

INTERNATIONAL INSTITUTE OF HUMANITARIAN LAW

Congress on the occasion of the Institute's 30th anniversary

San Remo, Italy, 31 August – 2 September 2000

Recommendations and conclusions

During the Congress, various aspects of State sovereignty and humanitarian action were discussed, and these are the main conclusions as they emerged:

- The world is organized on the basis of State sovereignty and this should remain the basis of the world order. However, sovereign States must respect a growing number of obligations, constituting more and more important limits to their sovereignty. Among these obligations, special importance must be attributed to those protecting the interests of the international community as a whole. This is particularly the case of:
 - a) the obligation for each State to promote and respect human rights and humanitarian law;
 - b) the obligation not to act in a manner which causes harm to other States or the human environment (for example, pollution, water problems, massive flows of refugees and displaced persons).
- It is very important to keep and/or rebuild States willing and able to respect the fundamental principles of the world order. In the short term, there is a need to resolve the dilemma between respect for State sovereignty and the necessity to act even without governmental consent when human rights or humanitarian law are violated on a large scale.
- The international organizations have an important role in this field in conformity with their respective mandates and in accordance with the principles of the United Nations Charter. Well coordinated action on the part of these different organizations at the regional and universal level would be an important contribution towards ensuring respect for human rights and humanitarian law. The UN system has the central role to play in dealing effectively

with massive violations of human rights and humanitarian law, as such violations clearly constitute a threat to peace and security. That primary responsibility, as well as the duties of the UN Security Council in this field, should be stressed. In other words, it should be underlined that inaction of the Security Council in cases of massive violations implies a disregard for the principles of the UN Charter.

- But the real problem is: what should be done when the Security Council is unable to take decisions in situations where action is evidently necessary?
- There is no clear reply to this dilemma. But some ideas which have been submitted might merit further examination:
 - a) a reform of the UN system in order to avoid deadlock within the Security Council;
 - b) the identification of means and procedures for monitoring the Security Council;
 - c) the creation of a UN body to constantly evaluate the world situation and ascertain objective and credible facts which should facilitate the taking of decisions on international action, ranging from delivery of humanitarian aid to military intervention.
- However, some objections were put forward, in particular the fact that it is not the lack of information which prevents States from taking action. The importance of raising the awareness of the Security Council members, particularly of the permanent members, of their particular responsibility should be stressed as a key measure to increase the Council's efficiency and credibility. Another aspect worth looking into is the use of various terms, particularly that of "humanitarian intervention" (use of this term has created confusion among the general public, especially with regard to the role of the diverse players). The establishment of a Standing Force was also suggested to ensure immediate and effective deployment of peacekeeping forces if needed.
- As for humanitarian action, it must be remembered that there is a recognized right for the population to have food, medicine and other goods essential for their survival at their disposal. In the event of armed conflict, the parties to the conflict concerned have the

duty to meet these basic needs or to accept international humanitarian action if they are unable to do so.

A delicate issue is: what should be done if they refuse such action although it is absolutely necessary? In such situations humanitarian organizations can only pass on the problem to the United Nations and States, which must then take measures in conformity with the UN Charter.

- Humanitarian organizations have a key role to play in trying, by all possible means, to avoid a deadlock caused by the fact that States refuse assistance. For that purpose, they have to enhance the dissemination of international humanitarian law and principles, and work with the States in peacetime to build up their confidence in their capacity to deliver assistance in a neutral, impartial and professional way.
- Humanitarian organizations also have to recognize the very detrimental effect caused by actions which are not properly coordinated and are carried out without sufficient professionalism. To build up that confidence, it is therefore important to obtain from all humanitarian organizations a pledge that they will work according to basic ethical principles with great professionalism and in good coordination. The existing code of conduct (in particular the one adopted by the 27th International Conference of the Red Cross and Red Crescent, Geneva, 1999) has therefore to be made known to them, respected and constantly re-examined in the light of new situations and experience.
- Finally, the quality of the debates and the important need for the International Institute of Humanitarian Law to maintain its central role in hosting such gatherings on humanitarian issues have to be underscored. Cooperation with the International Committee of the Red Cross, the Office of the UN High Commissioner for Refugees, the Office of the UN High Commissioner for Human Rights, the International Organization for Migration, the International Federation of Red Cross and Red Crescent Societies and other relevant humanitarian organizations is a key factor, not only for the success of such fora but also for the future of humanitarian action.