

David Forsythe's study gives some insight into the way the ICRC fulfils its mandate under the Geneva Conventions. However, many questions remain unanswered and some of the answers are unconvincing.

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THE RIGHT TO INTERVENE OR THE OBLIGATION TO REACT?

*What can be done to ensure respect for the
rights of the individual
in the light of the principle of non-intervention*

The book by Olivier Corten and Pierre Klein entitled *The right to intervene or the obligation to react? What can be done to ensure respect for the rights of the individual in the light of the principle of non-intervention* was published in 1992 by Bruylant.¹ Although the right to intervene has ceased to be newsworthy, the issue, or at least the specific aspects addressed by the authors, remains of major interest to jurists.

The work's two main sections illustrate the lines of thought of Mr. Corten and Mr. Klein. The first part deals with "permission in principle for an unarmed reaction" and the second with "prohibition in principle of an armed reaction". Questions as fundamental as the definition of constraint, the meaning of the notion of reserved domain, and the conditions governing the legality of reprisal measures are examined in the opening chapters. The second part considers the legal grounds for resorting to force in the light of recent resolutions of the United Nations Security Council and General Assembly. In this connection, it is worth reading the authors' analysis of Security Council resolution 688 which, they conclude, did not constitute a legal basis for the operation conducted by troops of several western States in Iraqi Kurdistan. The final chapter deals with the right of peoples to self-determination.

Although the book is concerned more with *jus contra bellum* than with international humanitarian law, the latter receives due mention in the introduction. The authors maintain that there is an obligation to react, deriving explicitly

¹ Olivier Corten and Pierre Klein, *Droit d'ingérence ou obligation de réaction? Les possibilités d'action visant à assurer le respect des droits de la personne face au principe de non-intervention*, Emile Bruylant, Brussels, 1992, 283 pp. (*Collection de droit international*).

from Article 1 common to the four 1949 Geneva Conventions and Article 1, para. 1, of 1977 Additional Protocol I,² whenever the rights guaranteed in Article 3 common to the Conventions are violated, "and particularly in the event of large-scale infringement of these rights" (p. 6).

The work also makes frequent reference to the right to humanitarian assistance. In this connection the authors regret that Security Council resolution 688 does not explicitly affirm the right of the population of certain parts of Iraq to receive humanitarian aid and the corresponding obligation on the part of the Baghdad government not to arbitrarily reject this (p. 234). Furthermore, they stress that, if the civilian population's right to receive assistance is recognized, a State which accepts the existence of this right can no longer claim that the fate of its own people comes within the reserved domain of its domestic jurisdiction. A State which refuses to abide by this obligation to assist its own people may be subjected to the entire range of measures of unarmed reprisal and retaliation — it being clearly understood that unilateral armed measures are ruled out (p. 244 *ff.*). It is perhaps surprising that the relevant passages do not examine the provisions of the Geneva Conventions and their Additional Protocols which, in situations of armed conflict, require the warring parties to authorize relief actions which are humanitarian, impartial and conducted without any adverse distinction in behalf of the civilian population when it lacks the basic essentials for survival.

As regards other aspects dealt with in the book, we feel that the authors have greatly clarified the situation in coming to the conclusion that unlawful intervention is an act of coercion that takes place in the reserved domain (see p. 78).

This highly detailed and precise work should be read by all who are interested in knowing the exact meaning and practical advantages of the concept of the "right of intervention". The book covers all the possibilities afforded by international law in response to human rights violations, possibilities that may have been obscured by the controversy surrounding this ambiguous concept.

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² Contrary to what the authors state on p. 4 of their book, the Additional Protocols have no common Article 1. The provision in question is Article 1, para. 1, of Protocol I.