

CONTENTS

PREFACE	v
ABBREVIATIONS	ix
I. INTRODUCTION	1
1. Reflections on the Subject	1
2. Aim and Scope of the Study	2
3. Conceptual Framework	4
II. OBLIGATIONS RELATING TO HUMANITARIAN ASSISTANCE UNDER INTERNATIONAL HUMANITARIAN LAW	8
1. General Features of International Humanitarian Law ...	8
1.1 The Emergence of Rules Relating to Armed Conflicts	8
1.2 General Principles of International Humanitarian Law	13
1.3 The Thresholds of Application of International Humanitarian Law	17
2. Provisions Relating to Humanitarian Assistance	20
2.1 The Duty to Provide Supplies Essential for the Survival of the Civilian Population	20
2.2 Prohibition of the Use of Starvation as a Method of Warfare	23
2.3 The Duty to Undertake or to Allow Humanitarian Assistance	27
3. Provisions Supporting Obligations Relating to Humanitarian Assistance	37
3.1 The Duty to Allow Free Passage	37
3.2 Duties Relating to Facilitating the Work of Humanitarian Agencies	39
3.3 The Duty to Respect and to Ensure Respect for the Geneva Conventions	44
4. Conclusion	47

III. OBLIGATIONS RELATING TO HUMANITARIAN ASSISTANCE UNDER THE LAW OF HUMAN RIGHTS	52
1. Introduction	52
1.1 The Concept of Survival Rights	52
1.2 The Character of Obligations Deriving from Survival Rights	53
2. Right to Life as a Survival Right	56
3. Survival Rights within the Field of Economic and Social Rights	62
3.1 Specific Character of Obligations Deriving from Economic and Social Rights	62
3.2 The Right to Food	66
3.3 The Right to Health	69
4. Prohibition against Torture or Cruel, Inhuman or Degrading Treatment	72
5. Conclusion: A Right to Humanitarian Assistance?	75
IV. HUMANITARIAN ASSISTANCE AND THE UNITED NATIONS . .	81
1. Humanitarian Assistance and the Charter of the United Nations	81
1.1 Objectives of the United Nations	81
1.2 Sovereignty of States and the Principle of Non-Interference	84
2. Recent Trends within the United Nations Concerning Humanitarian Assistance	87
2.1 Growing Reliance on Humanitarian Principles in Armed Conflicts	87
2.2 Recognizing the Principle of Humanitarian Assistance	95
2.3 Humanitarian Emergencies as Threats to International Peace and Security	103
3. Conclusion	112
IV. HUMANITARIAN ASSISTANCE: IMPLEMENTATION AND ENFORCEMENT	116
1. The Requirement of Consent to Humanitarian Assistance	116

2. Development of Legal Instruments Relating to Humanitarian Assistance	119
3. The Role of Third States: To Ensure Respect for Obligations <i>Erga Omnes</i>	121
4. Armed Protection of Humanitarian Assistance	124
5. Conclusion	129
BIBLIOGRAPHY	132
TABLE OF TREATIES	144
APPENDIX 1. OVERVIEW OF SECURITY COUNCIL DECISIONS ON THE EXISTENCE OF 'THREATS TO PEACE' INVOLVING HUMANITARIAN ASPECTS (1991-1997)	148