

## **Abstract (English)**

The thesis focuses on the issue of humanitarian assistance under international humanitarian law. The topic was chosen based on the personal interest of the author of the thesis and also based on the fact that it is a current and very discussed issue.

The thesis is concerned with the legal sources governing the concept of humanitarian assistance. It also focuses on the history of the concept paying special attention to its modern development and to the principles on which it is based. Individual chapter is dedicated to the issue of providers and beneficiaries of humanitarian assistance. Special attention is also given to the issue of consent with the facilitation of humanitarian assistance, whether it is necessary to seek such a consent and from whom. Significant part of the thesis focuses on the facilitation and distribution of humanitarian assistance and the obligations of the third states.

The first chapter of the thesis is dedicated to the introduction, definition of the term “humanitarian assistance”, aims and goals of the thesis, and also to the methods and sources.

The second chapter focuses in a great detail on legal sources relevant to the thesis. First, it pays attention to the treaty law. Thus, it describes the relevant provisions of the Geneva Convention IV, the Additional Protocol I, and the Additional Protocol II. It discusses also The Hague Conventions 1899 and 1907, and Rome Statute of the International Criminal Court. Secondly, it deals with the customary law paying special attention to the ICRC Customary Study on International Humanitarian Law.

The third chapter of the thesis briefly introduces the history and development of humanitarian assistance. It goes back to the ancient and medieval times and then focuses on the development in the 19<sup>th</sup> and 20<sup>th</sup> century. It highlights especially the consequences of Henry Dunant’s initiative and also the major changes caused by the adoption of the Geneva Convention IV.

The fourth chapter is interested in the conditions which it is necessary to fulfil in order for the relevant provision governing humanitarian assistance to be applicable on a particular case: a

situation of armed conflict, inability of the primary actor to provide the assistance by itself, and certain level of suffering of the civilian population.

The fifth chapter deals with the providers and beneficiaries of humanitarian assistance. It focuses on their identity and definition. Regarding the providers, it is interested also in the pros and cons of their involvement.

The sixth chapter focuses on the character of humanitarian assistance and also on the principles on which the concept is based. Thus, it discusses the relevance and the application of the principles of humanity, impartiality, and neutrality.

The seventh chapter examines the issue of consent. It poses the question when and from whom it should be sought, and when it is possible to deny it.

The eighth chapter focuses in a great detail on the issue of facilitation and distribution of humanitarian assistance: its material scope, the obligations of state and non-state actors, and the obligations of the third states.

The last chapter is dedicated to the conclusion.