

The experiences, lessons and proposals contained in this book are recommended reading for doctors, civil defence workers, firemen, all those engaged in the medical, paramedical, security, logistic and training aspects of disaster relief, and of course the professionals and volunteers of National Red Cross and Red Crescent Societies, which play an increasingly vital role in assisting the victims of disasters of all sorts.

Jacques Meurant

INTERNATIONAL LEGAL MECHANISMS GOVERNING THE USE OF FORCE: AMBIGUITIES AND LIMITATIONS¹

This study by Romualdo Bermejo García, Professor of Public International Law at the University of Navarra, examines the age-old and yet topical issue of the use of force in international relations.

As Professor Bermejo rightly points out, analysing international provisions governing the use of force is a major challenge, not only because of the complexity of the subject and the controversy that surrounds it but also because of its broad scope of application, since the topic is as fundamental as the existence of States and their independence.

Professor Bermejo's work is unquestionably a comprehensive, well-documented and detailed study of the use of force and self-defence both prior to and since the establishment of the collective security system provided for in the United Nations Charter. The author holds a pessimistic view of the workings of the system and examines new proposals which, in his opinion, should be introduced in view of the current state of international relations. He thus advocates the principle of preventive self-defence, provided that it remains commensurate with those of proportionality and necessity. This is, however, a widely debated concept on which no consensus has been reached by jurists.

Professor Bermejo's work provides an interesting historical and legal analysis of intervention on humanitarian grounds, which he examines as one of the courses of action that might possibly justify the use of force. The author's position, on

¹Romualdo Bermejo García, *El marco jurídico internacional en materia de uso de la fuerza: ambigüedades y límites*. Faculty of Law, University of Navarra, Civitas, Madrid, 1993, 422 pp.

which current legal opinions differ, is that intervention on humanitarian grounds should be provided for in modern international humanitarian law, on condition that it meets certain practical and formal criteria so as to prevent any abuse and to ensure that humanitarian priorities prevail over political interests.

From his historical review of intervention on humanitarian grounds, the author concludes that it is not advisable to establish too close a link between situations before and after the adoption of the UN Charter. Traditionally, intervention on humanitarian grounds has been closely associated with the protection of persons outside their national borders, without any clear distinction being drawn by jurists or governments between situations prior to and following the Charter's adoption.

Recognition of the need to safeguard human rights, coupled with concentration of the power to use force in the hands of the United Nations, and the recent exercise of that power, have once again highlighted the importance of the issue.

Professor Bermejo goes on to describe the opposing views regarding intervention on humanitarian grounds. Some authors maintain that intervention based on the UN Charter is justified; even a State would be entitled to take unilateral action in view of the inability of the United Nations to provide an adequate response. Others do not consider that existing provisions afford a legal basis for intervention.

In the face of this legal controversy, Professor Bermejo argues that from the theoretical point of view it would be necessary to examine whether a State intervening on humanitarian grounds has a legal interest justifying such action. Considering the question in the light of the jurisprudence of the International Court of Justice, he concludes that since the collective security system provided for in the United Nations Charter, which in his opinion is the appropriate channel for ensuring restoration of respect for fundamental rights, has proved ineffective, States could take individual military action in extreme circumstances. However, this should be done within clearly defined limits, to prevent such action from being regarded as unlawful. The criteria for intervention identified by Professor Bermejo are as follows: existence of a grave violation of fundamental human rights, failure of all other possible means of safeguarding those rights, proportionality between the use of force and the objectives sought, limited nature of the operation in both time and space, and submission of a full report to the Security Council or a regional organization.

Analysis of international State practice since 1945 leads Professor Bermejo to conclude that the legal framework set up by the UN for the use of force does not provide the most appropriate response in the current international context. It was precisely the shortcomings in the UN system that prompted him to engage in this important study, which ends with a request for new proposals and a recommendation that clear and satisfactory legal solutions to the problem be sought.

Despite the fact that Professor Bermejo refers to the interventions examined in his book as "humanitarian", we are of the opinion that the arguments put

forward apply more to situations of large-scale violations of human rights than to situations of armed conflict.

We are convinced that readers will find ample food for thought in this methodical and well-documented study.

María Teresa Dutli

BOOK REVIEWS

- **Fontes Historiae Iuris Gentium. Sources relating to the History of the Law of Nations**, edited by Wilhelm G. Grewe. Volume 2 (1493-1815), Volume 3/1,2 (1815-1945). Berlin, New York, Walter de Gruyter, 1988-1992, 741 pp. 1,339 pp.

Note should be taken of this major compendium of documents on international law, which succeeds in reconciling the apparently irreconcilable: using the main sources it presents the entire history of international law in the principal languages while still being accessible to individual readers and private libraries.

The compendium ranges from antiquity — the Orient, ancient Greece and Rome — and the Middle Ages (Volume I which will appear in 1994) through to the present time: 1493-1815 (Volume II, published in 1988) and 1815-1945 (Volume III/1, 2, published in 1992).

This monumental work is intended to fill a gap in the written records of international law. Since Strupp's compendium,¹ there have been practically no publications covering such a long period. Clive Parry's *Consolidated Treaty Series* deals only with the time from 1648 to 1945, but in 230 volumes. *Fontes Historiae Iuris Gentium* published by the *Kaiser-Wilhelm-Institut für ausländisches öffentliches Recht und Völkerrecht*, Berlin, reproduces only documents on contemporary international law (in English, French and German).

This compendium on international humanitarian law is valuable because it contains documents which do not appear in specialized compilations of the law of armed conflicts, confined as they are to documents (treaties, conventions and other documents) dating back no further than the codification of that law, i.e. the second half of the nineteenth century. It includes, for instance,

¹ Strupp, Karl, *Urkunden zur Geschichte des Völkerrechts*. Gotha, Friedrich Andreas Perthes A.G., 1911-1912, 3 vols.; Strupp, Karl, *Documents pour servir à l'histoire du droit des gens*, Hermann Sack, Berlin, 1923, 5 vols.