1. Introduction

Although today there is a new and urgent need to tackle many questions of international relief actions, humanitarian problems have existed at all periods of history. E. de Vattel commented on the natural international solidarity demonstrated by the relief sent from various countries following the destruction of Lisbon by earthquake in 1755. Humanitarian concerns expressed in law and institutions during the League of Nations period form the starting-point for many current organizations and activities of the United Nations system.

Based on a proposal to establish an international organization with a mandate to undertake and coordinate disaster relief operations, made within the Red Cross in 1921 and thereafter taken up by the League of Nations, an intergovernmental conference was held in Geneva in 1927. The result of the conference was the adoption of the Convention Establishing an International Relief Union, which entered into force in December 1932. The 1927 Convention is the only important multilateral instrument of public international law to be concerned exclusively with disaster relief, beyond the context of armed conflict. However, the International Relief Union (IRU) did not have notable success in regard to relief actions during its brief operational existence.

The task of this study is to examine the historical background, legal foundations, constitutional structure and functioning of the International Relief Union.
while assessing the extent of the commitments relating to disaster relief undertaken by contracting States at the time. The terms of the 1927 Convention will be analysed together with the aims and achievements of this instrument, taking into account the international political environment of the period as it related to humanitarian matters. Some reasons for the failure of the Convention and the IRU will be considered. The subject and its setting are historical, but it will be seen that a number of the legal and institutional issues involved are of contemporary interest and relevance.

Legal questions associated with international disaster relief operations appear to arise at various levels. The primary level is that of modalities of assistance: technical arrangements which may expedite relief. A second level relates to principles of humanitarian assistance applicable in the course of relief operations, such as the independence and humanitarian character of relief organizations, impartiality or non-discrimination in the distribution of relief, and responsibility to assist disaster victims and to contribute to relief operations. A further area of legal interest concerns the framework for relief law and action at both the national and international levels. One particular task in this area is to relate the scope for legal progress in regard to disaster relief to contemporary understanding of the purposes and aims of international law and international organization.

More detailed consideration of these matters does not fall within the terms of this paper. However, in view of the urgency of present humanitarian problems, it is clear that relief actions must above all be effective; and better implementation depends on better planning, organization and law. Faced with competing needs and priorities, we may gain useful insights from the historical perspective supplied by the case of the International Relief Union and the 1927 Convention on which it was based.

2. – Background

In 1921 an Italian senator and President of the Italian Red Cross, G. Ciraolo, proposed the establishment of an organization to ensure international solidarity and assistance for the victims of natural disasters. The plan was conceived in the earthquake-ruined city of Messina in 1908 and the initial intention was to provide for an organized defence 'against the sudden furies of nature'.

The proposal was presented to the Tenth International Conference of the Red Cross in 1921 in the form of a first report entitled 'Necessity for an International Organization for the Immediate Relief of Populations Afflicted by Sudden Catastrophy'. A resolution of the Conference proposed a recommendation to governments signatories of the 1864 Geneva Convention regarding the conclusion of a new convention recognizing the extended peacetime role of the Red Cross, and in particular providing for relief for the victims of natural disasters. By the following year a draft charter for international assistance in cases of disaster had been drawn up, comprising 16 articles. It is clear from the draft that the term 'disaster' was to be taken in a wide sense, including any serious disturbance of the