

Dirassat & Abhath
The Arabic Journal of Human
and Social Sciences



مجلة دراسات وابحاث
المجلة العربية في العلوم الإنسانية
والاجتماعية

EISSN: 2253-0363
ISSN : 1112-9751

Foreign Military Intervention in Case of Natural Disasters:

Contingency or Fatality

L'intervention militaire étrangère en cas de catastrophes naturelles :
contingence ou fatalité

التدخل العسكري الأجنبي في حالة الكوارث الطبيعية: مسألة عرضية أم حتمية

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تاريخ القبول: 2021-05-24

تاريخ الاستلام: 2021-02-23

Abstract:

Since the World Conference on Natural Disaster Reduction, held in Yokohama / Japan from 23 to 27 May 1994 efforts have been made, culminated later on in adoption of Sendai Framework for Disaster Risk Reduction 2015-2030, aiming to establish an adequate risk management framework for natural disasters. The natural disasters do not cease to occur and will irreversibly occur due to consequences of global warming. With respect to the fighting against damages, national means seem unable to provide an appropriate response, hence the irrevocable recourse to international cooperation to assist victims. Consequently, disaster relief strategies aiming to assist the affected populations, as they are developed at international level, involve the use of foreign military forces.

Keywords: Natural Disasters; Environmental Security; New York Law; Military Forces; Intervention Right.

Résumé

La communauté internationale a consenti tant d'effort depuis la Conférence mondiale sur la réduction des catastrophes naturelles, tenue à Yokohama / Japon du 23 au 27 mai 1994, ayant aboutis plus tard à l'adoption du Cadre d'action de Sendai pour la réduction des risques de catastrophe 2015-2030, qui vise à établir un cadre approprié de gestion des risques découlant des désastres naturels. En effet, les catastrophes naturelles ne cessent de se produire et se produiront de manière irréversible, en raison des conséquences du réchauffement climatique. Par ailleurs, il paraît que les moyens nationaux mobilisables suite aux catastrophes naturelles sont insuffisants pour une riposte appropriée, d'où le recours irrévocable à la coopération internationale pour venir en aide aux victimes. Les stratégies de secours en cas de catastrophe visant à aider les populations touchées, telles qu'elles sont élaborées au niveau international, impliquent l'emploi de forces armées étrangères.

Mots clés : Catastrophes naturelles, sécurité environnementale, droit de New York, forces armées, droit d'intervention.

ملخص:

تم بذل جهود منذ انعقاد المؤتمر العالمي للحد من الكوارث الطبيعية في يوكوهاما / اليابان خلال الفترة الممتدة من 23 إلى 27 مايو 1994، والتي تُوجت لاحقاً باعتماد إطار سينداي للحد من مخاطر الكوارث 2003-2015، الهادف إلى وضع إطار ملائم لإدارة مخاطر الكوارث الطبيعية، لكن لا تتوقف الكوارث الطبيعية عن الوقوع وستحدث دون شك بسبب عواقب الاحتباس الحراري، وتبدؤا الإمكانيات الوطنية، فيما يتعلق بالتعامل مع الخسائر، غير قادرة على توفير استجابة مناسبة، ومن ثم يصبح اللجوء إلى التعاون الدولي أمراً لا رجعة فيه لمساعدة الضحايا. تسعى استراتيجيات الإغاثة من الكوارث التي تهدف إلى مساعدة المتضررين والتي تم تبنيها على المستوى الدولي إلى الاعتماد على القوات العسكرية الأجنبية.

الكلمات الرئيسية: الكوارث الطبيعية، الأمن البيئي، قانون نيويورك، القوات العسكرية، حق التدخل.

1. Introduction

The 1994 World Report on Human Development indicates: *"The loss of human security can be a slow, silent process or an abrupt, loud emergency. It can be human made due to wrong policy choices. It can stem from the forces of nature."*¹ Explicitly, the report suggests reconceptualization of security to include factors, which are not linked directly to military threats. In fact, global peace and security is not exposed only to the dangers of international conflicts, as long as, other threats interfere and compromise the international order while parties are not neither States nor individuals. It is admitted, in this context, that the phenomenon of climate refugees reflects effects of human action on the environment. Moreover, environmentalists suggest that natural disasters are multiplying due to anthropization.

Internationally, response to the consequences of disasters, either natural or human made, is based upon a new legal and institutional mechanisms raised following establishment of environmental security

concerns as a key subjects within international agendas. The tremendousness of damages occurring following natural disasters, which exceed the response capacities of affected States, led to reconsideration of a fundamental principle that govern international relations, namely the non-intervention principle.² Thus, this article will address the involvement of foreign military forces in case of natural disasters, notably with respect to its relevance. Principal focus will be on the following issues: Historical background and overview on concepts related to the subject; legality of the use of foreign military forces for environmental humanitarian assistance; major environmental humanitarian aid providers in case of natural disasters; results and discussion and finally conclusion.

2. Historical background and overview on relevant concepts

The review of non-intervention principle goes back to 1960' with the occurrence of the Biafran Civil War in Nigeria (6 July 1967- 15 January 1970), that was aggravated by international

involvement. About one to three millions people died, mostly from starvation, sparking a massive humanitarian crisis.³ This humanitarian tragedy has been exacerbated by the indifference of the International Committee of the Red Cross because of its traditional neutrality and lack of legal basis for action.⁴ Consequently, French non-governmental organization “Médecins sans frontières” has been established to overcome the identified shortcomings. Such development in States’ practice reflected a starting point of intervention right, embodied later on in United Nations (UN) instruments, either UN General Assembly (UNGA) Resolutions or outcomes work of the Security Council (SC). Both constitute together what is known as “New York Law”, commonly called modern international humanitarian law⁵ that enshrines right and duty to intervene for humanitarian purposes in peacetime⁶ to alleviate the plight of natural disaster victims.

A comprehensive understanding of environmental intervention right substratum requires the apprehension of some concepts related thereof. Thus, the deployment of foreign military forces abroad induced by environmental security matters occurs often in peacetime; however, this could happen when the suffered territories are under armed conflict. Such situation is designated as “complex emergency” by virtue of UN vocabulary.⁷ A complex emergency may be well illustrated by a combined situation prevailing in a country under war or civil strife where an epidemic, such as COVID-19 or Ebola, is occurring.

It should be highlighted that the aforesaid concept combines between negative consequences man-made and those

resulting from technological or natural disasters. Nevertheless, the notion that necessitates understanding with respect to the main issue tackled hereinafter is the “disaster” itself, because the “natural” as a characterisation expression refers impliedly to an event or set of events naturally made. Therefore, it seems that the definition of “disaster” as formulated by International Law Commission is inclusive since it tackles human, material and environmental damages resulting thereof.⁸ Nonetheless, natural disasters go hand in hand with “natural risk” or threat. Thus, initially the word “risk” derived from the Arabic word “الرزق”, which refers to everything that God’s providence can provide to an individual, whether positive or negative. This term was used again in the Middle Ages in Europe in the field of marine insurance with respect to the dangers of the sea.⁹

The risks associated with natural disasters do not threaten only the areas exposed to natural hazards and inhabitants. The challenge is greater than imaginable. This could be argued by the statement of M. Kofi Anan, former UN Secretary General, who pointed out in commenting the report of UN High Level Panel on Threats, Challenges and Change¹⁰ that “*threat against one nation is not only a threat against all nations, the failure to respond to one threat can undermine our defence against all others*”.¹¹

In fact, the analysis of definitions made to the concepts correlated to natural disasters as discussed above end to say that they reflect a global approach of international security. Hence, the referent object of security is enlarged to comprise in addition to States’ security, the protection of individuals owing to “human security”. The

latter has been raised in response to new threats to international peace and security due to globalization that put forward the issue of international governance system, challenged recently due to the rejection of multilateral system by the current administration of the leading world power, namely United States of America (USA).

3. The legality of use of foreign military forces for environmental humanitarian assistance

International humanitarian action based on a set of rules, which are customary in essence. Thus, a difference is already drawn between Geneva Law, which consists of rules protecting victims of war and Hague Law that governs conduct of hostilities. Consequently, it is clear that international humanitarian law, which aims to protect people during international armed conflicts, does not offer the possibility of invoking it when humanitarian actions aim to help victims of natural disasters in peacetime. In this context, it is admitted that an international obligation rely on States that found responsible to provide a necessary protection to their populations, failing that foreign intervention is to be an alternative solution.

On the other hand, it is suggested that protecting people during disasters does not necessarily require assertion of new rules, but the issue is related to strengthening of rules in force.¹² However, such rules seem to be insufficient to frame human actions in facing contemporary crises resulting from the act of nature. Nonetheless, the evolutionary character of international law makes it possible to presume progressive development of rules

that could form the basis of international humanitarian assistance by foreign military forces during peacetime or complex emergencies. These rules that reflect New York Law are laid down in a set of UN General Assembly (UNGA) and Security Council (SC) instruments most of which will be discussed hereinafter.

3.1. UN General Assembly Resolutions

The Resolution A/RES/43/131 of December 8th, 1988 “Humanitarian assistance to victims of natural disasters and similar emergency situations” is the first instrument attributing legality to the deployment of foreign military forces for humanitarian assistance in case of natural disasters. This could be regarded as a founding text of New York Law. The Resolution consecrates free access to victims. Meanwhile, the expected effect of this Resolution was immediately proven. As on the following day of its adoption, the Soviet Union agreed to open its borders, for the first time in its history, to Western rescuers to assist victims of the earthquake that destroyed part of Armenia.¹³ The main feature of this instrument is the assertion of the obligation relying on the affected State to rescue its population from natural disasters and to prevent from impeding humanitarian aid, that are not to be provided unless the concerned State is incapable to do so.¹⁴

Subsequently, UNGA adopted the Resolution A/RES/45/100 of December 14th, 1990 to overcome difficulties of free access to victims through the establishment of Emergency Humanitarian Corridors. However, it should be emphasized that this

Resolution is not innovative with regard to the concept of "humanitarian emergency corridors ", as classic international humanitarian law has already adopted it within the context of excluding groups of individuals from fighting and to provide care for them. The aim of this Resolution is of importance, as humanitarian corridors in Libya (2011) and in Syria (2013) were implemented according to its provisions.¹⁵ Nevertheless, it is worthy to say that the crises prevailed in these two countries reflect a challenge to international law, that consecrates non-interference in internal affairs principle, advocated by two permanent members of Security Council, namely Russian Federation and the People's Republic of China. Both seek to ensure conformity of measures taken by Western powers to UN Charter provisions, notably the cited principle, which is crucial to the security and survival of developing countries, notably small and medium-sized countries, as well as peace and stability in the world.

Last and not least, the UNGA adopted a Resolution A/RES/46/182 of December 19th, 1991 "Strengthening of the coordination humanitarian emergency assistance of the United Nations". The Resolution is not confined, as its title indicates, to highlight the need to coordinate international humanitarian aid, as two institutional bodies have been established to achieve the targeted goals, namely Emergency Relief Coordinator (ERC) acting as deputy Secretary General for humanitarian affairs and Central Emergency Response Fund (CERF). Moreover, the Resolution invokes, in addition to humanitarian principles, other humanitarian guidelines and underlines, inter alia, the responsibility of every State to assist within

its territory victims of natural disasters and other emergency situations; humanitarian assistance shall be provided with the consent of concerned State.

3.2. Security Council Resolutions

The instruments adopted by SC are of importance because of their mandatory character that is not inherently available when it comes to UNGA Resolutions, except when they ascertain a gradual evolution of *opinio juris*.¹⁶ The SC acted proactively since it addressed the issue of environmental security in 1991, whereas UNGA became interested in the issue of human security in 1994. As such and by virtue of its 687 Resolution of April 3rd, 1991, the SC found that Iraq is internationally responsible for environmental damages and destruction of natural resources committed during the invasion of Kuwait. As a result, the 1991 Gulf crisis boosted the process of enlargement SC mandate to deal with environmental issues. This can be argued by the fact that following the enactment of 687 aforesaid Resolution, the SC was mandated by virtue of 688 Resolution of April 5th, 1991 (two days later) to take measures in case of violation of human rights, insofar it was agreed that failure to respect them may pose threat to international peace and security.

With regard to human assistance in case of natural disasters involving use of foreign military forces, although the 688 Resolution does not address the issue, however, its provisions reflect a remarkably large contribution to New York Law since it enshrines the obligation of empowering international humanitarian organisations for immediate access to all those in need of

assistance. Furthermore, the issue of implementing SC resolutions does not arise, given that the Council itself has the necessary power to impose and enforce its Resolutions. Nevertheless, when there is no consensus and political considerations overwhelm humanity the suffering of victims' disasters get complicated.

4. Major environmental humanitarian aid providers in case of natural disasters

Internationally, policies and strategies are developed by military forces to participate in international environmental humanitarian assistance. The leading forces often deployed belong to the North Atlantic Treaty Organization (NATO), the European Union (EU), and the USA. Indeed, the recourse to these forces is induced by the unavailability of a UN task force to be deployed in such situations. Whereas, it is suggested that "*a standing reserve sounds logical, but it would be immensely costly to have a force of several thousand people on permanent standby*".¹⁷ As a result, in case of a disaster that cannot be faced by stricken State, deployment of a necessary personnel and means rely on the foreign intervention based on the involvement of military forces having a required means and logistic to do so (Aircraft and helicopter fleets, off-road vehicles, hospitals, field medical centers, water treatment or refueling...etc.). Accordingly, it seems necessary, on the one hand, to examine how commitment of armed forces belonging to major powerful States and/or communities of States is motivated in providing humanitarian assistance in case of natural disasters. On the other hand, the conduct of operations relief by several foreign armed forces within territory of

affected State is a paramount issue with regard to coordination of actions that shall be carried out in accordance with humanitarian principles. As such, the later together with coordination of operations are worthy of attention.

4.1. The United States of America

The USA humanitarian intervention in case of natural disasters is based on Foreign Assistance Act of 1961 as amended.¹⁸ This legislative text reorganized US foreign aid programs and makes a distinction between military and non-military aid. Moreover, the Act created the US Agency for International Development (USAID) empowered to manage non-military economic aid programs, reduce poverty, promote democracy and economic growth, alleviate suffering of natural disasters' victims and prevent conflicts. Although US foreign policy with respect of humanitarian aid for non-military purposes seems to be legally and justified by the 1961 Act, but the later do not reveal the targeted objectives, such as working towards world leadership and multi-dimensional supremacy (Military, strategic, economic, and cultural). In essence, the unsaid objectives could be revealed through the Executive Order issued to implement the so-called "Foreign Assistance Act", which includes in its part II provisions authorizing the assignment of duties to US Secretary of Defense.¹⁹

Undoubtedly, the importance of US non-military aid to foreign countries suffering from natural disasters is irrefutable, notably with regard to the nature of deployed means and operations costs. However, the drawbacks of US strategy regarding international humanitarian

assistance, in case of natural disasters, or complex emergencies is challenged by the failure of US diplomacy and policy to deal with such situations.²⁰

4.2. The North Atlantic Treaty Organization

The NATO intervention to face civilian emergencies increased following September 11, 2001 event that resulted in fundamental changes in perceptions, especially with regard to security and defense. "Global Security" concept has been emerged to put forward terrorist threats, natural hazards and technological disasters. As a result, NATO has combined between roles of Euro-Atlantic Disaster Response Coordination Center (EADRCC) and those of NATO Response Force. The North Alliance's intervention in relief operations in case of natural, technological or human-made disasters is constantly increasing. Moreover, its role is not limited to help people following the disaster because the Organization intervenes also to prevent, as well as, to manage the crisis.

It is suggested that NATO bases its humanitarian intervention in case of natural disasters on international legitimacy. In doing so, the NATO recognises that the UN should always manage relief operations in cooperation with the authorities of the affected State. In this regard, a mechanism of communication between the two organizations has been established through hosting of liaison officer from UN Office for the Coordination of Humanitarian Affairs (OCHA) within EADRCC, who acts as an adviser of the coalition where necessary.

With respect to operational area, NATO role in assisting people during natural disasters, notably when local efforts are deemed insufficient to overcome the magnitude of the disaster, becomes crucial because of learned lessons. The assessment made to test effectiveness of operations carried out in facing two distinct natural disasters is illustrative. In this regard it was reported that *"In general, when there is a precedent, the Alliance is able to move rapidly. The decision to set up an air-bridge to Pakistan, for example, could be taken quickly, above all, because there was already a precedent, namely the airlift to the United States in the wake of Hurricane Katrina. The decision to send medical personnel and engineers to Pakistan, by contrast, took longer as there was no precedent at the time for sending military personnel to a non-NATO (or Partner) country for a disaster-relief operation."*²¹

Despite crucial input of NATO humanitarian assistance in case of natural disasters, some obstacles come to undermine deployable efforts, especially when it comes to the funding of relief operations. This has been exacerbated by the current position of US administration, unfavorable towards multilateral system. However, the funding problem goes back long before President Donald Trump took office, since NATO raised the issue in 2006. As a result, some analysts suggested funding emergency relief from development aid budgets. The following statement acknowledges such suggestion *"Logic demands that either NATO nations be allowed to book some of the additional costs incurred by their militaries to the international assistance and development budgets or that the United Nations reimburse them directly out of funds collected to pay for the relief operation"*.²²

4.3. The Europe Union

The EU does not have a unified military force. European leaders view the project of such force still in an embryonic step that cannot be promoted to an effective institutionalised one. The reason for that is the EU project itself, which is political in essence, while the deployment of military forces does not rely only on a political decision since positioning of military force is subject to sovereignty considerations, as long as, it falls within Nation-State powers. Whereas, EU institutions are empowered through mandate to act on behalf of member States.

The majority of EU member States rely on NATO defence, while others, such as France and Germany, are endeavouring to establish EU armed forces. However, the reluctance to join this project by other member States and the existence of obstacles of an ideological, legal, and political nature, prevent its culmination. As a result, NATO remains the main framework for European collective defence, as it is referred to in EU military doctrine.²³

Consequently, deployment of military forces in foreign territories for humanitarian assistance in case of natural disasters is left to EU member States, which decide unilaterally in this regard. However, the operations of deployed forces are performed under EU flag. In addition, EU coordinates such operations with UN specialized agencies as EU official documents mention repeatedly, notably the contribution of EU in the funding of UN humanitarian agencies and the possibility to provide a complementary assistance for UN

peacekeeping operations during transitional process to achieve stability.

With respect to conformity of EU military actions for human assistance in case of natural disasters with international rules, particular attention is given to Sendai Framework for Disaster Risk Reduction 2015-2030 within EU forums. In addition, EU instruments reiterate Principles of Humanity for the conduct of humanitarian actions in case of natural disasters, as Lisbon Treaty emphasizes that ²⁴.

4.4. Humanitarian nature of the relief operations

Indeed, it became clear that foreign armed forces must be involved, in certain cases, to take part in relief operations following natural disasters. The large scale of certain natural disasters defy supremacy of powerful States as on September 3rd 2005, the USA requested NATO emergency assistance to deal with the dire situation caused by Hurricane Katrina.²⁵ In reaction, NATO has coordinated response of 39 States, including member States and partners. The large number of interveners put forward a crucial issue regarding coordination of actions on the ground. Nevertheless, international community apprehended this matter since 1990' insofar Oslo Guidelines²⁶ were adopted.

In the context of codifying humanitarian principles as contained in international humanitarian law, the Oslo Guidelines refer to UNGA A/RES/46/182 Resolution above discussed, in order to recall the principles of humanity, neutrality, and impartiality that should frame any humanitarian assistance. With respect to

humanity, Oslo Guidelines enshrines the duty to alleviate human suffering, insisting on special attention that to be given to persons most vulnerable (children, women and elderlies). As regard to neutrality, this was considered as principle resulting from the obligation to provide humanitarian assistance with preventing from participating in hostilities whatsoever their nature (political, religious or ideological). Finally, with regard to integrity, the principle underlying it aims to ensure the provision of humanitarian assistance without discrimination of any kind (regardless of ethnic origin, gender, nationality, political opinions, race or religion of victims), as well as providing relief solely to satisfy needs of the victims with prioritizing the most urgent cases.

By the same token, it is necessary to emphasize that although the Oslo Guidelines are devoted to natural disasters, other official UN documents set standards that contribute to the management of civil-military relations during humanitarian assistance operations, inter alia, "Guidelines on the Use of Military and Civil Assets during Complex Emergencies"; "Guidelines on the Use of Armed Escorts" and "Civil-Military Guidelines & Reference for Complex Emergencies", developed altogether by UN and the Inter-Agency Standing Committee (IASC) on civil-military relationship in complex emergencies.

5. Results and discussion

Internationally, the deployment of foreign military forces for humanitarian purposes in case of either natural disasters or complex emergencies raises a dilemma

regarding "humanitarian intervention", implying lawfulness and "humanitarian interference" deemed as illicit due to the lack of affected States' consent. The ongoing international debate gave rise in the beginning of 2000' to the "Responsibility to protect" concept, introduced to justify the interference in States' internal affairs. Nevertheless, such debate becomes useless because International Court of Justice (ICJ) has settled the issue by laying down conditions of humanitarian intervention, which in view of the Court shall be limited to the purposes hallowed in the practice of the Red Cross.²⁷ Practically, legality shift time-to-time because of applicable international law weakness, suffering from the absence of accurate definition of "international peace and security" concept as enshrined in UN Charter. Furthermore, the challenge of international legality by powerful States that might be evidenced by environmental intervention with military forces requires irreversibly changes, notably in UN legal and institutional framework because of imperatives of "Global Security" and interdependence of threats, as pointed out in the Report of the Panel on United Nations Peace Operations (2000) known as "Brahimi Report".²⁸

6. Conclusion

The different international instruments quoted above denote that involvement of foreign military forces in case of natural disasters falls within environmental intervention right. Such involvement is increasing to the detriment of civil security due to the scale of the consequences that exceed affected State capacities, giving rise to particular international legal regime dealing with

military humanitarian assistance in peacetime to face vagaries of nature, namely New York Law. Tacking in account the changes in security concept, codification of rules appertaining to this new legal regime of international humanitarian law should be conducted within a comprehensive approach, implying UN institutional reforms, induced by a necessity to accommodate new security challenges, inter alia, environmental security issues which are exacerbated by anthropization. Considering the irrevocable international cooperation to assist populations suffering from natural disasters, the environmental intervention right involving military forces seems to be irreversible due to their large logistical capabilities, highly qualified personnel, government support and funding, as well as the ability to act in hostile environments.

Nonetheless, the intervention right shall be exercised with the consent of affected State, or it shall be in line with UN Security Council measures where necessary. Thus, in providing humanitarian assistance States shall act in good faith and put humanitarian considerations as overriding priority that shall prevail on political concerns. Finally, it should be highlighted that transposition of international standards, rules and practices governing different aspects of intervention right in domestic laws, particularly those related to the coordination of humanitarian actions between foreign military forces and local institutions, represents an ultimate challenge facing success and effectiveness of any engaged operation.

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¹ The 1994 world Report on human development, p.23, <http://hdr.undp.org/en/global-reports>

² Article 2(7) of the United Nations Charter reads: “ *Nothing contained in this present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII*”.

³ Richard Akresh, Marinella Leone, Sonia Bhalotra, Una Osili, *First and Second Generation Impacts of the Biafran War*, I Z A Institute of Labor Economics, Schaumburg-Lippe-Straße 5–9 53113 Bonn, Germany, August 2017, p.4.

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⁵ New York Law deals with humanitarian assistance in peacetime, as opposed to Geneva and Hague Law that is applicable to humanitarian assistance in wartime.

⁶ «L'expression de «droit» ou de «devoir d'ingérence» à laquelle on a rapidement accolé le qualificatif d'«humanitaire» est apparue à la fin des années 80 sous la plume de Mario Bettati, professeur de droit international public à l'Université Paris II, et de Bernard Kouchner, homme politique français qui fut l'un des fondateurs de Médecins sans frontières». In Les contraintes de l'action humanitaire dans les situations de conflits armés : cas de la Côte d'Ivoire, https://www.memoireonline.com/02/13/6933/m_Les-contraintes-de-l-action-humanitaire-dans-les-situations-de-conflits-armes-cas-de-la-Cte-d-Iv49.html (last accessed December 15th, 2020).

⁷ The UN Office for the Coordination of Humanitarian Affairs (OCHA) defines complex emergency as "A multifaceted humanitarian crisis in a country, region or society where there is a total or considerable breakdown of authority resulting from internal or external conflict and which requires a multi-sectoral, international response that goes beyond the mandate or capacity of any single agency and/or the ongoing UN country programme. Such emergencies have, in particular, a devastating effect on children and women, and call for a complex range of responses", Reliefweb Glossary of Humanitarian Terms, August 2008, P.15, https://reliefweb.int/sites/reliefweb.int/files/resources/4F99A3C28EC37D0EC12574A4002E89B4-reliefweb_aug2008.pdf (last accessed December 13th, 2020).

⁸ Article 3 (a) of draft articles on the protection of persons in the event of disasters 2016, adopted by the International Law Commission at its sixty-eighth session, in 2016, and submitted to the General Assembly as a part of the Commission's report covering the work of that session (A/71/10), para. 48. reads: " "disaster" means a calamitous event or series of events resulting in widespread loss of life, great human suffering and distress, mass displacement, or large-scale material or environmental damage, thereby seriously disrupting the functioning of society.", https://legal.un.org/ilc/texts/instruments/english/draft_articles/6_3_2016.pdf (last accessed December 13th, 2020).

⁹ Christian Lefèvre, Jean-Luc Schneider, *Les risques naturels majeurs*, Collection Géosciences, Contemporary Publishing International GB Science Publisher, Paris 2002, p.1.

¹⁰ Appointed by the UN Secretary General Kofi Anan in September 2003 to conduct a depth study on global threats and provide analysis of future challenges to peace and security. The outcome of Panel works embodied in the UNGA Resolution A/59/565 of December 2nd, 2004, accessible via http://www.un.org/en/ga/search/view_doc.asp

¹¹ Kofi Anan, former Secretary General of the UN, *How to make world safer*, *Le Monde*, December 2nd, 2004, accessible via <https://www.un.org/french/secureworld/oped.html>

¹² Aya Henriette Carvallo-Diomandé, *L'action humanitaire en cas de catastrophes : Droit applicable et limites*, Thèse pour l'obtention du grade de Docteur de l'Université de Poitiers, Ecole doctorale : droit et sciences politiques- Pierre Couverat (Poitiers), soutenue le 13 mai 2014, p.231.

¹³ Mario BETTATI, *L'ONU et l'action humanitaire*, In: *Politique étrangère*, n°3 - 1993 - 58^e année. pp. 641-658; p.644.

¹⁴ Aya Henriette Carvallo-Diomandé, op. cit. p. 151.

¹⁵ Op. Cit.

¹⁶ The international Court of Justice noted that "*The General Assembly resolutions, even if they are not binding, may sometimes have normative value. They can, in certain circumstances, provide evidence important for establishing the existence of a rule or the emergence of an opinio juris. To establish whether this is true of a given General Assembly resolution, it is necessary to look at its content and the conditions of its adoption; it is also necessary to see whether an opinio juris exists as to its normative character. Or a series of resolutions may show the gradual evolution of the opinio juris required for the establishment of a new rule*", paragraph 70 ICJ Advisory opinion of 8 July 1996, legality of the threat or use of nuclear weapons, ICJ reports of judgements, advisory opinions and orders 1996, <https://www.icj-cij.org/public/files/case-related/95/095-19960708-ADV-01-00-EN.pdf> (last accessed December 15th, 2020).

¹⁷ Military contingents, United Nations Peacekeeping, <https://www.un.org/fr/peacekeeping/issues/military/> (last accessed December 18th, 2020).

¹⁸—Act to promote US foreign policy, security, and general welfare of the United States by assisting peoples of the world in their efforts toward economic development and internal and external security, and for other purposes, Current legislation and related executive orders, US House of Representatives, U.S. Senate, Volume I-A of Volumes I-A and I-B, July 2003, U.S. Government printing office Washington : 2003, p.18. <https://www.usaid.gov/sites/default/files/doc>

<uments/1868/faa.pdf> (last accessed December 18th, 2020).

¹⁹ US Executive Order 12163 of September 29th, 1979 "*Administration of foreign assistance and related functions*", as amended, National Archives, Federal Register, Executive Orders, <https://www.archives.gov/federal-register/codification/executive-order/12163.html> (last accessed December 18th, 2020).

²⁰ "*It is time to reverse these priorities and create an overarching strategy of violence reduction and conflict prevention. Such a strategy would begin with rebuilding our diplomatic corps and dedicating the full force of our global influence toward conflict resolution, de-escalation, and prevention. Today's most destructive humanitarian crises are political—think Yemen, Syria, South Sudan, the Democratic Republic of Congo—and can only be resolved through politics and diplomacy. A seasoned staff of devoted diplomats working to negotiate cessations of conflict under a mandate to restore global stability is the only known solution for ending today's major wars*", Madeline Rose, *Its time for the United States to Adopt a New Humanitarian Grand Strategy*, In *The Nation*, June 22nd, 2018, <https://www.thenation.com/article/archive/ti-me-united-states-adopt-new-humanitarian-grand-strategy/> (last accessed December 18th, 2020).

²¹ Maurits R. Jochems, (March 1st, 2006) *NATO's Growing Humanitarian Role*, online NATO Review, <https://www.nato.int/docu/review/articles/2006/03/01/nato-s-growing-humanitarian-role/index.html> (last accessed December 24th, 2020).

²² Op. Cit.

²³—EU Global Strategy for Foreign and Security Policy, p.20, http://eeas.europa.eu/archives/docs/top_stori

[es/pdf/eugs_review_web.pdf](#) (last accessed December 19th, 2020).

²⁴ Article 214-1 of Consolidated version of the Treaty on the functioning of the European Union, Part five – Chapter 3 of Part 5 “Humanitarian Aid” https://eur-lex.europa.eu/eli/treaty/tfeu/2016/art_214/oj (last accessed December 19th, 2020).

²⁵ Lord Jopling, (November 2006), Special Report, *NATO and Civil Protection*, NATO Parliamentary Assembly, Para 26 <https://www.nato-pa.int/node/11612> (last accessed December 24th, 2020).

²⁶ Guidelines on the Use of Military and Civil Defence Assets in Disaster Relief –

“Oslo Guidelines” – 1994, <https://www.unocha.org/publication/oslo-guidelines-use-foreign-military-and-civil-defence-assets-disaster-relief> (last accessed December 19th, 2020).

²⁷ ICJ Judgement of 27 July 1986, Case concerning military and paramilitary activities in and against Nicaragua (Nicaragua v. United States of America), ICJ Reports of Judgements, Advisory Opinions and Orders, Paragraph 243, <https://www.icj-cij.org/public/files/case-related/70/070-19860627-JUD-01-00-EN.pdf> (last accessed December 21st, 2020).

²⁸ See UNGA and SC Resolution A/55/305–S/2000/809 of August 21st, 2000

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