

The right to humanitarian assistance

– Legal aspects –

by **Dr. Boško Jakovljević**

Introduction

Throughout history man has been exposed to all kinds of disasters; but in modern times mankind has become aware of its responsibility towards those struck by disasters, and of its increased capability of coping with their consequences. Out of this growing awareness arose the concept of humanitarian assistance as a reflection of solidarity; this was followed by the formulation of legal rules governing such activity. Parallel to the need to provide humanitarian assistance is the corresponding right to such assistance.

Humanitarian assistance can be provided at the national or international levels; this applies also to the legal rules governing such activities. Rules relating to national humanitarian assistance may vary widely between countries. Our concern in this article will be to examine the international rules which are important to the Red Cross and the Red Crescent as a world movement.

Responsibility for rendering humanitarian assistance remains with the local communities and States where disasters occur. International humanitarian assistance becomes necessary where the State involved encounters difficulties in assuming this responsibility alone, and when it considers that international action could successfully supplement and complement national efforts, always respecting national sovereignty. Such assistance may also be given if

provided for by treaty, and under the terms specified in such a treaty, as is the case in armed conflicts.¹

Definition of humanitarian assistance

There is no generally accepted definition of humanitarian assistance. Further efforts should be made to arrive at such a definition, which would serve as a useful basis for legal rules covering the conduct of action taken in that sphere. The definition should comprise several elements tending to ensure respect for certain basic human rights, thus creating conditions indispensable for keeping people alive, in good health and in safety. Such action should be taken in cases where a large number of persons are affected. Humanitarian assistance should be an action called for by extraordinary circumstances (i.e., an emergency), in which normal services are unable to function properly to satisfy the basic needs of the population affected.

Assistance should be viewed in its wider meaning, as an action helping others to overcome difficulties that arise suddenly. It should be organized and systematic, to avoid the disadvantages of improvised action, and should include measures of preparedness for any situation as well as preventive measures. Naturally, if nothing has been organized before the disaster strikes, improvised measures could be taken, but only as an exception.

Assistance should cover various types of activities. In particular, it should include the supply of material goods to meet vital necessities, such as food, clothing, shelter, medicaments, and even money to purchase such goods. At the same time, humanitarian assistance should include services, in particular medical assistance, social welfare services, civil defence against the effects of war or disaster (rescue, firefighting, etc.), tracing services, the reunification of families and the like.² This list is not exhaustive: other types of

¹ The Geneva Conventions for the protection of war victims of 12 August 1949, and the Additional Protocols to those Conventions of 8 June 1977, are international instruments that create an obligation to provide humanitarian assistance and lay down the conditions for such assistance.

² For a list of goods that may be sent as humanitarian assistance see, for instance, *the Draft Convention on Expediting the Delivery of Emergency Assistance*, Art. 1, para. 1 (c) (Document for the General Assembly of the United Nations, A/39/267/Add. 2, of June 18, 1984. For services see, for instance, *the 1949 Geneva Conventions*.

humanitarian assistance may also be provided if the specific situation requires.

Humanitarian assistance should be distinguished from humanitarian protection, which is aimed at ensuring respect for the rights of victims on the part of those who infringe their basic human rights. However, humanitarian assistance and protection often go hand in hand, since effective assistance presupposes timely securing of rights, while the protection of certain rights involves the provision of goods and services which constitute the essence of assistance. It is therefore not always possible to make a clear distinction between the two.³

Humanitarian assistance is designed to alleviate the immediate effects or consequences of disasters, whether man-made or natural. It is followed by rehabilitation, a gradual return to the conditions which existed prior to the disaster. The borderline between assistance and rehabilitation has to be fixed in each particular case, taking into account the criteria on which each type of action is based.

International humanitarian assistance is carried out by States or by various international organizations, inter-governmental or non-governmental. Without their involvement humanitarian assistance may fail to materialize. Thus international organizations are an indispensable factor in humanitarian assistance. Such organizations may be humanitarian, rendering this kind of assistance as one of their primary objectives, (e.g., the ICRC), or they may have some other *raison d'être*, but perform certain humanitarian tasks too (e.g., the United Nations, which is a political organization, or the European Economic Community).⁴

Human rights

The contemporary world has developed a framework of basic human rights, set out in the International Bill of Human Rights and in other instruments containing legal rules relative to such rights. There is no special mention in these instruments of a right to humanitarian assistance in cases of emergency. As an expression of

³ On this point, see the article by Jean-Luc Blondel, *Assistance to protected persons* that appears in this issue. See pp. 451-468.

⁴ The *International Congress on Peace and Humanitarian Actions* organized by the San Remo International Institute of Humanitarian Law in September 1986, brought out the great number of organizations of different kinds that are involved in humanitarian activities.

the growing awareness of the need to come to the assistance of victims of disasters, it could be understood that the right to humanitarian assistance is implied in the entire system of basic human rights. If the rights to one's life, to the basic exigencies of life, to health, food, shelter, social security, and special protection of family and children⁵ are to be granted in every situation, these rights should be recognized also in emergencies, when they are seriously threatened or violated. The system of basic human rights does not make provision for different situations; it enjoins States to ensure and protect these rights in every kind of situation. When a disaster makes special, extraordinary and supplementary efforts necessary to ensure enjoyment of basic human rights, there is an obligation on the part of all concerned to apply such additional efforts. Humanitarian assistance is action that includes a series of measures required by the emergency, which in a normal situation would not be required. The right to humanitarian assistance could be considered as a supplementary right, serving to ensure the maintenance of several basic human rights when the situation so requires.

For the International Red Cross and Red Crescent Movement, the right to humanitarian assistance is of fundamental importance, because the Red Cross was created and has developed in order to provide humanitarian assistance.

The right to humanitarian assistance

It might be appropriate to recognize the right to humanitarian assistance at the global level, because the destiny of a population in any part of the world is of concern to everybody, that is, to all other peoples. The solidarity that binds nations is not usually limited to regional levels; it is worldwide, especially in the case of major disasters. It should be regulated by the rules of international law, which are the backbone of efficient and well-developed action.

It would not be sufficient merely to recognize the right to humanitarian assistance; an effort should be made to work out in detail the rights and duties of the various groups involved in an operation to provide such assistance, both the victims and the

⁵ See, in particular, the *International Bill of Human Rights*; Articles 3, 16 (3), and 25 of the *Universal Declaration of Human Rights*; Articles 9, 10, 11 and 12 of the *International Covenant on Economic, Social and Cultural Rights*; Articles 6, 7, 10 and 24 of the *International Covenant on Civil and Political Rights*.

organizers of the operation. Only in this way can the right to humanitarian assistance be complete. Some of the rights and duties, and matters to be settled in relation to them, are listed below:

- The right of victims to demand humanitarian assistance in cases when their basic human rights cannot be ensured by regular services;
- the question whether the victims themselves or others acting on their behalf are authorized to demand humanitarian assistance;
- the conditions under which humanitarian assistance becomes necessary, generally when the population is not adequately supplied with basic necessities;
- the right and the duty to offer humanitarian assistance;
- the types of assistance to be rendered to satisfy basic needs;
- the duty of States to authorize the transit of shipments and personnel;
- the procedure for demanding and for deciding whether to provide humanitarian assistance;
- the procedure for the reception and utilization of humanitarian assistance;
- various facilities for the goods and personnel necessary to develop this activity;
- monitoring the use made of the assistance to ensure that this is in conformity with agreed objectives;
- the status of personnel involved in humanitarian assistance activities;
- international co-ordination of humanitarian assistance.

We believe that in the absence of rules covering all these questions, the right to humanitarian assistance would not be complete.

Humanitarian assistance is aimed at ensuring and restoring certain basic human rights. It contributes to reaffirming the dignity and equality of men. It is a peaceful, constructive, international activity developed on the basis of solidarity and the principle of humanity, one of the principles that underlies many other legal systems. It thus opposes violence and contributes to the establishment of peaceful relations in the world.

International rules concerning humanitarian assistance have developed very differently in relation to armed conflicts as opposed

to peacetime disasters, so they should be examined separately. This difference has direct bearing on the right to humanitarian assistance as a human right.

Humanitarian assistance in wartime

Legal rules for the protection of the right to humanitarian assistance in time of war are based on the general and long-term interest of all States in ensuring the protection of their nationals when they are victims of war. Such rules represent an effort to counteract the constant increase in the effects of war. They regulate the conduct both of the States party to a conflict and of neutral powers, because they are all participants in humanitarian assistance activities.

These rules of law are closely connected with the international organizations or bodies whose task it is to ensure and render humanitarian assistance.

The body of law concerning humanitarian assistance in wartime is very highly developed, for many reasons. In time of war, normal relations between States are suspended; the nature of war deprives the populations of the parties to the conflict of normal protection. Thus the establishment of special rules became indispensable. Furthermore, the ICRC from its very beginning has provided the initiative for building up a body of law protecting war victims and making the development of humanitarian assistance possible. Throughout the history of the development of international humanitarian law, there has always existed a driving force: the ICRC, backed up by the whole International Red Cross and Red Crescent Movement, which fought for the establishment of rules inspired by the principle of humanity. These include the rules pertaining to humanitarian assistance.

The body of law relative to humanitarian assistance today is largely contained in the Geneva Conventions of 1949 and their Additional Protocols of 1977.

The characteristic feature of the rules of humanitarian assistance in time of war is that they are not the same for different categories of war victims. The civilian population in general, mothers and children, pregnant women, the civilian population of occupied territories, civilians in the hands of the enemy, civilian internees, wounded and sick of all categories who require medical assistance, prisoners of war—these are the main categories of war victims, each subject to different rules. These rules cover the con-

ditions for demanding humanitarian assistance, the types of goods and services to which the victims are entitled, regulation of passage of goods, the frequency at which shipments are permitted, the status of personnel engaged in such activities and other points. These differences arise from the different circumstances in which the victims find themselves. For instance, prisoners of war are entirely in the hands of the enemy and rules governing their treatment must include detailed regulations, which for other categories are not necessary. Another example relates to children under the age of fifteen, who have the right to receive relief on more favourable terms than the population in general. Wounded and sick prisoners or internees are entitled to ask for medical examination. Civilians in general have the right to be supplied with medicines; this is particularly important for the population of occupied territories because of the specific conditions prevailing in such cases. These various rules, which represent only a few examples, were all formulated on the basis of the very long experience of bodies engaged in humanitarian assistance, in particular the Red Cross and Red Crescent.

The body of law concerning humanitarian assistance in time of war is extensive and covers various phases of relief activity. These rules form part of the wider legal system of protection of war victims, and their application is subject to the general provisions (field of application, system of control, representatives of prisoners and internees, etc.). One integral part of the law concerning humanitarian assistance is the series of rules relating to the conditions, status and activities of various institutions and services, such as the provisions on the ICRC, the National Red Cross and Red Crescent Societies, the League, other humanitarian and relief societies, the protecting powers and their substitutes, the medical services, civil defence organizations, tracing services and the like.

The question may arise as to whether this body of law, elaborated specially for situations of armed conflict, covers all aspects of humanitarian assistance. Theoretically, one may argue that there are many aspects which are not covered, and that the different rules for different categories should be better harmonized. However, knowing how difficult it has been to arrive at a general agreement, and aware of great differences in approach among the various countries of the world, we consider that the rules on humanitarian assistance contained in the Geneva Conventions and in the Additional Protocols represent the maximum that could be practically achieved. These rules certainly provide for humanitarian assistance,

if applied in good faith. The major problem is not whether there are enough rules, but how to ensure their respect and implementation. This is, of course, a much wider problem, since it applies not only to rules of humanitarian assistance but to all the rules of international humanitarian law. Mass, large-scale, repeated and unpunished violations of this law, affecting a great number of people, is the main problem which should focus our attention. Efforts are being made to remedy this situation. The Twenty-fifth International Conference of the Red Cross in 1986 dealt thoroughly with this very problem. The documents prepared for the Conference, the reports submitted, the discussions and resolutions—all reflected this major concern of the Red Cross and Red Crescent Movement and of the States.⁶ However, further efforts on the part of the United Nations, the Movement, the States and all concerned with the plight of war victims are required.

The question may also be raised as to what other rules exist in relation to humanitarian assistance, apart from those contained in the international humanitarian law applicable in situations of armed conflict.

The system of basic human rights applicable in all situations, including those of armed conflict during which such rights are violated on a large scale, should encourage all steps taken to ensure respect for those rights. Humanitarian action is certainly instrumental in the implementation of the right to life and health and the other rights mentioned above. Rules relating to human rights, however, are seldom invoked in wartime, and they have no specific mechanism of implementation adapted to war situations. The system of rules on human rights has developed separately from the system of international humanitarian law, although to a great extent they have the same objectives.

The right to humanitarian assistance in wartime

Does the right to humanitarian assistance in armed conflict exist as a legal right? Many rules contained in the Geneva Conventions and their Additional Protocols, enacted for the benefit of war victims, establish, in our opinion, the right to humanitarian assistance when the situation warrants it. This covers not only

⁶ Twenty-fifth International Conference of the Red Cross, Geneva, 1986: "Respect for International Humanitarian Law", *Report of the ICRC*, Doc. C.I/2/1.2; *Report of the Commission on International Humanitarian Law* to the Plenary Meeting, para. 2.1, pp. 2-5, and the ensuing Resolution, Annex 1.

material rights, which entitle the victims to demand and receive humanitarian assistance, but also rules regulating procedure and organizational questions of vital importance for the exercise of the right. The victims themselves and/or others acting on their behalf (States, protecting powers, the ICRC, the National Red Cross and Red Crescent Societies, organizations of the United Nations system, voluntary agencies, etc.) could initiate the action and develop it.

Here again, the rules are not identical for all categories of victims. Thus, for instance, prisoners of war or civilian internees have the right, directly through their representatives, the protecting powers, the ICRC or the relief societies, of demanding humanitarian assistance. States to whom the victims belong also have the right to initiate international action to ensure that their citizens enjoy the basic right to life, health, etc. Persons protected by the Geneva Conventions may not be compelled to renounce the rights afforded them by the Conventions, including the right to demand humanitarian assistance. Rules governing the operation of humanitarian assistance services, such as the medical service or civil defence organizations, permit personnel of these services to go where the victims are, in order to ascertain their needs and, if necessary, render them humanitarian assistance.

All these rules concerning the work of various organizations and services are supplementary to material rights and together with them make up a body of law providing for the right to humanitarian assistance. To these should be added the duties incumbent on different parties to offer and render humanitarian assistance, such as the duty of the occupying power to ensure satisfactory conditions of life, the duty of all States party to the Conventions to allow free passage of relief shipments under the conditions set forth in those instruments, the duty of the protecting power to mediate in order to ensure that humanitarian assistance is provided, the duty of the ICRC to offer humanitarian assistance when it considers that this is necessary and possible, the duty of medical services to perform their professional work, etc. All these rights and duties put together constitute the body of law permitting and regulating humanitarian assistance activities, thus providing for exercise of the right to humanitarian assistance. These rules may not be perfect,⁷

⁷ See the *Report of the Committee on International Medical and Humanitarian Law of the International Law Association*, Montreal Conference (1982), para. 17, indicating some of the questions to be regulated in international relief operations in time of war.

they are sometimes rather complicated, but they still represent a solid legal basis, and one could conclude, *de lege lata*, that the right to humanitarian assistance in international armed conflicts does exist.

Speaking *de lege ferenda*, there is also room for further development. Rules similar to those relating to international armed conflicts should be elaborated and adopted for non-international armed conflicts, because the existing rules are certainly not sufficient to ensure the right to humanitarian assistance in this type of armed situation.

Humanitarian assistance in peacetime

The need for humanitarian assistance also exists in peacetime. There are many categories of victims of natural disasters and technical disasters, and also of situations caused by the combination of several factors such as drought, erosion of large areas of land, armed conflict and political tension, which can produce great numbers of refugees and displaced persons. Refugees in general, whose number is constantly on the increase in the world, and the mass movement of populations also create situations which have consequences similar to those of large-scale disasters, and thus require organized humanitarian assistance.

The international community is responding to these needs too. Efforts to provide humanitarian assistance are undertaken when needed by governments, inter-governmental and non-governmental organizations. The United Nations Organization, its specialized agencies and other bodies of the system certainly play an important role in providing humanitarian assistance in peacetime emergencies, and there is a body specially created for that purpose, Undro. Regional political and economic organizations, in particular the European Economic Community, are also very active in this field.

Among non-governmental organizations, the most important role is played by the International Red Cross and Red Crescent Movement, which in a way specialized in disaster relief and is permanently on duty for such emergencies. Other organizations, particularly Church organizations, are also active in this sphere.

In peacetime there is no humanitarian assistance body or organization at the international level which can mobilize, direct and co-ordinate or harmonize disaster relief arriving from a large number of sources, governmental and non-governmental. Undro has a

mandate to provide such co-ordination, not only within the UN system, but also as far as other sources are concerned. However, this mandate does not include the mobilization and management of all relief throughout the world. Furthermore, Undro, because of its status as an office of the UN Secretariat, has neither the material means nor the legal power to be an overall co-ordinator of humanitarian assistance in the wide sense of the term, including services. In many cases, some of the UN agencies play a leading role, but being specialized in certain fields, they cannot take over the general co-ordination and management of all international relief. "The need for co-ordination is not in doubt"; this is generally accepted today.⁸

Within the Red Cross and Red Crescent Movement, disaster relief is well organized; responsibilities and tasks are harmonized. The League of Red Cross and Red Crescent Societies is the co-ordinator of disaster relief, while the ICRC is responsible for relief in cases of armed conflict. In mixed situations, these two organizations have to agree as to which of them will act as co-ordinator. This highly developed system was worked out on the basis of practical experience.

The co-ordination of humanitarian assistance from non-Red Cross sources in peacetime is making progress. Although in general the various bodies providing assistance have to act under their own responsibility, it is interesting to note that in recent years there has been an increasing number of examples of co-operation and co-ordination in the field. Such co-ordination between Red Cross and Red Crescent bodies, NGOs, UN agencies and host governments took place in Angola, Ethiopia, Sudan, Thailand and Kampuchea in particular, to ensure effective assistance.

Rules relating to humanitarian assistance in peacetime

With regard to the legal provisions governing international humanitarian assistance, the main feature is the non-existence of any international legal instrument of a general character regulating

⁸ For the mandate of Undro, see *General Assembly of the United Nations*, Resolution 2816 (XXVI) of 4 December 1971, operative para. (1) (b), (c), (d). The quotation is from Peter Macalister-Smith: *International Humanitarian Assistance*, Martinus Nijhoff, 1985, p. 165; the author goes into this question of co-ordination in more detail. See his article in the present issue: "Non-Governmental Organizations and Co-ordination of Humanitarian Assistance", pp. 501-508.

such activity.⁹ By an international convention concluded in 1927,¹⁰ the International Relief Union was created; this was indeed to be a central body for co-ordinating and carrying out peacetime disaster relief. However, that Union remained almost a dead letter, since it did not develop sufficiently in practice. In the United Nations era no similar convention was ever concluded. There are conventions relating to the activities of UN specialized agencies, or specific questions such as accelerated customs procedures or facilities granted to relief shipments sent by aircraft, but nothing covering all aspects of relief action. Certain regional legal instruments, in particular bilateral agreements, do exist. However, international response to major disasters is today worldwide, so there is a need for rules governing all types and aspects of such activity on a universal basis.

The only codification in existence is within the International Red Cross and Red Crescent Movement. The *Principles and Rules for Red Cross Disaster Relief* of 1969,¹¹ amended several times, are a set of rules regulating not only the principles but also the details of execution, the distribution of responsibilities and the procedure to be followed. This is a good example of codification of guidelines long followed in practice; it is valid, however, only within the Movement.

It may be astonishing that at a time when there are so many international conventions regulating all kinds of activities and relationships, there is no convention on disaster relief covering the principal aspects of this large-scale international activity, so important for innumerable victims around the world. In 1984 Undro made an attempt to draft a convention on expediting the delivery of emergency assistance,¹² but this proposal did not go much further. A draft Inter-American convention to facilitate disaster assistance was also drawn up in 1984.¹³ These two drafts do not cover all

⁹ In the *Model Rules for Disaster Relief Operations, Policy and Efficacy Studies*, No. 8, 1982, Unitar, the authors state the following: "The purpose of the Model Rules is to contribute to closing the *lacunae* in international humanitarian law regarding assistance to victims of disasters. While the law of armed conflict sets out rules for protection and assistance to victims of armed conflicts, *no such body of law exists* to cover other disastrous situations" (italics by B.J.).

¹⁰ *The League of Nations Treaty Series*, Vol CXXXV (1932-1933), p. 247. See also Richard Perruchoud: *Les Résolutions des Conférences internationales de la Croix-Rouge*, Henry Dunant Institute, Geneva 1979, pp. 249-251.

¹¹ See *International Red Cross Handbook*, 12th ed., 1983, p. 488.

¹² See note 2 above.

¹³ *The Organization of American States*, Permanent Council, Doc. OAS, Ser. G., CP/doc. 1493/84, 10 September 1984.

aspects of disaster relief, but in the absence of other rules, they are useful attempts to fill some of the gaps. However, whether these drafts will become full-scale conventions remains to be seen.

There are certain model agreements for peacetime disaster relief, such as the Model adopted by the International Law Association in 1980,¹⁴ the Model Rules for Disaster Relief Operations proposed by Unitar in 1982,¹⁵ and the Catholic Relief Services Model Agreement. The idea was that the existence of such models would induce governments to conclude appropriate agreements, the repeated use of which would help create general rules. However, these models are bilateral, while the action needed is multilateral. There is no evidence that such models are followed to an extent likely to lead to the creation of new general rules.

There are many aspects of international disaster relief, including the rendering of humanitarian assistance, which are the subject of our attention. There is the question of the right to humanitarian assistance, the right to humanitarian intervention, and the duty to render humanitarian assistance. But there are also many modalities of international relief action, such as procedure, rules regulating co-operation between various subjects, facilities to be granted to goods and personnel, the status of personnel engaged in such activities, etc. An international agreement could cover only the aspects and issues agreed on by all or by the majority. There are certainly many aspects on which agreement is possible. If the States are not prepared to enter in advance into an obligation to accept an offer of humanitarian assistance, that does not mean that they will not accept it in particular cases of peacetime disaster, when they consider that it is in their interests. The principle of sovereignty will be respected in such situations. An international agreement might come into play precisely in cases where a State accepts offers of international assistance, and the convention or another legal instrument should regulate the modalities of such assistance.

By regulating the various modalities of international disaster relief, an international agreement would facilitate such assistance; it would certainly bring more order to this vast field of international co-operation and become an incentive for the expansion of such action, just as the Geneva Conventions have stimulated humanitarian action on behalf of war victims.

¹⁴ Committee on International Medical and Humanitarian Law, International Law Association, Belgrade Conference (1980); *Special report on a draft model agreement for humanitarian relief operations*.

¹⁵ See note 9 above.

Various legal forms are possible in this respect: a model agreement for bilateral use; an *ad hoc* agreement for a specific case; an "umbrella agreement" expressing general intentions and principles, the details to be specified when the need arises; a multilateral convention or, if that is not possible, a declaration of principles as a first step. Such legal instruments should cover only questions on which agreement was reached, leaving the way open to further development. These are, of course, *de lege ferenda* considerations.

The right to humanitarian assistance in peacetime

In the absence of specific rules for humanitarian assistance on the global level in peacetime, it is difficult to assert the existence of the right to humanitarian assistance as a legal right, although this could be deduced from some of the basic human rights contained in the International Bill of Human Rights. There are widespread rules of practice in the sphere of humanitarian assistance which have not been codified. We consider that this common practice could be the starting point for an effort to define generally accepted procedure, and on this basis to formulate the corresponding rules. The present sporadic rules on some aspects and some types of humanitarian assistance certainly do not amount to recognition of the right to humanitarian assistance.

Concluding remarks

There is a great and fundamental difference between the legal rules relating to humanitarian assistance in time of armed conflict and those relating to such assistance in time of peace. Although there are reasons for basic difference, it cannot be justified. Furthermore, there are situations which are mixed, caused both by armed conflicts and by natural and other disasters, which bring great suffering to human beings. It is difficult to place them in one or other of the two very different categories of situations. We consider, therefore, that this difference should be a matter of concern for all. It is high time that serious effort was made to arrive at an international instrument for regulating humanitarian assistance in peacetime.

It is thanks to the Red Cross that international humanitarian law has reached its present stage of development. Since its beginnings in 1863, the Red Cross has fought for the development of this law, in parallel with its general activities, and these efforts have been successful. Since the mission of the Red Cross is to protect life and health, in peacetime and particularly in wartime emergencies, it would be appropriate for the Movement to work out corresponding legal rules of humanitarian assistance in time of peace. This would be a counterpart to its efforts to alleviate the suffering of war victims. The Movement would be able to bring not only its wide and long-term experience, but also its sense of reality to bear on the problem; it could draw attention to the realities of the present-day world and to the need to respect these real possibilities and limits. At the same time, however, the Movement would insist that the principle of humanity, and of the supreme importance of the interests of the victims, should prevail and be applied and developed fully, as far as present conditions permit. It should also bring in its practical experience with regard to disaster relief procedures. Of course the Movement should not work alone, but jointly with others. One of the purposes of the United Nations is to achieve international co-operation in solving international problems, including those of a humanitarian nature,¹⁶ and humanitarian assistance in cases of peacetime disaster certainly falls within its mandate. Thus the United Nations Organization cannot avoid its responsibility for improving co-operation in this field, and should undertake appropriate action, more energetically than to date. We believe that such action should include efforts, through one of its bodies or agencies, to conclude an international agreement, or agreements, on humanitarian assistance. A joint effort on the part of the Red Cross, the United Nations and all others concerned should bring progress in this sphere, vital for vast numbers of disaster victims requiring better, more efficient and more rational action,¹⁷ and would certainly contribute to the respect and exercise of some fundamental human rights.

¹⁶ The United Nations Charter, Article 1 (3).

¹⁷ See, in particular: Peter Macalister-Smith, *op. cit.* In his concluding remarks he states: "The need for co-ordination is not in doubt... Further moves to strengthen the system of co-ordination of humanitarian assistance both within and beyond the United Nations are likely to be necessary, taking into account operational experience" (p. 165). We believe that without an international agreement imposing certain rules of conduct by way of provisions of international law, proper co-ordination is not possible in a world composed of sovereign States.

As far as humanitarian assistance in time of war is concerned, further efforts are necessary particularly to ensure observance of the rules of international humanitarian law, which permit the fuller development of humanitarian assistance. These efforts should be undertaken and sustained by all concerned—the States, individually and collectively, the United Nations, other intergovernmental organizations, the International Red Cross and Red Crescent Movement, other non-governmental organizations, and other bodies involved in international relations—and should be concerted. There is a pressing need for such action in the troubled world of today, in which so much human suffering is present. It would contribute to strengthening the role and influence of the principle of humanity, as a bulwark against the rising tide of violence.

Dr. Boško Jakovljević

Dr. Boško Jakovljević, a doctor of law from Belgrade University (1958), wrote his thesis on "The Fourth Geneva Convention of 1949". Special adviser to the Red Cross of Yugoslavia for international relations and international humanitarian law and Secretary General of the Yugoslav International Law Association, he has served as an expert at many International Red Cross and other meetings on questions of international humanitarian law. He has published four books, including *New International Status of Civil Defence* as well as about 180 articles on international humanitarian law and human rights law. Actively engaged in the dissemination of IHL at various levels, in his country and abroad, he has also published teaching manuals in this field.