Civil Defence Organization), speaking at the invitation of the Chairman, said that the proposal in document CDDH/II/427 and Add.1 could be divided into two parts: namely, the background colour of the distinctive sign and the colour and shape of the emblem itself.

7. With regard to the background colour, he observed that yellow was commonly used as the colour for emergency and had been adopted by the civil defence organizations of many countries. Colorimetric studies conducted by the fire services of the United States of America and the United Kingdom of Great Britain and Northern Ireland had advocated the use of yellow and had denounced the inconvenience arising from the diversity of colours at present in use. Furthermore, yellow had featured for several years on warning signs for radioactivity, chemicals and even mustard gas. Tests carried out on the colours red, blue, green, white and yellow had shown that in various types of lighting the first three turned to black or lost much of their chromatic value, while white evoked no sense of emergency. Yellow, on the other hand, remained clear, lost none of its chromatic value and was preferable from the psychological point of view because, being unpleasant to the eye, it was more easily noticed.

8. Orange, which was proposed in the original text of draft Protocol I, was being used increasingly in many countries for the personnel and vehicles of road accident prevention and safety, refuse collection and other public thoroughfare services. On the other hand, it had been established by a recent inquiry undertaken by ICDO that no civil defence organizations used orange for signalling purposes. In addition, the studies which had resulted in the choice of orange had been conducted by a restricted group without the participation of executives and experts from the national civil defence authorities since set up or developed in many countries. As had been pointed out at the first session of the Conference by the representative of the International Association of Lighthouse Authorities, contrast was more important than colour in an emblem, and orange and blue were not strikingly conspicuous colours.

9. With regard to the colour and shape of the distinctive sign's emblem, the main concern of ICDO was that the emblem should be visible from a distance and should contrast clearly with the background colour in daylight and in any other type of lighting. The combination of red on yellow offered a better contrast than orange and blue. As had been stated by the representative of the International Association of Lighthouse Authorities at the first session of the Conference, the difficulty of distinguishing blue rendered it useless, nor could there be any certainty of seeing it at a distance (CDDH/49/Rev.1, Annex II, paragraph 30). That opinion, coming from an expert, gave food for thought regarding the use of blue for the international distinctive sign for civil defence. The directors of the national civil defence organizations who had participated in the work of ICDO technical commissions had agreed on the insertion of red in the civil defence emblem because it was a colour which emphasized the idea of emergency and warning, called to mind the colour of fire and blood, produced in human beings a psychological sense of danger and, like yellow but unlike blue, was aggressive.

10. With regard to the actual shape or design of the emblem, two red oblique bands were proposed in the amendment in document CDDH/II/427 and Add.1, essentially because that sign already appeared in the fourth Geneva Convention of 1949 (Annex I, Article 6) in connexion with the hospital and safety zones provided for in Article 14 of that Convention. The proposal therefore met the concern not to increase the number of protective signs. Furthermore, a number of countries had already adopted oblique bands as the emblem of their national civil defence organizations and other countries were about to do so.

11. To sum up, the adoption of the international civil defence distinctive sign proposed in document CDDH/II/427 and Add.1 would satisfy technical considerations, established regulations, current usage and pure common sense.

12. Mr. SCHULTZ (Denmark) said that he fully endorsed the statement by the Vice-Chairman of the Technical Sub-Committee. Of the many arguments which could be put forward in favour of the sign consisting of a blue triangle on an orange background, the most pertinent was that relating to the adverse effects which the adoption of the sign proposed in the amendment under discussion would have on the protection of hospital and safety zones. An entirely new shape and new colours that were not commonly used in any existing international sign must be chosen and, after discussions which had lasted for several years, the technical experts had reached the conclusion that a blue triangle on an orange background would best meet the requirements. In his view, it would be both confusing and a little unfair to introduce, as a new distinctive sign in international humanitarian law, a sign which was almost identical to that used by one civil defence organization. His delegation therefore strongly recommended the adoption of the Technical Sub-Committee's suggestion.

13. Mr. HASAN (Pakistan) pointed out that a number of distinctive signs were already provided for under Article 18, to identify medical units, means of transport, etc. Further distinctive signs had been approved by Committee III in connexion with Article 49 concerning works and installations containing dangerous forces. The Committee was now discussing the use of yet another sign. He wished, therefore, to support the views of the USSR representative concerning the dangers of proliferation of distinctive signs and emblems.

14. He had also noticed some apparent contradictions in the opinions put forward by the experts, who had been in favour of an orange background in the case of signs to designate installations containing dangerous forces, whereas in the case now under discussion, yellow had been recommended.

15. He suggested that, in order to avoid confusion, an attempt should be made to extend the protection afforded by well-recognized signs, such as the red cross, red crescent, etc., to installations which had a humanitarian significance, being essential to civil defence.

16. Mr. KUCHENBUCH (German Democratic Republic) said that his delegation was somewhat surprised that such issues were being brought up again. The discussion was reminiscent of the preparatory period of the Conference and not appropriate in its final stage. The issue had been discussed for five years in various bodies, with the participation of a large number of Government experts, whose views had found expression in the proposed Annex to the draft Protocols.

17. His delegation considered that the Committee's only task now was to approve the results of the experts' discussions, which had been available in the Annex since the third session. The decision on that matter had been deferred for procedural reasons, not for reasons of substance. The matter could and should, therefore, be dealt with in a very short space of time. The Committee should follow the example of Committee III, which on the previous day had approved a proposal for identifying by a new special sign installations containing dangerous forces. That proposal had been the outcome of four meetings of a working group and the decision itself had taken forty-five minutes.
18. He associated himself fully with the statements made by the representatives of the Union of Soviet Socialist Republics and of Denmark. He proposed that the Committee should vote forthwith on amendment CDDH/II/427 and Add.1.
19. Mr. MARRIOTT (Canada) fully supported the statement by the representative of the German Democratic Republic.
20. Miss SHEIKH FADLI (Syrian Arab Republic) said that, as her country was a member of the International Civil Defence Organization, she wished to support the proposal made by the Secretary-General of that organization. On the question of avoiding the adoption of signs already in use, her delegation considered that countries which had already adopted a specific sign had done so in a spirit of international co-operation.
21. Mr. FOURKALO (Ukrainian Soviet Socialist Republic) said that his delegation agreed with those in favour of the sign recommended by the Technical Sub-Committee. He emphasized the fact that the shape of the emblem was one of the most important factors for rapid recognition. It was obvious, therefore, that a triangular emblem was preferable to two stripes.
22. In the specific circumstances of military operations, the use of the sign suggested by the International Civil Defence Organization could have dangerous consequences, not only for civil defence personnel but for the civilian population, whose interests must be protected.
23. The countries which had already adopted a sign consisting of two red stripes on a yellow background had done so as a means of identifying civil defence personnel and matériel, but not as a protective sign. It was essential, however, to adopt an international sign which would serve as a means not only of identification but also of protection.
24. Mr. URQUIOLA (Philippines), speaking on a point of order, said that as two schools of thought had emerged on the subject of the distinctive sign, a possible solution might be to combine the two and use a red triangle on a yellow background.
25. Mr. HEREDIA (Cuba) said that the issue was becoming confused. The representative of the German Democratic Republic had put forward the motion to vote on amendment CDDH/II/427 and Add.1. He formally supported that proposal.