

Iran, Renouncing Use of the Red Lion and Sun Emblem

N.B. As per the disclaimer, neither the ICRC nor the authors can be identified with the opinions expressed in the Cases and Documents. Some cases even come to solutions that clearly violate IHL. They are nevertheless worthy of discussion, if only to raise a challenge to display more humanity in armed conflicts. **Similarly, in some of the texts used in the case studies, the facts may not always be proven;** nevertheless, they have been selected because they highlight interesting IHL issues and are thus published for didactic purposes.

[Source: Schindler, D. & Toman, J. (eds), *The Laws of Armed Conflicts: A Collection of Conventions, Resolutions and Other Documents*, Dordrecht, Geneva, M. Nijhoff, Henry-Dunant Institute, 4th ed., 2004, p. 663]

The Geneva Conventions of August 12, 1949

Iran (Islamic Rep. of)

[...]

Declaration of September 4, 1980:

By a memorandum dated September 4, 1980, the Legal Department of the Ministry of Foreign Affairs of the Islamic Republic of Iran informed the Swiss Embassy in Tehran of the following:

“In order to avoid the proliferation of international emblems denoting charitable and assistance activities and to favour the unification of these emblems, the Government of the Islamic Republic of Iran deems it appropriate to renounce its right to use the “Red Lion and Sun” as an official emblem of the International Association [sic] of the Red Cross and will therefore use the “Red Crescent” accepted by all Islamic countries. This step is being taken in order that all countries be required to accept one of the two emblems, i.e. either the “Red Cross” or the “Red Crescent”. However, should any flagrant violations of this international rule be noted, the Government of the Islamic Republic of Iran reserves the right to resume the use of its emblem on both national and international levels.” [...]

Discussion

1. Why does Iran make such a declaration? Is it only the desire to avoid the proliferation of protective

emblems that motivates Iran to renounce its use of the “Red Lion and Sun”?

2. Why has the plurality of protective emblems given rise to problems for the International Red Cross and Red Crescent Movement? Are those problems related to an interpretation of the red cross emblem as a Christian symbol? Is it harder to claim the non-religious connotation of the red cross emblem since acceptance of the second emblem, the red crescent? How does this affect the principle of universality? [See ICRC, The Question of the Emblem]

3. Which emblems does IHL protect? Who may use these emblems? In which circumstances and subject to what conditions? (HR, Art. 23(f); GC I, Arts 38-44 and 53; GC II, Arts 41-43; P I, Arts 8(1), 18, and Annex I, Arts 4-5; P II, Art. 12; P III)

4. a. What does Iran mean by “flagrant violations”? Non-respect for personnel and units marked with the emblem? Frequent abuse of the emblem by those who are not entitled to use it? The use, by Israel, of an emblem other than the red cross and the red crescent to identify medical personnel and units?

b. Are States under an obligation to use the red cross or red crescent emblem? If a State does not use one of the protective emblems, what are the ramifications? Are there disadvantages? Are the medical personnel and units of such a State less protected in law? In fact?