

au développement comme droit de l'homme n'est guère concevable dans le cadre du droit international classique“ (S. 291), zeigt jedoch mit Ausnahme des »Resolutionsrechts« der Vereinten Nationen wenig Überlegungen zu einer notwendigen Fortentwicklung traditioneller völkerrechtlicher Konzeptionen um den neuen Phänomenen des Menschenrechtsschutzes, wie dem Recht auf Entwicklung, besser Rechnung tragen zu können.

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Peter Macalister-Smith

International Humanitarian Assistance

Martinus Nijhoff publishers, 1985, 244 p., £ 33.00

This book is a welcome contribution to the growing interest not only in the field of International Humanitarian Assistance but also to the slowly developing branch of Public International Law known as International Humanitarian Law.

The work, done in nine chapters begins with a colourful, but sincere forward by His Highness Prince Sadruddin Aga Khan, a former United Nations Commissioner for Refugees and therefore an undisputed expert in the subject of the book. At the end the author, in a form of annexures reproduces eight valuable documents very relevant to the content of the book. These range from the Geneva Convention of August 22, 1864 for the Amelioration of the conditions of the wounded in the armies in the field to the Draft Convention on the Expediting the delivery of Emergency Assistance of 1984 prepared under the auspices of the United Nations. The rich bibliography provided by the author makes the work a reliable source of materials for scholars with interest in International Humanitarian issues.

The book attempts to close the gap that exists in the legal instruments available today on International Humanitarian Assistance and their implementation. Its main focus is how the International community should deal with disasters when they occur and also how to prevent and mitigate disaster situations. The book also examines the interplay between International politics, the law and the concrete reality of the day.

Chapters one to three are mainly historical. Here the author examines the emergence of Humanitarian Assistance. He notes the influence of Christianity, some elements of medieval chivalry, medieval Indian law and Islamic Law in restraining resort to total violence in conflicts. The works of Natural Law theoreticians like E. de Vattel and J. J. Rousseau are noted to have had considerable impact on moderation in war and the advisability of humane behaviour especially to non-Combatants. The very first charitable organisations like the Order of the Knights of St. John of Jerusalem were established within the framework of Religion. Also recorded in this part of the book is the works of Henry Dunant on care for victims of armed conflicts which later led to the formation of the Red Cross movement; and also of Dr. Fridtjof Nansen in the field of International

Relief for Refugees. Dr. Nansen's work laid the basis for the later establishment of the office of the United Nations High Commissioner for Refugees in 1951.

In chapter four the author discusses the International basis for Humanitarian Assistance. He examines the law applicable to humanitarian assistance, disaster victims and disaster situations. With great legal expertise, the author attempts to place various measures taken by the International Community in this field within the basic sources of International law, namely Article 38 of the Statute of the International Court of Justice. In this context he also discusses Humanitarian Assistance within some generally accepted doctrines in International Law like Sovereign Equality and International co-operation. The parts of the UN Charter which are relevant to Humanitarian Assistance and Human Rights in general are brought to the light. The author makes reference too to the so-called doctrine of Humanitarian Intervention which the superpowers always invoke with impunity. He notes that although that doctrine may be helpful to the individual person as regards protection of his fundamental rights, it has never obtained full recognition in positive International Law.

The issue of Politics and Relief is raised at the end of this chapter. The author notes, and correctly so, that politics play a crucial role when it comes to issues related to relief. Political relationship determines the response of a state when a call for relief is made. At the same time distribution of relief is made on political basis and not on need. The author thus observes that humanitarian values compete rigorously with Realpolitik. It is unfortunate that the author found it fit not to concretize any of his many valuable statements with real examples which are many and also gave such an important issue a very short treatment. It deserved more than a page and half.

In chapter five to seven the author deals with the history, structure and the work of the various International Institutions involved in Humanitarian Assistance today. The main institutions in this field are the Red Cross and the United Nations. Other actors include Intergovernmental Organisations, the Holy See, the Sovereign Order of Malta and Bilateral Humanitarian Assistance. In chapters eight and nine the author argues a strong case for co-ordination of relief action. As there exists so many participants, it is logical that relief action be co-ordinated. This is an extremely valuable point as organised and coordinated effort will not only guarantee speedy delivery of relief to the affected people, but also will help to side-step the ever-present bureaucratic huddles and quarrels over who has what rights and duties in particular situations. If properly organised and mandated, the office of the United Nations Disaster Relief Co-ordinator can play a significant role in this respect. The author also argues that it is of utmost importance to develop the law in the field of Humanitarian Assistance. Of particular interest are the Model Rules for disaster relief operations prepared by the United Nations Institute for Training and Research (UNITAR) published in 1982. The purpose of these Model Rules is said to be the closing of the lacunae in International humanitarian law regarding assistance to victims of disaster and to overcome some of the legal restrictions and bureaucratic impediments which are often major obstacles to the success of relief operations. Adoption of these rules by International Community is therefore desirable.

By the way of Conclusion, the author re-emphasis the fact that although Humanitarian problems have existed at all periods of human history, the situation today is extremely grave and requires an urgent re-examination. He notes that all the attempts to have law and institutions dealing with International Humanitarian Relief have not been in vain. Experience indicate that these efforts have led to a considerable reduction of incidences of inhuman practices and thus alleviating the conditions of sufferings individuals. He correctly notes that, while the potential victims of disaster are the poor people of the developing countries in the South, abuse of technology in developed countries can also lead to terrible disasters too. He thus calls for International co-operation in dealing with Humanitarian problems. He says humanitarian actions should be executed in an orderly manner and must conform to agreed basic conditions. These conditions include: freedom from partisan political objectives; carriage in accordance with appropriate International Instruments; and Impartial administration by humanitarian organisations.

As said above, this book is good and takes us one step further in our quest for understanding International Law.

Chris M. Peter

Manfred Holthus/Dietrich Kebschull/Karl Wolfgang Menck

Multilateral Investment Insurance and Private Investment in the Third World

Verlag Weltarchiv GmbH, Hamburg 1984, 146 S.

1. Die drei Autoren aus dem HWWA-Institut für Wirtschaftsforschung – Hamburg legen hier eine im Auftrag des Bundeswirtschaftsministeriums Anfang 1983 erstellte Studie zu den seinerzeit noch wenig konturensharten Vorstellungen der Weltbank vor, die Errichtung einer Multilateral Investment Guarantee Agency in die Wege zu leiten. Nach einem kurzen Überblick über frühere Vorschläge (13 ff.) erörtern Holthus/Kebschull/Menck Ziele und Bezugsrahmen eines multilateralen Investitionsversicherungsschemas; sie stellen dabei eine Analyse der Interessen der potentiellen Beteiligten – kapitalex- wie -importierende Staaten und Investoren – an den Anfang (23 ff.) und legen ihren Überlegungen zwei Postulate zugrunde: Eine M.I.G.A. habe subsidiäre Funktion im Verhältnis zu Versicherungsmärkten; sie müsse kostendeckend tätig werden (32). Anhand der in fast allen westlichen Industriestaaten bestehenden nationalen Investitionsversicherungssysteme gehen die Autoren sodann auf die wesentlichen Merkmale derartiger Einrichtungen ein (33 ff.) und betonen den engen Zusammenhang mit jeweils bilateralen Kapitalschutzverträgen zwischen Heimat- und Gaststaat des Investors/Versicherungsnehmers (50 ff.).

Die beiden hauptsächlichen Prämissen der notwendigerweise nur skizzierten Weltbank-Initiative (s. 53 ff.) halten Holthus/Kebschull/Menck für kaum tragfähig: Eine Verringerung von Entwicklungsländer-Zahlungsbilanzdefiziten könne über M.I.G.A. schwer-