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Humanitarian activities carried out across borders in times of armed conflict in the light of state sovereignty and international humanitarian law / Keiichiro Okimoto

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Abstract:	<p>The purpose of this article is to clarify the extent to which a State may exercise its discretion to decide whether to allow humanitarian organizations to carry out humanitarian activities across borders in times of armed conflict in the light of the principle of State sovereignty and international humanitarian law. In particular, this article discusses the interplay between the principle of sovereignty and international humanitarian law and clarifies the extent to which the applicable rules of international humanitarian law limit the exercise of the sovereign right to control the entry of humanitarian organizations into a State's territory. The article concludes that, in times of armed conflict, the consent of the State is required in order to carry out humanitarian activities in the territory of the State, including in those parts that are controlled by the enemy State or an armed group, but that the State's discretion to withhold consent is limited by specific rules of international humanitarian law as well as by binding decisions of the Security Council.</p>
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