

MUTUAL ASSISTANCE AND INTERNATIONAL SOLIDARITY

Under the title *Entraide et Solidarité internationales* Professor J. Patrnoic, Vice-President of the International Institute of Humanitarian Law, of San Remo, has written an interesting article of which we are pleased to reproduce some passages: ¹

... Reciprocal aid is the most advanced duty of an advanced society.

Mutual assistance is one of the humanitarian duties implying—in the widest sense of the term—duty towards others, contributing to the happiness of others.

There are many ways of discharging that duty.

At first sight it would seem that one necessary condition is friendly relations between the assisting country and the assisted country. Friendship makes mutual assistance easier. In this and all other respects, the development of international friendship would be of the greatest benefit. It is a fairly rare thing in relations between nations, where mistrust is rather the rule. To establish friendship among the nations and States on useful and lasting foundations requires far more than a promise in a treaty, however official-sounding or inflated the wording. Friendship is a delicate plant. It flourishes only in fertile soil and when it is well tended.

But although friendship makes for a favourable atmosphere, it is not essential. A country called upon to help another should not make its aid conditional upon emotional or intellectual affinity or upon friendship. It must take into account first and foremost the distress involved and its ability to alleviate it.

Among the many events where the duty of helping each other may be discharged, two in particular, namely natural disaster and illegal acts, deserve special attention.

¹ *Annales de droit international médical*, December 1975, Monaco.

If a natural disaster in a country is to stir others to discharge their duty of helping, it must be of exceptional gravity necessarily demanding help from abroad.

This is the case when, after a natural disaster—such as an earthquake, hurricane, tidal wave, flood or epidemic—or a social disaster—such as a civil or international war, persecutions or expulsions—a country is in great distress as a result of a shortage of food, housing, medical necessities and skilled personnel to care for the victims. If such a country is not helped by others, suffering will increase and the number of victims will grow. Other complications might follow, even to the extent of affecting public health and public order in other countries.

In the duty to assist, the original source of which is the humanitarian impulse, the thought of possible reciprocity is an incentive, for the giver today may be the recipient tomorrow. In addition, there is an advantage to be gained in taking precautions against contagion or contamination by the bane afflicting a neighbour.

Suitable help comes from countries conscious of their duties as well as of their real interest, and able to provide useful aid in good time.

Often help is spontaneously provided, but more and more, it is called for from abroad. Supply, like demand, comes most often from private agencies, from permanent and specialized bodies such as National Red Cross Societies and their federation (League), or from committees constituted to raise funds and send help.

But private initiative can hardly be effective if it is not authorized, encouraged and supported by public authorities and governments.

Consequently, the humanitarian duty of providing international help is incumbent, when all is said and done, on governments.

By keeping a record of assistance, its repetition and its importance, the “golden book of international charity and solidarity” could be compiled. Many National Red Cross Societies and the International Red Cross, and countries all over the world have discharged this humanitarian duty.

Awareness of the humanitarian duty developed sufficiently between the two world wars to warrant the tendency to lay down rules and to progressively convert it into a legal duty.

There are already at the head of the National Red Cross Societies two important constituents of the International Red Cross: the International Committee of the Red Cross and the League of Red Cross Societies. They are not just liaison agencies between National Societies; they intervene in every scourge, serious natural disaster or armed conflict,

to mobilize, co-ordinate and distribute relief, to organize investigations, supply information, advise, and so forth.

The conversion of humanitarian duty to help into a legal obligation began with the adoption of an International Convention laying down international rules for relief action. The Convention of 12 July 1927 instituted the International Relief Union, and assigned a twofold mission to the Union:

“1. Dans les calamités dues à des cas de force majeure et dont la gravité exceptionnelle excède les facultés ou les ressources du peuple frappé, de fournir aux populations sinistrées les premiers secours et de réunir à cette fin, dons, ressources et concours de toutes espèces;

2. Dans toutes les calamités publiques, de coordonner, s’il y a lieu, les efforts consentis par les organisations de secours et, d’une façon générale, d’encourager les études et les mesures préventives contre les calamités et d’intervenir pour que tous les peuples pratiquent l’entraide internationale.”

Although the Convention had been ratified by twenty-one States by July 1938, the Union was not a great success. After the Second World War, some signatory States abandoned the Union. The seventeenth International Red Cross Conference at Stockholm in 1948, on winding up the Union, stated “that the mission of the International Relief Union may now be regarded as accomplished”.

On the other hand, at national level, several countries have adopted special laws concerning the protection of the population in the event of natural disaster.

The period following the Second World War gave a new dimension to man’s protection in natural disaster, not only in practice but in law.

Several international legal instruments have laid down principles and basic rules for the protection of and assistance to disaster victims in all circumstances.

Some international organizations, like the International Red Cross, have adopted special rules for natural disaster relief. The procedures practised by National Red Cross Societies and by the League of Red Cross Societies have established the semi-legal status of these important rules.

International mutual assistance as a humanitarian duty is being remodelled, with an infinitely more effective universal objective, namely that of preventing scourges and human suffering.

Cases of unlawful action give rise to other problems, notably economic and social, and show the duty of mutual assistance in a totally different light.

The international community is beginning to understand this problem better. States have realized how essential it is to encourage a degree of social solidarity among themselves—a degree below which their solidarity should not go, making certain duties incumbent on them. Although they are not compelled to contribute to the repression of illegal action committed against others, they should at least refrain from any action which might aggravate the tort suffered by the victim; they are entitled, on the other hand, to help the victim. In this field intervention by the United Nations has already had encouraging results. But it is a very delicate problem which demands the full commitment of all the United Nations family. . .
