

Sources, principles, and mechanisms of providing humanitarian aid in the light of international law

Abstract

Floods, earthquakes, hurricanes, tsunamis, infectious diseases, and conflicts, both international and non-international, are examples of natural disasters and man-made disasters. Providing humanitarian aid during natural disasters and man-made disasters is one of the issues that have received the attention of governments and countries. The main goal of humanitarian aid is to save human lives and reduce pain and suffering and respect human dignity. Providing humanitarian aid in line with several legal sources and requirements of human rights and humanitarian rights, such as the plan of the International Law Commission in 2016, the four Geneva Conventions of 1949, the first and second additional protocols of 1977 to the four Geneva conventions, and Security Council resolutions. be made In addition, these humanitarian aids must be carried out under certain conditions and principles, the absence of any of which will result in the aid not being recognized as humanitarian aid. The provision of humanitarian aid is done in two ways: direct and unmediated and indirect and mediated. It should be noted that the type of research is based on the purpose of the application, and in terms of the nature of the research, it is descriptive and analyzes data and findings.

Keywords: *natural disasters, humanitarian aid, armed conflicts, principles of aid delivery, aid delivery routes, four Geneva conventions, additional protocol.*

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Introduction

Accidents and natural events have always accompanied mankind since the beginning of life on this planet. Earthquakes, floods, storms, tsunamis, and droughts are examples of natural disasters that usually occur every year in the world, and despite the advancement of science and technology, thousands of people die every year due to these accidents. To be In addition to natural disasters, we also witness man-made disasters, the effects, and consequences of which not only affect the military but also civilians.

For example, the Middle East is one of the regions where we have witnessed the occurrence of natural disasters such as floods, earthquakes, storms, tsunamis, and infectious diseases, as well as man-made disasters such as regional conflicts in recent years. Two terrible earthquakes in Rudbar in 1990 and Bam in 2003, the Soviet war in Afghanistan and the American military attack on Afghanistan in 2001 and the attack on Iraq in 2003, as well as in the so-called Arab Spring developments in some countries of this region such as Syria, Bahrain, Tunisia, Egypt, Libya and finally the conflict of proxy wars between the central players of this region such as Iran and Saudi Arabia in Yemen and finally the endless conflicts in the occupied territories are all examples of natural and man-made disasters in the Middle East that have laid the ground for They have provided humanitarian aid in line with the principles and foundations of international law. The main goal of humanitarian aid is to save human lives and reduce pain and suffering and respect human dignity. The provision of humanitarian aid in line with natural and man-made disasters is based on principles and methods. In this connection, relying

on the principle and methods of informing, cooperation, participating, and relying on the principle and method of prevention are considered to be the most important principles and methods of humanitarian aid. In this connection, the obstacles, paths, and ways of providing humanitarian aid can be important. In this connection, there are two paths for humanitarian aid. The first path is based on direct and unmediated aid, which is done in line with the principle of satisfaction, relying on government capacities, non-governmental contributions, and direct voluntary aid from celebrities and benefactors, etc. The second path is based on indirect and intermediary aid, which is basically through mediation and intermediary roles, aid through coercive force and relying on the requirements of the Security Council, aid through the Red Cross Committee, and aid through Doctors Without Borders... takes place. However, the provision of humanitarian aid from these two routes should be based on humanitarian aid, non-discrimination, and impartiality of aid.

With all the research done by international law researchers about the provision of humanitarian aid, it seems that instead of research, the sources, principles, and mechanisms of providing humanitarian aid in the light of international law are based on consensus. The review is empty. Therefore, the current research is a response to the research need and gap. Considering the topic, the current research is organized in response to this main question: What are the principles of providing humanitarian aid and what purpose does it pursue? In addition to the main question, other questions are also raised, namely: What are the legal sources of providing

humanitarian aid? And what methods and mechanisms are there to provide humanitarian aid?

It should be noted that the type of research is based on the purpose of the application, and in terms of the nature of the research, it is descriptive and analyzes data and findings. The method of collecting data and information is observation and study, which has been done by referring to the library and archive of documents and documents, as well as searching in virtual and internet networks.

1) Theoretical approach to humanitarian aid and its principles:

Humanitarian aid refers to providing aid in the form of materials and supplies to people in need. Usually, these grants are short-term, to be replaced in the long term by the government and other institutions, and are often given to displaced persons, victims of natural disasters, and war and famine. The main goal of humanitarian aid is to save human lives and reduce pain and suffering and respect human dignity. Humanitarian aid is the provision of material or logistical aid for humanitarian purposes, usually in response to a humanitarian crisis such as natural disasters or man-made disasters. (Qorban Nia, 2013: 34)

One of the issues that are always discussed is the principles and regulations that must be followed during humanitarian aid. These principles are not the same from the point of view of different jurists. There are two categories of regulations and principles in this field. The first group, which has not yet been codified, is the principles that determine the conditions under which these aids can be provided. Basically, these aids are provided in situations where severe and prolonged suffering deprives people of their basic rights. The second group is related to principles that, although they must be followed, have not yet been fully formulated. These principles are related to the implementation of aid operations. In light and line with the principles of human rights, providing humanitarian aid should be done by countries, international organizations and institutions, and the International Committee of the Red Cross. (Karami, 1996: 125)

2) Typology of human disasters in the Middle East:

Providing humanitarian aid is the result of humanitarian disasters. In this connection, two types of human disasters can be identified. The first disasters are related to natural disasters such as floods, earthquakes, tsunamis, storms, lightning and landslides, and epidemics. The second disasters are specific to man-made disasters such as local, regional, and international conflicts. Unfortunately, in recent years we have witnessed natural and man-made disasters in the Middle East.

The occurrence of floods in most provinces of Iran in the spring of 2018 is a clear example of these natural disasters. Buin Zahra earthquake, Rudbar and Manjil earthquake, Bam earthquake, and recently the Kermanshah earthquake,

especially the Salas Babajani earthquake, earthquake in Izmir, Turkey, and Pakistan are examples of earthquakes in the Middle East, and epidemics such as the epidemic of the Covid-19 virus that affect the whole world has involved himself.

In connection with the occurrence of man-made disasters such as international conflicts, it should be said that, for example, the geographical and geopolitical fate of the Middle East is such that it has provided the possibility of international conflicts. In this connection, the first conflict is related to the interventionism of hegemonic powers in the political life of some countries in the region. The second crisis is related to the developments known as the Arab Spring, and the third crisis is related to the erosion of the crisis in some Middle Eastern countries under the threat of terrorist groups. Such crises have been the basis for providing humanitarian aid. (Jamshidi, 2013: 89)

3) Legal sources of providing humanitarian aid:

Considerations and cases of human rights, considerations and cases of humanitarian rights, the plan of the International Law Commission 2016, the four Geneva Conventions of 1949, the first and second additional protocols of 1977 to the four Geneva Conventions, the resolutions of the Security Council, the High Commissioner for Human Rights in the United Nations Union and international responsibility rights of governments are among the most important legal sources of humanitarian assistance to civilians.

Human rights considerations:

In order to establish humanitarian aid as a right, efforts have been made in legal societies, including citing human rights documents such as the Universal Declaration of Human Rights, covenants, and other international treaties and soft documents. In addition, regarding humanitarian aid, documents have been compiled in line with human rights considerations in this regard, which contains the above series of regulations. The resolutions adopted by the International Law Conference in 1980, 1982, and 1984, the model of disaster relief operations prepared by a group of United Nations experts in 1982, the principles related to the right to humanitarian assistance, which was issued in 1993 by the International Law Institute International was compiled, the set of regulations related to humanitarian aid during disasters, which was compiled in 1993 by the International Red Cross and Red Crescent Movement, and many documents published by the International Red Cross also contain these principles, and this reference is an effort It has been established since the beginning to compile and promote humanitarian regulations.

Humanitarian rights considerations:

One of the main obligations of governments in the field of humanitarian rules is the commitment to observe and guarantee the observance of international humanitarian law, which is

included in Article 1 of the four Geneva Conventions and Article 1 of the First Additional Protocol. The practice of governments considers this rule as a customary rule applicable in all international and non-international armed conflicts. According to this commitment, the governments undertake to respect the provisions of the conventions in all circumstances and to guarantee the observance of the provisions of these conventions.

The second additional protocol is another source of legal resources for providing humanitarian aid. The Second Protocol asserts that international human rights instruments provide basic protection for the human person. In other words, human rights are the basic principles to protect all people in any field, including victims of internal conflicts. In fact, the rules compiled in the second protocol have developed and completed the rules of Article 3. ((The Second Additional Protocol to 1949 Geneva Conventions 1977))

In the final statement of the International Conference on the Protection of War Victims in 1993, the governments emphasized their responsibility according to Article 1 of the Geneva Conventions regarding the observance and guarantee of the observance of international humanitarian law to protect the victims of war.

Governments have two types of obligations, positive and negative, in the light of their obligation to ensure compliance with international humanitarian regulations. In the framework of the positive obligation that exists in the discussion of the obligation to observe humanitarian rights, it is believed that all governments have the right to demand the observance of international humanitarian law from the states involved in any type of conflict because all governments in observance of these Laws that are universal and universal have legal benefits and as a result, they have the right to demand their observance. In this regard, governments have tried to use their influence to stop violations of international humanitarian law by using diplomatic protests or collective actions. According to the negative commitment, governments should not encourage and incite violations of international humanitarian law by parties involved in armed conflicts or help to commit these violations. (International Conference for the Protection of Victims of War 1993)

Plan of International Law Commission 2016:

The first proposal to start further research and investigation on the issue of coverage and management of crises caused by natural disasters in the United Nations in the form of a plan entitled "International support for people in difficult situations" was proposed in 2004 and was put on the agenda of a working group. Took finally, this issue was proposed to the International Law Commission in 2006, and work on it began in the same year under the title "Protection of People during natural disasters". In the same year, the Commission invited

the Secretary General of the United Nations to investigate the background. And to facilitate the examination of the existing legal rules of the documents related to the commitment of the governments to prevent the occurrence of natural disasters, provide relief assistance, and protect people. It was at this time that Mr. Eduard Valencia Ospina was introduced as a special rapporteur on this issue. The special rapporteur, by presenting his reports since 2008, helped the commission to draft a comprehensive plan to create a suitable legal framework applicable to aid issues. Helped in natural disasters. The final draft was prepared in 2014 and sent to the relevant governments and international organizations to express their opinions to the commission no later than January 2016. Finally, the draft text of an international treaty was approved by the commission at the 68th meeting in June 2016 and sent to the United Nations General Assembly.

Although the primary responsibility of providing aid and compensating for damages caused by conflicts and natural disasters is the responsibility of the relevant government from the perspective of international law, this does not mean that the international community and international organizations do not play an effective role in the required cases. In this connection, the International Law Commission, which was established as one of the sub-organs of the United Nations General Assembly to develop and gradually develop international law, although its work focuses on three issues, i.e. succession of governments in treaties, a succession of governments with regard to They started their membership in international organizations as well as succession in other areas except for treaties, but the plan of the International Law Commission 2016 is one of the sources related to humanitarian aid. (Amini Karbalai, 2015: 87)

Geneva Conventions 1949:

Before the creation of the Fourth Geneva Convention in 1949, civilians had very limited protections in the law of armed conflicts. At that time, they were only the subject of general immunity against attacks and had some rights in case of military occupation of their land. Therefore, increasing the amount of protection for civilians against the existing military requirements during a war, only in the form of a part of Humanitarian actions was carried out by the International Committee of the Red Cross. Following the ratification of the Fourth Geneva Convention on the Protection of Civilian Populations in Times of War, the level of protection granted to civilians increased widely. (Lasani, 2014, 349)

The original Geneva Convention for the Amelioration of the Conditions of War Wounded on the Battlefield was adopted in 1864, which is considered the beginning of today's international humanitarian law. Several treaties have been approved after the aforementioned convention, all of which include the following basic principle: war must take place within the framework of specific limits, which are necessary to

preserve the life and dignity of the human race. (Maur, 1995: 97)

The Fourth Convention contains a set of rules that are applied to all civilians without distinction based on their nationality, including enemy civilians, stateless persons, nationals of neutral states without diplomatic protection, and persons whose effective affiliation is not their nationality. , has made them dependent on the enemy. These rules necessarily include guarantees related to human behavior.

The first paragraph of Article 30 of the Fourth Geneva Convention stipulates that the protected persons will be given any facilities to support countries of the International Committee of the Red Cross, the national populations of the Red Cross, the country where they are present, and any other possible organization. Help them, consult them.

(The Fourth Geneva Convention 1949, Article 20)

The first and second supplementary protocols to the four Geneva Conventions:

Two additional protocols on the provision of humanitarian aid have been added to the four Geneva Conventions of 1949. According to these two additional protocols, the right of the civilian population in need to receive humanitarian aid has been recognized in Article 70 and Article 18, respectively. (Qurban Nia, 2013: 27)

The first protocol stipulates in Article 70 that when the civilian population is facing a lack of resources, relief measures must be carried out with the agreement of the relevant governments. Also, Article 54 of the First Additional Protocol prohibits the starvation of civilians as a method of warfare. Article 71 of this protocol obliges the parties to the conflict to cooperate with relief personnel and asks them to support these people.

In paragraph 1 of Article 18 of the Second Additional Protocol of 1977 to the Geneva Conventions of 1949, it is pointed out that governments have the primary responsibility for organizing relief measures (Sandoz, 1987, para. 4871) and it stipulates that if the civilian population in If the hardship is great, the relief measures must be done with the consent of the High Contracting Parties. According to Article 14 of this protocol, starvation of civilians is prohibited as a method of war, and therefore it is not acceptable to oppose without reason the conduct of relief operations or to obstruct the conduct of such operations that lead to starvation of civilians.

Efforts and resolutions of the Security Council:

The most important action and contribution of the Security Council in providing humanitarian aid is Article 40 of the United Nations Charter. Article 40 of the charter stipulates that to prevent the situation from getting worse, the Security Council can invite the interested parties to take temporary measures that the Security Council deems necessary before making a recommendation or deciding to take action according to Article 39. , Do. The aforementioned measures will not harm

the rights or claims or the position of the interested parties. In case of non-implementation of temporary measures, the Security Council will consider this failure as it should be. Sending humanitarian aid to reduce the deterioration of the victims' situation in emergencies by providing their vital needs such as water, food, medicine, and medical services, requesting a ceasefire to provide the possibility of reconciliation between the parties, and sending peacekeeping forces to monitor the ceasefire or Creating a favorable environment to facilitate the restoration of international peace and security is one of the actions that the Security Council takes when international peace and security are endangered. In the early years of the 90s, the horror caused by the terrible violations of human rights that arose as a result of conflicts and armed conflicts in countries such as Iraq and Somalia, caused the Security Council to respond innovatively in issuing resolutions to facilitate humanitarian assistance. To the victims Sending humanitarian aid as a factor to prevent the worsening of the situation and to calm the people in most cases, including in the crisis of Rwanda, Bosnia and Herzegovina, Haiti, Kosovo, East Timor, and even Darfur has been considered. (Rashidnejad, 2016: 78)

Supporting humanitarian law regulations, the existence of humanitarian considerations, and creating a suitable opportunity for compromise, the fear and sense of danger from the spread of crisis and civil wars to neighboring countries, led to the approval of Resolution 713 in 1991 in Bosnia and Herzegovina and Resolution 1199 in 1998 in Kosovo was established based on a ceasefire. (Rashidnejad, 2007: 79)

High Commissioner for Human Rights in the United Nations:

The High Commissioner for Human Rights in the United Nations is a part of the United Nations that works in the field of promotion and protection of human rights with the guarantee of international laws and its existence is also considered mandatory in the Universal Declaration of Human Rights. The most important humanitarian aid effort and contribution of the High Commissioner for Human Rights are related to the conference on September 14, 2014, which considers the situation of providing aid to the city of Sana'a and some areas of Yemen under the control of the Houthi militias. Also, the High Commissioner for Human Rights took into consideration humanitarian aid initiatives in the decision of June 2, 2020, to help victims of financial and life accidents in Yemen. (Dad Andish, 2012: 87)

International responsibility rights of governments:

The field of international responsibility of governments is considered one of the most important fields of international law. International responsibility can be seen as a guarantee of the implementation and support of the international law system. The rules of international responsibility, which are interpreted as secondary rules, specify what effects and

consequences the subjects of international law, both active and passive, will face in case of violations and violations of international obligations. The dominant approach of international law regarding international responsibility resulting from the violation of an international obligation or responsibility resulting from an internationally wrongful act is based on the concept of independent responsibility. (Hadadi, 2018: 2)

Based on the theory of responsibility for protection, which is based on strong moral foundations, the primary obligation to meet the needs of victims of emergencies caused by war or natural disasters is the responsibility of their respective governments. The duty to accept humanitarian aid is a definite consequence of the duty to protect. If the government in whose territory a humanitarian disaster occurred is unable to meet the needs of the victims, not only should it not arbitrarily refuse to receive aid and assistance from other governments under the pretext of violation of sovereignty, but it is also obliged to make any efforts to Don't harm the attraction of these aids and help governments, international organizations and non-governmental organizations in delivering humanitarian aid. (Rangjabrian, 2016: 257)

The principles of providing humanitarian aid in the light of natural disasters and man-made disasters:

For aid operations to maintain their humanitarian aspect and be subject to the protection of international humanitarian law, conditions such as humanitarian aid, non-discrimination of aid, and impartiality of aid and authority must be met. Observe that they will be discussed further.

Humanitarianism of helping:

The principle of philanthropy dictates that humanitarian aid should consist of goods and services necessary for people's lives, people who have been deprived of the necessities of life due to war. Therefore, the goal of assistance should be to alleviate human suffering and support human life, health, and dignity. This principle is violated when the purpose of assistance is direct or indirect support of one of the parties to the conflict. However, when the motivation is not primarily or exclusively humanitarian, but the relief is done correctly, this principle has not been violated. For example, if a government proposes and provides humanitarian aid through the distribution of agricultural products over its needs, even if its purpose is to regulate its domestic market, such aid is still considered humanitarian aid and is protected according to humanitarian law. Provided that these aids are distributed among needy civilians to reduce humanitarian disasters. (Benetton Heath, 2011, 43)

Non-discrimination of assistance:

The principle of non-discrimination means that aid should be provided in a non-discriminatory manner and should be tailored to the needs of the people. This principle implies that

no distinction should be made between the beneficiaries of aid due to their belonging to a group, except due to humanitarian needs. Therefore, it is necessary to provide aid that is appropriate to the needs of the people at a given time and place. Aid doesn't need to be non-discriminatory that the aid agency, whether it is a third government or an international organization, provides the same amount of aid to both sides of the conflict. Even the aid organization can refuse to send aid to one side of the conflict altogether and send all the aid to one side. Because the criterion of humanitarianism is the provision of aid, and when the people on one side of the conflict do not need foreign aid, it is not necessary to help them, or when the civilians on the other side of the conflict are in dire need of food and medicine. Aid for those people will not violate the principle of non-discrimination. This principle is violated when aid is distributed among the needy based on discrimination, or when discrimination is done between conflict parties with the same humanitarian status, and one side is not given aid, or less aid is sent. It is worth noting that sending the same aid to both sides of the conflict without considering the humanitarian conditions governing their civilian population will violate the principle of non-discrimination.

Impartiality of assistance:

Based on this condition, humanitarian assistance should be impartial. In the first step, this principle requires that a distinction be made between combatants and non-combatants because only civilians have the right to receive humanitarian aid. Delivering humanitarian aid to the military is considered to be biased towards one side of the conflict. Therefore, humanitarian organizations and their personnel must do their best to differentiate between the two. However, even when combatants mix themselves with the civilian population and benefit from relief aid, humanitarian assistance is still protected by humanitarian law. (Stoffels, 2004, p. 542)

Humanitarian organizations should prevent the parties to the conflict from directly or indirectly taking relief aid belonging to the civilian population for themselves, but if they are unable to prevent this or the parties to the conflict seize part of the aid, what is stated in the authority of these organizations remains still deserving of support. However, if a large amount of aid is diverted from its path and ends up being consumed by military forces, the other side of the conflict is still obliged to allow the free passage of aid shipments from its territory, even though these shipments are intended to provide relief to the people on the enemy's side should leave. During the war in Somalia in the 1990s, more than ninety percent of the aid was confiscated by the warlords for their interests. (Herman, 2015, p. 34)

The principle of neutrality also requires that humanitarian personnel and organizations should not engage in military

activities. This includes taking actions that are considered in support of one side of the conflict. Such as providing aid with the knowledge that these aids will be used by the military forces of one side of the conflict.

Commenting on the causes of war by humanitarian personnel and supporting the causes of one side of the conflict or using relief facilities to support the victory of one side of the conflict is a violation of the principle of neutrality. For example, during the war in Yugoslavia, the support of humanitarian organizations the Bosniaks suffered a massive genocide was considered as a support for Bosniaks and their political opinions. (Herman, 2015, p. 35)

Principle of authority:

The aid authority should do all its efforts to facilitate the implementation and granting of aid by the local authorities to help the victims and strengthen these authorities. The aid-granting authority should take the first step toward providing aid, reconstruction, and development. (Adams, 1999: 127)

In addition to the principles mentioned above, which must be observed by humanitarian organizations to reach the victims, the principle of consent of the involved parties is necessary. This principle must be understood correctly. Consent is not only the responsibility of the parties involved but is also the main one mentioned in the provisions of the Geneva Conventions, according to which the parties are obliged to allow the passage of aid shipments, equipment, and relief personnel to international organizations. According to Article 70 of the First Additional Protocol to the Geneva Conventions, "If the civilian population in the territory under the control of one of the parties to the conflict does not enjoy the cases mentioned in Article 69, the relief measures, which must be humanitarian, impartial and without any Discrimination will be applied to them. The granting of this aid should not be considered an intervention in an armed conflict or an unfriendly act. "Parties to the conflict must accelerate and facilitate the rapid passage of aid shipments and equipment and aid groups, even if this aid is for civilians located in enemy territory." The principle of free access to victims based on the consent of the involved parties is of particular importance. This principle is the only way to guarantee humanitarian actions and guarantee the safety of all those who are involved in these operations. (Adams, 1999: 128)

Different procedures have also been established in the field of how to provide aid, which is fully observed by the granting authorities, but despite the existence of such aid, the formulation of regulations prevents the politicization and criticism of such aid, and the human aspect of this type it consolidates and strengthens the aid even more. (Caslic, 1998: 57)

In any case, these principles and their definition are one of the most controversial topics of international law, and there is

no defined agreement regarding their application. Even if there is an official consensus in this regard, the necessity of developing defined principles and the procedure for their application to support the victims of conflicts, both domestic and international, is felt more than ever. A specific procedure should be established for the intervention of the military force and other countries and people who intend to provide voluntary support and assistance to such victims. Of course, principles can be deduced from the way prominent organizations that work in this regard, such as the International Committee of the Red Cross and the United Nations High Commissioner for Refugees, act according to those principles, but it must be done regularly in this regard. There is still a long way ahead regarding the formulation of such principles.

Routes and ways of providing humanitarian aid:

The provision of humanitarian aid is done in two ways: direct and unmediated and indirect and mediated.

Providing direct and unmediated aid:

The provision of humanitarian aid is based on direct satisfaction based on government capacities, direct aid based on the contributions of non-governmental organizations, and direct voluntary aid.

Provision of humanitarian aid based on satisfaction by relying on government capacities:

The affected government is committed to providing humanitarian aid during natural disasters and man-made disasters. The agent and the main agent of providing humanitarian aid are based on the consent of governments. The basis and model of governments' actions in providing humanitarian aid, human rights considerations, and the International Covenant on Humanitarian Rights of the Red Crescent in 2007, as well as the meeting of the 6th Committee of the General Assembly in 2007 and the second paragraph of Article 10 of the draft plan of the International Law Commission It is 2008. In addition, in line with the principle of consent, governments affected by natural and man-made disasters should be willing to accept aid from foreign governments and institutions. The basis for the acceptance of the affected government to send aid by governments and foreign bodies is the 1929 International Relief Union Convention and Article 13 of the draft plan of the International Law Commission, as well as paragraph 3 of the guiding principles attached to General Assembly Resolution 46/182. (Mousavi, 2012: 93)

Direct humanitarian aid based on the contributions of people and organizations:

In crises and natural disasters, sometimes the depth of the disaster is so vast that the government alone cannot take care of all matters in the shortest possible time, and in such situations, the presence of institutions from the heart of society is strongly felt. The term non-governmental organization, non-

governmental organization is used in different forms all over the world and according to the context in which it is used, it refers to various types of organizations. A non-governmental organization in its most general sense refers to an organization that is not directly considered a part of the government structure but plays a very important role as an intermediary between the individual people and the ruling powers and even the society itself. Non-governmental organizations, as helping organizations, by possessing components such as expertise, agility, and organization, can step along with the government in providing services to society in times of crisis. (Qassem, 2012: 57)

One of the main specialties of non-governmental organizations is providing humanitarian aid. For example, the World Food Program, which is one of the institutions and non-governmental organizations, with its extensive presence in critical areas caused by natural disasters and man-made disasters, has assisted those affected by disasters. In addition to food aid, the work of other non-governmental organizations and institutions is that these institutions can use their knowledge and technical expertise using long-term experiences in the field of logistics, preparing for crisis conditions, distributing coupons, and aid. Strengthen cash flow, vulnerable population mapping, and nutrition planning. In the crisis of Kosovo and the crisis of Yemen, as well as in the earthquakes of Bam and Kermanshah, we have witnessed the humanitarian aid of non-governmental organizations. (Qassimi, 2012: 58)

Direct voluntary humanitarian aid from celebrities and benefactors:

Celebrities tell scientific, artistic, and sports leaders and elites that they have a lot of influence on the mobilization and readiness of public opinion to do humanitarian affairs. Although the legal basis of the humanitarian actions of celebrities as well as benefactors is not found in the rules of international law and specifically international humanitarian law, the direction of the actions of celebrities and benefactors in providing ethical humanitarian aid to protect life, health, and Human dignity is enforced regardless of color, race, language, religion, and nationality. (Zamani, 2017: 3)

Provision of indirect and intermediary humanitarian aid to civilians:

Providing indirect and intermediary humanitarian aid through mediation and intermediary roles, providing aid through coercive power and relying on the requirements of the Security Council, providing aid through the Red Cross Committee, and aid through Doctors without Borders accept.

Providing assistance through mediation and intermediary roles:

The provision of humanitarian aid through mediation and intermediary roles becomes relevant when the diplomatic

relationship between the country receiving humanitarian aid and the donor country and providing humanitarian aid is tense. The basis and model of action for providing humanitarian aid through intermediary roles are the approvals of the United Nations General Assembly and the United Nations Social and Economic Council. In this connection, the United Nations General Assembly and the Social and Economic Council of the United Nations have emphasized that the civilian population can provide humanitarian assistance through intermediary roles in case of need and the event of tension in the diplomatic relations of the receiving and donor countries. (Bigzadeh, 2005: 12)

Assistance through coercive power and relying on the requirements of the Security Council:

Providing humanitarian aid through coercive force is the consequence of the action of a country that violates international laws. As a result, this country may be responsible under international law. It should be clear that in case of failure of other methods of implementation of assistance, including through diplomatic and non-military measures, the use of coercive power will always be a final solution. The use of coercive power and force authorized by the Security Council under Chapter VII may result in the obstruction of humanitarian assistance, while such obstruction may lead to violations of international law and hold the affected state responsible. To give the use of force in international law can be used in self-defense as well as by the Security Council under Chapter VII of the UN Charter. Considering a large number of member states in the United Nations, the provisions of Article 25 of the United Nations Charter require them to follow the decisions of the Council and the indirect prohibition of the use of force in Article 2 of the United Nations Charter outside of self-defense. The Security Council is the organ under current international law with the most tools to implement assistance through force. In addition, the use of force can also be considered an effective method in determining Article 41 of the draft Convention on the International Responsibility of States, according to which states have to cooperate in ending violations of international law. Article 20 of ARSIWA (International Responsibility of States for Wrongful Acts) provides that an act is prevented from being wrongful if valid consent is given by a State. Therefore, consent must be given following the correct authorization and authorization, but it may happen at any time before or even during the operation. (Koch Nejad, 2012: 37)

It is important to provide humanitarian aid according to the requirements of the Security Council. In this connection, the concerns of the United Nations Security Council regarding humanitarian assistance indicate the important role of this institution as a binding tool. Council in By placing this issue on the agenda, various cases have not only confirmed the

position of the customary law of the rules related to humanitarian assistance but have also created a direct link between the violation of these rules and international peace and security. In this regard, the council has condemned in various cases the obstruction in the provision of humanitarian aid and the attack on the relief forces and their employees. (Montag, 2015 p.125)

This expression of concern or condemnation has been manifested sometimes in the form of the declaration of the head of the council and sometimes in the form of issuing a resolution based on the sixth and even the seventh chapter of the Charter. In Resolution 1296 (April 19, 2000) as a comprehensive, comprehensive, and general resolution regarding the protection of civilians during armed conflicts, the Council stipulates that the deliberate obstruction of access to humanitarian aid can be considered a threat to international peace and security. (para. 8 SC Resolution 1296, 2000) and in various cases has emphasized his intention to act against such obstacles. (2009, para.4 SC Resolution 1894,) In some cases, the Council has asked the parties to the conflict to provide immediate, safe, and unhindered access to humanitarian relief operations. (para. 4 and 6 and 8 and 12 SC Resolution 2139, 2014,)

Another action of the council is to grant permission to the humanitarian agencies of the United Nations to provide humanitarian assistance directly. (2014, para.2 SC Resolution 2165,) Although in such cases the territorial government is included in the work process, but according to the binding effect of the Security Council resolutions, it seems that the need to obtain the consent of that government is excluded. The council even has the right to condemn the prevention of access to assistance and in such cases to threaten to impose punishment or even act to impose punishment. As he did in the case of the Congo. (2008, para.4 SC Resolution 1857,) in the case of Somalia, the council punished the institutions that hindered the delivery and distribution of humanitarian aid. (2008, para.8 SC Resolution 1844,)

The Council appears to indirectly open the door to the possible future use of force to assist but does not frame it as such. At this stage, a clear line in the council's work has not been determined. Even as a last resort, the council can authorize military action to enable humanitarian aid. As he did in the case of helping the Kurds of northern Iraq (1991, para.3 and 6 SC Resolution 668) and Bosnia and Herzegovina (1992, para.1 SC Resolution 781). Referring to the case of refusing to provide humanitarian assistance or opposing it or obstructing its implementation to international judicial institutions, including special judicial authorities formed by the Council itself or the International Criminal Court, among other possible actions that can be taken it is a means of a council. In resolution 2258 (2015) regarding Syria, the Council called on the parties

to the conflict to respect human rights and international human rights and declared that the violations in Syria can be considered war crimes and crimes against humanity, and requested the Syrian authorities to The request of the United Nations and its related institutions to cross the borders of Syria to give a positive response and asked the Secretary General of the United Nations to report on the situation of assistance in this country and on the previous resolutions issued by this council regarding assistance to civilians. Emphasized (2015 SC Resolution 2258,)

In the case of Yemen, the Council also expressed great concern in a press statement about the obstacles in helping the civilian population of this country. (Securing Council Press Statement on Situation in Yemen February 18, 2016)

Providing humanitarian aid through international judicial authorities:

Although there is no provision in the statutes of the International Criminal Court and the former Yugoslavia, as well as the International Criminal Court of Rwanda, regarding humanitarian assistance, the classification of crimes covered by these courts is such that it is possible to prosecute and punish such violations. Also provides attacking humanitarian personnel and implementing a starvation policy as a method of warfare can easily be included among the crimes punishable by the statutes of these courts. (ICTY Statute, 1993 Art. 3 to 4)

With the creation of the International Criminal Court and the start of its work in 2002, the statute of this court explicitly includes actions that are closely related to humanitarian assistance. These actions are mentioned as punishable crimes in the form of three crimes: war crimes, crimes against humanity, and genocide.

Provision of humanitarian aid from other governments and international organizations:

Common Article 1 of the Geneva Conventions stipulates that: The High Contracting Governments are obliged to observe and guarantee the observance of this Convention in all circumstances. Similar to this provision, Article 1 of the First Additional Protocol also states. This article has been interpreted as imposing a duty on States beyond their duty to implement the Convention itself. The aforementioned provision raises the issue today that all member states of the Geneva Conventions and the First Additional Protocol have both the right and the duty to react to violations of the conventions. (Shafi'i, 2012: 67)

Therefore, it can be said that if we consider the rules contained in the minimum Geneva Conventions and to a large extent the First Additional Protocol as customary rules and in some cases humanitarian or humanitarian aid, of course, humanitarian aid is also part of these rules, all the member states Due to the connection of interests with other governments, they are committed to the implementation of

these rules, and the implementation of these rules is not exclusive to the countries involved in the conflict. (Kuijt, 2015, p. 76)

Therefore, not only the government that is directly affected by the violation of the convention but all the governments that are bound by the convention and the first protocol can or maybe are obliged to take the necessary measures. According to Article 1, a government cannot encourage the violation of human rights by another institution or assist it in such an action. **A connection can be made between Article 1 of the Geneva Conventions and Article 1 of the Protocol on the one hand and Article 7 of the aforementioned Protocol. Article 7 of the First Additional Protocol stipulates:**

The Trustee of this Protocol will convene a meeting consisting of the High Contracting Parties at the request of one or more High Contracting Parties and with the agreement of the majority of them to examine the problems related to the implementation of the present Conventions and Protocol.

The hope that the common article can provide a way to implement the conventions and the first protocol for the member states has not been realized so far. Governments are rarely interested in investing their time and money and jeopardizing their relations with a conflict party to condemn violations of conventions and the First Protocol, including in the area of humanitarian assistance. However, sometimes holding a meeting with the presence of the contracting states to discuss a situation where it seems that the obligations contained in a particular convention have been violated can be helpful. Acting within the framework of international organizations that have many members, such as the United Nations, seems to be another possible action. The many efforts of the UN Secretary General's special representative for Syrian affairs to obtain the consent of the Syrian government to carry out humanitarian aid can perhaps be evaluated in line with the implementation of Article 1. The recent practice of governments indicates an increase in their tendency to guarantee the implementation of humanitarian rights by other governments. (Lasani, 2015: 448)

Providing humanitarian assistance through the efforts of the truth-seeking commission:

Article 90 of the 1st Additional Protocol establishes a fact-finding commission that operates based on the consent of the belligerents and has a unique function. This commission only has the authority to investigate and deal with gross and serious violations of the Geneva Conventions and the First Protocol, and in cases where the violation is not serious, it will be possible to investigate the commission only if the other party to the conflict agrees. (Lasani, 2015:448)

Since disrupting the delivery of humanitarian aid to civilians is not considered one of the gross violations of the Fourth Geneva Convention. It seems that doing this is a gross violation

of the Fourth Convention when it can be classified as intentional inhumane treatment. Considering that starving civilians as a method of warfare is prohibited in Article 54 of the First Additional Protocol, and doing so is considered a war crime according to the Rome Statute of the International Criminal Court, causing intentional disruption of humanitarian aid. Can be considered a gross violation of the first protocol and the investigation of it is within the jurisdiction of the said commission.

Using the sponsoring power:

The supporting power, which is one of the inventions of the Geneva Conventions of 1949, is generally referred to as the government or an international organization that does not play a role in the conflict between the parties and is determined by each party to the conflict, and it must protect the interests of each party to the conflict with the other party. Article 9 of the Fourth Convention defines and legislates the protector's power and at the end asks him to take into account the considerations related to the security needs of the country that operates within its borders by its representatives. Control of aid to prisoners of war and civilian detainees, Monitoring the treatment of prisoners of war, and monitoring judicial proceedings related to civilians are among other duties of the protecting power. In general, the task of protecting power can be summarized in monitoring the implementation of the rules of the law of armed conflict by each side of the conflict. This duty can be easily understood from the content of the provisions of the first additional protocol. (Mirzajani, 2013, 106)

Invoking the Protecting Power, which is a specific mechanism devised by international humanitarian law, can in theory be used as an effective tool to ensure humanitarian assistance since the mission of the Protecting Power is to cooperate with the parties to the conflict in implementing and monitoring the implementation. Humanitarian law is international. This institution provides an opportunity to identify and develop humanitarian needs and ensure that humanitarian aid reaches its intended destination and controls actions authorized by governments. In fact, the sponsoring power plays a mediating role between the conflict parties and humanitarian organizations and people. Cooperation in ensuring the passage of health and distribution of humanitarian aid and obtaining international cooperation are among the tasks that can be done by the sponsoring power.

In short, the existence of neutral third parties, such as the protecting power, which helps the parties to the conflict in the implementation of international humanitarian law, has access to local authorities and victims, helps humanitarian efforts, and ensures the observance of humanitarian rights by Parties to the conflict monitor can be effective in implementing the most effective humanitarian assistance during armed conflicts.

Unfortunately, this mechanism has been used very little and the cases of determining the supporter's power during conflicts have been very few. In fact, the functions of the protecting power are performed by the International Committee of the Red Cross in most cases. In this role, the said committee plays the role of mediator between the conflicting parties and tries to ensure the protection of civilians and supervises the passage and distribution of humanitarian aid, and directly provides humanitarian aid. It should be noted that the mechanism of protecting power in non-international armed conflicts is ineffective, and for this reason, the rights of victims of human rights violations during non-international conflicts are ignored. The International Committee of the Red Cross is trying to improve the role of the supporting power not only in international armed conflicts but also in non-international armed conflicts. (Herman, 2015, p. 28)

Conclusion:

Conclusion and presentation of solutions:

In this research, the sources, principles, and mechanisms of providing humanitarian aid in the light of international law have been examined with emphasis on natural disasters and man-made disasters. Considerations and cases of human rights, considerations and cases of humanitarian rights, the plan of the International Law Commission 2016, the four Geneva Conventions of 1949, the first and second additional protocols of 1977 to the four Geneva Conventions, the resolutions of the Security Council, the High Commissioner for Human Rights in the United Nations United and international responsibility laws of governments have been identified as the most important legal sources of humanitarian aid in this research. It was also stated in this research that the principles that should be observed when granting humanitarian aid should be based on the principle of humanitarianism, the principle of non-discrimination, the principle of neutrality, the principle of independence, and authority.

Due to the increase in the number of natural and man-made disasters, intervention to provide humanitarian aid is felt more than ever, and the expectation of intervention by foreign countries and humanitarian organizations to support and alleviate the suffering of the victims of such wars is increasing. But the legal principles that such interventions should be based on are still in the shadow of ambiguity. Most of the aid and humanitarian measures for the victims of natural disasters and man-made disasters have been carried out by countries, international organizations (within the framework of the regulations contained in their founding documents), and the International Committee of the Red Cross. Providing such assistance is considered the right of the people of these countries. This right means that people who need humanitarian aid in defined and specific conditions can ask for help and use the facilities provided by competent national and international

organizations in this field. The above organizations should also be able to access people in need of help within the framework of the defined regulations. This right should be given to those who want to use it and their fundamental rights are not respected in all crises, regardless of the cause of the crisis, i.e. natural, technological, or human causes. This right must be exercised without discrimination. What is certain is that it is not enough to grant this right, but its implementation regulations must also be determined. The procedure and activity records of many humanitarian organizations can be considered as the basis of such compilation. However, regarding whether it is a right or a duty to carry out humanitarian operations, a distinction should be made between giving this aid in times of war and times of peace. In a time of peace, there is no obligation to grant such aid by countries unless bilateral agreements have been concluded in this regard between countries. Some people say that this obligation is due to the unity of international interests and the protection of human rights, but there is no way to prove this moral obligation in a legal form. At the time of armed conflicts, the four Geneva Conventions do not stipulate an obligation for countries in the field of these aids, but in Article 70 of the First Protocol and Article 18 of the Second Protocol, it is stipulated that in certain circumstances, security operations (must) be carried out. Such words impose a duty on the members of the protocol to take these actions or participate in them.

Lastly, since the provision of humanitarian aid in line with human rights considerations in natural and man-made disasters is necessary and necessary, the following solutions and suggestions are suggested for the optimal provision of aid in natural and man-made disasters:

- 1- Making governments and people familiar with the dangers of natural disasters such as earthquakes, floods, hurricanes, tsunamis, and man-made disasters such as international and non-international conflicts.
- 2- Provision of conditions and facilities to prevent natural disasters and man-made disasters.
- 3- Trying to institutionalize considerations of providing humanitarian aid in the light of human rights considerations,
- 4- Trying to provide assistance through organizations, international organizations, and non-governmental organizations.
- 5- Trying to convince governments to comply with the international responsibility of governments in providing humanitarian aid,
- 6- Trying to help governments and international organizations in line with the principles of humanitarianism, impartiality, and non-discrimination in assisting.
- 7- Efforts to build trust in the provision of humanitarian aid and the readiness of governments to be effective in providing humanitarian aid.

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