

Revisiting the Content of United Nations General Assembly Resolutions in Shaping and Expanding the International Legal Content of Humanitarian Assistance

İnsani Yardımın Uluslararası Hukukî İçeriğinin Şekillendirilmesi ve Genişletilmesinde Birleşmiş Milletler Genel Kurulu Kararlarının İçeriğinin Yeniden İncelenmesi

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Abstract

Providing timely and adequate humanitarian access to those affected by natural disasters and conflicts remains a key subject of the United Nations (UN) Summits. This article examines the role of UN General Assembly (UNGA) resolutions in the formation and advancement of the international legal framework for humanitarian assistance. To examine this role, this article first examines the main international legal provisions developed within the framework of International Humanitarian Law and International Human Rights Law, and how they apply to situations requiring humanitarian assistance. The article then provides a comprehensive analysis of UNGA resolutions titled “Strengthening the coordination of emergency humanitarian assistance of the UN.” This analysis coverage began with the first adopted resolution in 1991 and continued through the most recent resolution adopted in 2022. This article notes how the UNGA identifies the key principles of humanitarian assistance, which are impartiality, neutrality, independence, and humanity that are considered to have a key role in addressing the issues related to humanitarian assistance from the UNGA’s perspective. The analysis reveals the relevant international legal rules applicable to the delivery of humanitarian assistance and demonstrates the critical role of the UNGA in defining the legal grounds for humanitarian assistance. UNGA resolutions cover multiple responsibilities and obligations of states and the international community relevant to humanitarian assistance. The article concludes that UNGA resolutions have played a crucial and significant role in defining, clarifying, and expanding the international legal context for humanitarian assistance.

Keywords

Humanitarian assistance, International humanitarian law, International human rights law, UN General Assembly, State responsibility

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Introduction

Humanitarian assistance has become a central concern in the international community, especially after the recent outbreak of conflicts and disasters across the world. Many humanitarian organizations, including the International Committee of the Red Cross (ICRC), the UN High Commissioner for Refugees (UNHCR), and UNICEF, actively address issues related to humanitarian assistance and support humanitarian aid programs aimed at helping civilians affected by conflict. Humanitarian assistance plays a vital role in reducing the impact of crises on communities, aiding in recovery, and providing life-saving support to individuals affected not only by conflicts but also by disasters and poverty. Failure to provide humanitarian assistance to those in need can result in food shortages and loss of life. The proliferation of international and non-international armed conflicts, natural disasters, and unforeseen incidents reveals the importance of the legal framework governing humanitarian assistance. When faced with dire humanitarian situations globally, one of the primary questions that arises is: (i) what are the responsibilities and rights of international actors in providing humanitarian assistance? and (ii) what legal rules regarding humanitarian assistance are applicable in humanitarian crises? Clarifying legal frameworks on humanitarian assistance is crucial for understanding the applicable law and the responsibilities of States and the international community at large.

Various international organizations and legal conventions can provide sources of international law concerning humanitarian assistance.¹ The UN General Assembly (UNGA), is a critical actor, consistently passing resolutions on key aspects of humanitarian assistance since 1991. Scholars have observed the UNGA's significant role in defining UN approaches to humanitarian assistance and the roles of new relief and coordination agencies within the UN system.² Despite its impact, the UNGA's role has not been thoroughly examined in the context of ongoing crises and conflicts. Few academic works have focused on issues such as the UNGA's capacity to legally determine a "state of necessity" and whether this allows for humanitarian assistance without state approval.³ This article contends that the UNGA's critical role requires a more detailed examination, especially given the UN's continuous expansion into new dimensions of the legal rules of humanitarian assistance. An illustrative example is the establishment of a Joint Coordination Centre (JCC) through the initiative of Türkiye and the UN. This JCC governs the Black Sea Grain Initiative, which creates a humanitarian maritime corridor to Ukraine, facilitating the shipping of food

1 Rebecca Barber, 'Facilitating Humanitarian Assistance in International Humanitarian and Human Rights Law' (2009) 91 *International Review of the Red Cross* 371.

2 Andrej Zwitter, *International Law and Humanitarian Assistance: A Crosscut Through Legal Issues Pertaining to Humanitarianism* (Hans-Joachim Heintze and Andrej Zwitter eds, Springer 2011) 51.

3 Rebecca J. Barber, 'Does International Law Permit the Provision of Humanitarian Assistance without Host State Consent? Territorial Integrity, Necessity and the Determinative Function of the General Assembly' in Terry D. Gill, Robin Geiß, Heike Krieger and Rebecca Mignot-Mahdavi (eds), *Yearbook of International Humanitarian Law* (T.M.C. Asser Press, 2022) 85.

products, such as grain.⁴ The agreement, involving Ukraine, Russia, Türkiye, and the UN, provides a new legal context for linking humanitarian assistance to global food security, highlighting new avenues for UN bodies to collaborate with states.

The article investigates the UNGA's role in shaping the international legal context of humanitarian assistance, focusing on key principles and the legal grounds that determine the process of providing such aid. The analysis is structured as follows. First, this article examines the definition and content of humanitarian assistance. This examination characterizes humanitarian assistance as a contemporary concept and ascertains its current understanding. Thus, this article clarifies the meaning of humanitarian assistance in this context. Following this, the article explores pertinent international legal rules on humanitarian assistance. By elucidating these rules, the roles of duty-bearers and right-holders in international law become clearer. The analysis will uncover potential gaps and overlaps in the international legal framework governing humanitarian assistance. The applicable international legal rules may stem from various international regimes based on specific situations necessitating assistance. Therefore, the article focuses on two major regimes, International Humanitarian Law (IHL) and International Human Rights Law (IHRL), and discusses how the provisions of these regimes contribute to the legal framework surrounding humanitarian assistance.

Finally, the article outlines findings from UNGA Resolutions relating to providing humanitarian assistance. The UNGA, as the main organ of the UN, has issued numerous resolutions regarding humanitarian assistance. Including an outline of these resolutions proves valuable for analyzing and evaluating existing law, contributing to the development of a comprehensive legal structure for humanitarian assistance. Notably, UN bodies often employ a practice of repeating key language from previous decisions to highlight their importance. This practice enables the article to fully outline the normative progress evident in UNGA Resolutions concerning the legal dimensions of humanitarian assistance. This practice allows for analyzing the major themes of humanitarian assistance in the UNGA throughout section III, while section IV will further expand upon these major themes to delineate specific categories in the provision of humanitarian assistance. Therefore, this article reveals the broader conceptualization of humanitarian assistance and specific areas where the focus of humanitarian assistance should be evident.

I. The Content and the Principles of Humanitarian Assistance

A. The Content of Humanitarian Assistance

Humanitarian assistance is a crucial concept designed to save lives, alleviate suffering, and uphold human dignity during conflict, disturbance, and disasters caused,

4 United Nations, 'Joint Coordination Centre for the Black Sea Grain Initiative' (2022). <<https://www.un.org/en/black-sea-grain-initiative/background>> accessed 11 February 2023.

by the aftermath of such events. It also aims to prevent and enhance preparations for future crises. Even if there is no universally accepted definition of humanitarian assistance, it has a common goal, “to help others to overcome difficulties that arise suddenly and to supply of material goods to meet vital necessities, such as food, clothing, shelter.”⁶ The outbreak of war, conflict, disease, and natural disasters globally are the principal causes of humanitarian crises, necessitating immediate and direct assistance policies. Humanitarian assistance, in the broader sense, seeks to address the urgent human rights needs of individuals requiring protection and aid. Failing to organize and distribute humanitarian assistance based on protective and humanitarian goals poses significant risks to civilian security and livelihood, undermining the true humanitarian nature of aid.⁷ For humanitarian assistance to be considered “humanitarian,” it must include specific elements, as highlighted by the International Court of Justice (ICJ) in *Nicaragua v. United States of America case*, where the ICJ emphasizes that humanitarian assistance, delivered through a non-discriminatory and impartial approach, is not “an intervention in the internal affairs” of an affected state.⁸ This decision echoed on various occasions, helps define key humanitarian principles such as humanity, neutrality, and impartiality.

The ICJ also asserts that the intentions behind providing aid should strictly align with humanitarian purposes.⁹ However, determining whether an action is humanitarian goes beyond what is granted; it involves how the assistance is provided.¹⁰ In this respect, humanitarian assistance should comply with certain distribution principles. The ICRC Movement codified in 1965 seven Fundamental Principles, which form the basis of its organization. They are the principles of “humanity, impartiality, neutrality, independence, voluntary service, unity, and universality,” were derived from the foundation of the ICRC’s organization.¹¹ UN resolutions issued by both UNGA and UNSC (United Nations Security Council) humanitarian assistance.¹² refer

5 For detailed information see Development Initiatives, Global Humanitarian Assistance Report (2022) <<https://devinit.org/resources/global-humanitarian-assistance-report-2022/>> accessed 19.09.2022.

6 Boško Jakovljević, ‘The Right to Humanitarian Assistance: Legal Aspects’ (1987) 27 *International Review of the Red Cross* (1961-1997) 469, 470.

7 UNHCR Global Protection Cluster Working Group, ‘Handbook for the Protection of Internally Displaced Persons’ (2010) 376 <<https://www.unhcr.org/protection/idsps/50f94dce9/handbook-protection-internally-displaced-persons-global-protection-cluster.html>> accessed 25.12.2022.

8 *Case Concerning Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)* (Merits) [1986] ICJ Reports 14, paras. 242-243.

9 *Ibid.* para 243.

10 Emilie Ellen Kuijij, ‘Humanitarian Assistance and State Sovereignty in International Law: Towards a Comprehensive Framework’ (2005) Leiden University Doctoral Thesis 38 <<http://hdl.handle.net/1887/36434>> accessed 25.09.2023.

11 Statutes and Rules of Procedure of the International Red Cross and Red Crescent Movement (adopted in 1986, amended in 1995 and 2006) (hereinafter ICRC Statute) Preamble. The Fundamental Principles of the Movement were proclaimed in Vienna in 1965. See also Article 2(a) of the ICRC Statute which states “*The role of the International Committee, in accordance with its Statutes, is in particular: a) to maintain and disseminate the Fundamental Principles of the Movement, namely humanity, impartiality, neutrality, independence, voluntary service, unity and universality*”.

12 For General Assembly Resolutions see UNGA Res 46/182 (19 December 1991) UN Doc A/RES/46/182; UNGA Res 59/141 (25 February 2005) UN Doc A/RES/59/141; UNGA Res 60/124 (8 March 2006) UN Doc A/RES/60/124; UNGA Res 63/139 (5 March 2009) UN Doc A/RES/63/139. For Security Council Resolutions see UNSC Res 1296 (19 April 2000) UN Doc S/RES/1296; UNSC Res 1674 (28 April 2006) UN Doc S/RES/1674; UNSC Res 1738 (23 December 2006) UN Doc S/RES/1738.

to the principles of humanity, impartiality, neutrality, and independence repeatedly. IHL also refers to humanity and impartiality as core imperatives for humanitarian organizations. Throughout the Geneva Conventions and the Additional Protocols, the terms “humanitarian,” “impartial,” and “without adverse distinction”¹³ emerge, emphasizing the importance of these principles. While each source has its own legal and operational dimensions, the principles of impartiality, humanity, neutrality, and independence are universally recognized as core pillars guiding the legal and practical aspects of humanitarian assistance. Therefore, it is essential to thoroughly examine these four principles.

B. The Principles of Humanitarian Assistance

The principle of humanity has long been a fundamental aspect of international law, especially in IHL. Article 1 of Protocol Additional to the Geneva Conventions of August 12, 1949 (Protocol I),¹⁴ states that “the principles of international law derived from established custom, from the principles of humanity” According to the ICJ, humanity comprises “the prevention and alleviation of human suffering” and “the protection of life and health of people.”¹⁵ Ensuring respectful conditions for humans constitutes the real basis of humanity. Therefore, human suffering must be addressed imminently with particular attention to the most vulnerable. While describing relief operations, Article 63 of Convention (IV) Relative to the Protection of Civilian Persons in Time of War Geneva, 12 August 1949 (Fourth Geneva Convention)¹⁶ notes that the purpose of humanitarian activities is ensuring the maintenance of necessary public utility services, and thereby to provide better living conditions to those in need. Although mostly enshrined within the structure of IHL, the principle of humanity serves people to live in human dignity within the context of IHRL.¹⁷ Humanitarian assistance developed based on the idea of humanity, which contributes to establishing peaceful and constructive relief operations and reaffirming the dignity of people in dire situations. As the ICRC rightly notes, the principle of humanity is a driving force behind the relief operations of humanitarian organizations.¹⁸

13 International Humanitarian Law Database, ‘Customary IHL Rules’ <https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul> accessed 15.07.2023.

14 Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (adopted on 8 June 1977) 1125 UNTS 609 (hereinafter Protocol I).

15 *Nicaragua v. United States of America* (n 8) para 243. This view is also supported by the academic circles. For instance, see also Vincent Chetail, ‘The Contribution of the International Court of Justice to international Humanitarian Law’, (2003) 85 *International Review of the Red Cross* 235, 243.

16 Geneva Convention Relative to the Protection of Civilian Persons in Time of War (adopted on 12 August 1949) 75 UNTS 287 (hereinafter Fourth Geneva Convention).

17 UNGA Res 217 A (III) (10 December 1948) UN Doc A/RES/217(III), Universal Declaration of Human Rights (hereinafter UDHR) Article 1; International Covenant on Economic, Social and Cultural Rights (adopted on 16 December 1966) 993 UNTS 3 (hereinafter ICESCR) Preamble; International Covenant on Civil and Political Rights (adopted on 16 December 1966) 999 UNTS 171 (hereinafter ICCPR) Preamble.

18 The International Committee of the Red Cross, ‘ICRC: Its mission and work’ (2020) <https://www.icrc.org/en/doc/assets/files/other/icrc_002_0963.pdf> accessed 25.09.2023, 10.

The principle of neutrality forms another basis for humanitarian assistance. It mandates equal treatment for individuals regardless of their political, religious, or racial background, ensuring that aid does not favor any side in a conflict. Neutrality goes beyond mere non-participation in hostilities; it includes the duty not to take sides and refrain from actions that may be perceived as favoritism.¹⁹ Neutrality can be understood as a duty to refrain from acts that may be understood as favoring one side of the conflict and endangering those on the other side. According to the ICRC's definition of neutrality, the requirement of abstention goes beyond the context of hostilities; it extends not to "*engage at any time in controversies of a political, racial, religious, or ideological nature.*"²⁰ Neutral humanitarian assistance must be based on non-interference should not lead to any hostile actor discrimination, and should relieve the suffering of individuals and remain exclusively humanitarian.²¹

Debates arise regarding whether assistance unilaterally imposed by the armed forces can be considered neutral.²² Existing literature suggests that armed forces accompany assistance and lose their neutral character. However, assisting despite an arbitrary refusal by a State or party to a conflict does not constitute interference. The use of armed escorts to protect relief supplies, under persistent arbitrary refusal, does not compromise the neutral nature of assistance.²³ This brings us back to the element of assistance being exclusively humanitarian. The aim here is not to favor one side over the other but rather to grant assistance to persons who have urgent needs. Neutrality is closely related to impartiality and draws its legal basis from Protocol I and Protocol Additional to the Geneva Conventions of August 12, 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)²⁴. For instance, Article 70 (1) of Protocol I refers to "relief actions which are humanitarian and impartial in character and conducted without any adverse distinction;" similarly, Article 18(2) of Protocol II focuses on "relief actions for the civilian population which are of an exclusively humanitarian and impartial nature and which are conducted without any adverse distinction." Unlike impartiality, neutrality is not explicitly covered by the Geneva Conventions. Nonetheless, impartiality and neutrality are closely related to each other in many texts on humanitarian assistance, such as the UN Refugee Agency Emergency Handbook's Humanitarian Principles Section,²⁵ and

19 Denise Plattner, 'ICRC neutrality and neutrality in humanitarian assistance' (1996) 36 *International Review of the Red Cross* (1961-1997) 161, 164.

20 ICRC Statute (n 11) Preamble.

21 Denise Plattner (n 19) 176-177.

22 *ibid* 175.

23 For a detailed discussion see Katja Luopajarvi, 'Is there an Obligation on States to Accept International Humanitarian Assistance to Internally Displaced Persons under International Law?' (2003) 15 *International Journal of Refugee Law* 678, 690. Also see Denise Plattner (n 19) 164.

24 Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (adopted on 8 June 1977) 1125 UNTS 609 (hereinafter Protocol II).

25 UNHCR, 'Emergency Handbook' <<https://emergency.unhcr.org/entry/44765/humanitarian-principles>> accessed 28.11.2022.

the UN Development Programme's Report on "Links between Natural Disasters, Humanitarian Assistance and Disaster Risk Reduction."²⁶

Impartiality in humanitarian assistance is grounded in the principle of not discriminating based on political views, religion, nationality, class, or race.²⁷ It emphasizes delivering aid based on people's needs, as outlined in Protocols I and II.²⁸ However, providing humanitarian assistance without discrimination does not necessarily suggest that factors such as age or sex are not critical for deciding who is granted immediate aid.²⁹ Women, children, and older adults may be prioritized, depending on the extent of their urgency. The impartiality principle entails two explicit rules of conduct. First, it must be non-discriminatory, and second, relief must be proportionate.³⁰ According to Pictet "*the notion of proportionality entails that relief is to be accorded in proportion to the degree of suffering and the degree of urgency.*"³¹ Therefore, the preferential treatment foreseen in relief operations is not discriminatory as it is justified by the need to assist civilians such as pregnant women, wounded, sick, and children. Therefore, proportionality and non-discrimination are complementary aspects of the impartiality principle.

The principle of independence is crucial for upholding neutrality and impartiality. Independence refers to freedom from the influence of States or other actors in humanitarian matters, allowing relief operations to deliver aid without political or ideological pressures. Requesting from governments or conflicting parties to provide aid only to their supported group violates the principle of independence. In this sense, independence is directly related to non-discrimination. Compared with impartiality, neutrality, and humanity, the principle of independence has been addressed relatively recently in instruments regarding humanitarian assistance. The 1991 UN Guiding Principles on Humanitarian Assistance³² do not mention independence. The principle of independence first appeared in the UNGA Resolution on "Strengthening the Coordination of Humanitarian Emergency Assistance" in 2004.³³ The UNGA recognized that "independence, meaning the autonomy of humanitarian objectives from the political, economic, military or other objectives that any actor may hold with regard to areas where humanitarian action

26 Seck Papa, 'Links between Natural Disasters, Humanitarian Assistance and Disaster Risk Reduction: A Critical Perspective' (2008), UNDP Human Development Report Office Occasional Paper <<https://hdr.undp.org/content/links-between-natural-disasters-humanitarian-assistance-and-disaster-risk-reduction>> accessed 28.11.2022.

27 The International Committee of the Red Cross, 'ICRC: Its mission and work' (n 18) 10.

28 Relevant articles of Protocol I and Protocol II state that humanitarian assistance shall be "conducted without any adverse distinction".

29 The International Committee of the Red Cross, 'ICRC: Its mission and work' (n 18) 10.

30 Jean Pictet, 'The Fundamental Principles of the Red Cross: Commentary' (1979) 210 *International Review* 130, 136 <<https://international-review.icrc.org/sites/default/files/S0020860400019872a.pdf>> accessed 12.12.2022.; also see Marion Harroff-Tavel, 'Neutrality and Impartiality—The Importance of These Principles for the International Red Cross and Red Crescent Movement and The Difficulties Involved in Applying Them' (1989) 273 *International Review of the Red Cross* (1961-1997) 536, 537.

31 Jean Pictet (n 30) 137.

32 UNGA 'Guiding Principles on Humanitarian Assistance' (1991) UN Doc A/RES/46/182.

33 UNGA Res 58/114 (5 February 2004) UN Doc A/RES/58/114.

is being implemented, is also an important guiding principle for the provision of humanitarian assistance.”³⁴

In summary, the four humanitarian principles: humanity, neutrality, impartiality, and independence are reinforcing each other. They establish practical conditions for the safe provision of humanitarian action that benefits affected populations. Additionally, they guide humanitarian organizations and authorities in the affected regions on how the delivery of humanitarian assistance should be conducted.

C. Delivering Humanitarian Assistance under the Concept of National Sovereignty

When discussing protection and aid for the state’s citizens, the concept of sovereignty takes center stage in the discussions.³⁵ Any attempt by third parties to address the needs of a State’s nationals can be perceived as violating that State’s sovereignty. Some states have explained their concerns on this issue. For instance, a statement by India concerning the UNGA Resolution on the capacity of the UNHCR in the legal rules of humanitarian assistance to its nationals³⁶ reveals that international action concerning Indian Internally Displaced Persons (IDPs) should be conditioned by the norm of sovereignty.³⁷

The UNSC consistently emphasizes the sovereignty and territorial jurisdiction of states while also advocating for uninterrupted access by humanitarian organizations to civilians in need.³⁸ However, a critical question arises: to what extent is a state obliged to accept assistance for its people? Article 70 of Protocol I provides a guiding principle stating that the granting of permission for humanitarian relief should not be perceived as a hostile act of intervention or interference in State sovereignty. Therefore, sovereignty should not be used as a justification for obstructing humanitarian aid.

ICJ, as illustrated in the *Nicaragua v. the United States of America* case,³⁹ provides considerable guidance on when humanitarian assistance is not deemed an illegal intervention. The ICJ held that “there can be no doubt that the provision of strictly

34 Ibid Preamble, paras 4-5.

35 For detailed discussion on this subject see Catherine Phuong, *The International Protection of Internally Displaced Persons* (1st edn, Cambridge University Press 2004) 208-210; Francis M. Deng, Sadikiel Kimaro, Terrence Lyons, Donald Rothchild, and I. William Zartman, *Sovereignty as Responsibility: Conflict Management in Africa* (Brookings Institution Press 2010) 5-7; Michael Barutcsiki, ‘Tensions Between The Refugee Concept and The IDP Debate’ (1998) 3 *Forced Migration Review* 11,12; James C. Hathaway and Michelle Foster, *The Law of Refugee Status* (2nd edn, Cambridge University Press 2014) 297.

36 It has been stated that the UNGA [r]eiterates its support for the role of the Office of the High Commissioner in providing humanitarian assistance and protection to internally displaced persons. For more information see UNGA Res 55/74 (12 February 2001), UN Doc A/RES/55/74, para. 20.

37 For instance, the representative of Sri Lanka supported this view. For detailed information see UNGA ‘81st Plenary Meeting’ (4 December 2000) UN Doc A/55/PV. 81.

38 For instance, see UNSC Resolutions on Libya, Somalia, Democratic Republic of Congo and Syria respectively; UNSC Res 2144 (14 March 2014) UN Doc S/RES/2144; UNSC Res 2232 (28 July 2015) UN Doc S/RES/2232; UNSC Res 2277 (30 March 2016) UN Doc S/RES/2277; UNSC Res 2393 (19 December 2017) UN Doc S/RES/2393.

39 *Nicaragua v. United States of America* (n 8) paras. 242-243.

humanitarian aid to persons or forces in another country, whatever their political affiliations or objectives, cannot be regarded as unlawful intervention.”⁴⁰ States are required to provide valid reasons for refusal, and denying relief actions is not solely at the discretion of individual States. The Commentary to Protocol I note the need for State agreement, but this does not imply that States have the autonomy to arbitrarily withhold consent for relief operations.⁴¹

Certain acts, such as deliberately starving civilians, are unequivocally forbidden.⁴² The events of the late 1960s following Biafra’s proclamation of independence from the Federation of Nigeria resulted in a civil war. It was at the time one of the biggest humanitarian operations in which the ICRC had been involved.⁴³ For some commentators, the history of humanitarian assistance can be marked as before and after Biafra because humanitarian organizations focus on operating humanitarian assistance without borders,⁴⁴ -the armed conflict, which was taking place in that area was a non-international one-. The Biafra precedent was considered a factor leading to the adoption of provisions that are related to prohibiting the use of hunger and food deprivation as a weapon.⁴⁵ Emphasizing the impact of the Biafra conflict has particular importance for providing humanitarian assistance to displaced people because most of the civilians in need of food aid were displaced by civil war.

The dire situation of displaced people and many other people in need of humanitarian assistance has a significant importance on the UN for taking a concrete step to emphasize the State’s responsibility.⁴⁶ In this respect, the endorsement of the Responsibility to Protect (R2P) concept put the state’s responsibility at the forefront of legal discussions of humanitarian assistance. The R2P doctrine was endorsed by UNGA Resolution 60/1 in the 2005 World Summit Outcome⁴⁷ and it has elevated the state’s responsibility from national to international. After the endorsement of R2P by the UNGA, the UNSC also reaffirmed and supported it in its Resolution 1674.⁴⁸ Originally articulated in the 2001 Report of the International Commission on Intervention and State Sovereignty (ICISS), R2P comprises three main pillars: “the responsibility to prevent, the responsibility to react

40 *ibid* para. 242.

41 International Humanitarian Law Database, ‘International Committee of the Red Cross Commentary of 1958, Article 59(3) Free Passage’ <<https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/article-59/commentary/1958>> accessed 12.02.2023, p.321.

42 Protocol I Article 54; Protocol II Article 14.

43 ICRC, ‘Now open: ICRC archives from 1966-1975’ (15 June 2015) <<https://www.icrc.org/en/document/opening-archives-1966-1975>> accessed 23.12.2022.

44 For instance, Michael Barnett indicates that Biafra opened a new chapter in humanitarian action: see Michael Barnett, *Empire of Humanity: A History of Humanitarianism* (1st edn, Cornell University Press 2011) 133; Marie-Luce Desgrandchamps points out that relief operation in an internal conflict of an ‘international character’ was a new type of engagement: see Marie-Luce Desgrandchamps, ‘Organising the Unpredictable’: the Nigeria–Biafra War and Its Impact on the ICRC’ (2012) 94 *International Review of the Red Cross* 1409, 1432.

45 For further discussion see Denise Plattner, ‘Assistance to the civilian population: the development and present state of international humanitarian law’ (1992) 32 *International Review of the Red Cross* (1961–1997) 249, 257.

46 Gareth Evans, *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and For All* (1st edn, DC: Brookings Institution Press, 2008) 39.

47 UNGA Res 60/1 (24 October 2005) UN Doc A/RES/60/1 paras 138–140.

48 UNSC Res 1674 (28 April 2006) S/RES/1674 para.4.

and the responsibility to rebuild.⁴⁹ The R2P concept prioritizes the protection of civilians by national authorities, and if these authorities are unwilling or are unable to provide such protection, this responsibility falls into the international community for humanitarian purposes. States are expected to provide their consent to the international community's involvement in situations that require urgent action. However, such involvement should not be seen as military intervention in internal affairs but rather as the international community's desire to help States exercise their responsibility effectively for the protection of people at grave risk.⁵⁰ With this new perspective on State sovereignty, R2P contributed to the concept of humanitarian assistance, especially when arbitrary refusal persisted by states based on sovereignty claims. Having considered the key legal aspects of humanitarian assistance concerning State sovereignty, the discussion can now move to examine the key categories of applicable law that are deemed relevant to situations demanding humanitarian assistance.

II. Applicable Laws to Situations in Need of Humanitarian Assistance

Conflict or disaster situations are factual and have legal consequences governed by various rules, particularly those related to providing humanitarian assistance. The relevance of these rules depends on specific circumstances and applicable international law regimes. For instance, in the aftermath of natural disasters, IHRL is relevant, while during war or conflict, IHL must be considered. Understanding the legal framework for humanitarian assistance requires a close examination of the provisions outlined in the IHL and IHRL. The planning and delivery of humanitarian aid hold particular significance in rapidly changing and complex situations. In these complex situations, humanitarian access may be denied in certain geographical areas while strategically permitted in another, potentially causing strained relations between conflict regions or instances of discrimination. This becomes especially relevant when certain ethnic groups experience declines in food supplies. Additional challenges arise in the strategic placement of relief operations in key areas, either to reclaim territories or to use the civilian population as a shield. Manipulating people's movements to achieve political and military objectives adds further complexity. Although challenges related to humanitarian access may vary, the rules governing the provision of humanitarian assistance remain relatively limited. This foundational understanding is crucial for exploring the specific dimensions of humanitarian assistance provision, as outlined in the following two subsections. The discussion will first examine how humanitarian assistance norms emerge from IHL in both international and non-international armed conflict situations. Subsequently, it will examine the emergence of humanitarian assistance norms from the IHRL, specifically addressing rights related to food, life, and health.

49 Report of the International Commission on Intervention and State Sovereignty (2001) (hereinafter ICISS Report) para 2.29 available at: <https://www.globalr2p.org/resources/the-responsibility-to-protect-report-of-the-international-commission-on-intervention-and-state-sovereignty-2001/>, accessed 16.09.2023.

50 Alex J. Bellamy 'The Responsibility to Protect and The Problem of Military Intervention' (2008), 84 (4) *International Affairs* 621.

A. International Humanitarian Law

1. Situations of International Armed Conflict

In the context of international armed conflicts, the IHL establishes rules governing the delivery of humanitarian assistance, ensuring free passage for humanitarian organizations, and highlighting state obligations in protecting the affected population and their needs. The obligations set out in Article 55 of the Fourth Geneva Convention and Article 70 of Protocol I, specifically address relief operations on occupied territory, applying exclusively to relations arising due to warfare between States. The responsibilities of the Occupying Power in ensuring that people of occupied territories are appropriately provided with supplies is set out in Article 55 of the Fourth Geneva Convention, which states:

“[T]he Occupying Power has the duty of ensuring the food and medical supplies of the population; it should, in particular, bring in the necessary foodstuffs, medical stores, and other articles if the resources of the occupied territory are inadequate.”⁵¹

Furthermore, if individuals in occupied territories face challenges in accessing supplies, Article 59 of the Fourth Geneva Convention compels the Occupying Power to consent to relief provisions⁵² with a clear directive: “[a]ll Contracting Parties shall permit the free passage of these consignments and shall guarantee their protection.”

This clause underscores the principle of free passage, emphasizing the feasibility of delivering relief provisions to the people of occupied territories⁵³ in the The ICRC’s Commentary notes that during the Second World War, many relief schemes were prevented, highlighting the fundamental role of free passage in the humanitarian assistance system.⁵⁴ Therefore, Article 59 obliges the Occupying Power to agree to relief schemes, forming a standard point of comparison for a State’s obligations toward its citizens. Even if the relevant article deals with humanitarian assistance to non-nationals of the State, it is critical to establish rules concerning the free passage of relief consignments. The existence of such a rule would be a standard point of comparison of a state’s obligations toward its citizens. When Article 59 is read in conjunction with Article 55, it is expected from a State to justify refusing to accept any relief consignments.

In addition to these Articles, Article 70 of Protocol I stipulates that a state engaged in warfare must consent to impartial humanitarian aid critical to the survival of civilians

51 Fourth Geneva Convention Article 55(1).

52 Article 59 of the Fourth Geneva Convention states that “If the whole or part of the population of an occupied territory is inadequately supplied, the Occupying Power shall agree to relief schemes on behalf of the said population, and shall facilitate them by all the means at its disposal. Such schemes, which may be undertaken either by States or by impartial humanitarian organizations such as the International Committee of the Red Cross, shall consist, in particular, of the provision of consignments of foodstuffs, medical supplies and clothing”.

53 International Humanitarian Law Database n (41) p. 322.

54 *ibid.*

within its territory.⁵⁵ While emphasizing the “humanitarian” nature of relief, Article 70 holds particular significance regarding assistance to a state’s nationals. The first paragraph of Article 70 clarifies that “*the civilian population of any territory under the control of a Party to the conflict, other than occupied territory*” is the subject of Article 70. This distinction reveals that the population addressed in this article includes the “conflicting party’s nationals” and “other nationals” in the conflict zone. However, it is essential to highlight that the affected state must agree to provide humanitarian assistance, as stipulated in Article 70. Unlike Article 59, Article 70 is less definitive on the principle of free passage, with differences in wording explaining a conceptualization of the civilian population. The language variation indicates that the requirement for consent from involved parties arises from the need to protect the sovereignty of the state receiving aid.

2. Situations of Noninternational Armed Conflict

IHL rules apply not only to international armed conflicts but also to situations involving noninternational armed conflict. Concerning internal armed conflicts, Article 18(2) of Protocol II provides the principle of free passage,⁵⁶ while Article 14 prohibits the use of starvation as a tactic of war. The Commentary to Protocol I stresses that Article 70 must be read in conjunction with Article 54 of Protocol I, which prohibits starving the civilian population as a war tactic.⁵⁷ Interpreting this, intentionally causing food deprivation and hunger among civilians to weaken the “enemy” violates Article 54 if the delivery of humanitarian aid is unjustifiably blocked. Therefore, based on the Commentary on Article 70 of Protocol I, Article 18 of Protocol II should be read together with Article 14 of Protocol II. This implies that in cases where the refusal of humanitarian assistance would cause food deprivation and hunger among civilians, it violates Article 14 of Protocol II. However, it should be mentioned that Article 18 also makes relief operations “subject to the consent of the High Contracting Party concerned.”

Noninternational armed conflict scenarios may include cases in which people endure the effects of disasters. Humanitarian assistance must be provided irrespective of whether the disaster is of natural or human-made origin.⁵⁸ In such circumstances, Customary International Law and the IHRL apply to provisions relating to humanitarian assistance. It should be clarified that not every disaster necessarily triggers the application of legal clauses related to humanitarian assistance. This determination

55 Protocol I Article 70.

56 Article 18(2) of Protocol II states that “*If the civilian population is suffering undue hardship owing to a lack of the supplies essential for its survival, such as foodstuffs and medical supplies, relief actions for the civilian population which are of an exclusively humanitarian and impartial nature and which are conducted without any adverse distinction shall be undertaken subject to the consent of the High Contracting Party concerned.*”

57 Article 54(1) of the Protocol I states that: “*Starvation of civilians as a method of warfare is prohibited.*”

58 Human-made disasters may include nuclear accidents, fire, chemical spills, or the construction of new dam projects.

depends on the intensity and severity of the disaster, and whether emergency aid is required to improve living conditions for those adversely affected. The inclusion of disaster within the broader category of non-international armed conflict introduces the possibility of an interconnection between conflict and disaster scenarios. For instance, severe droughts occurring in regions with ongoing conflict fall under this category. The legal qualification of such cases under humanitarian assistance provisions is contingent on applicable legal clauses, necessitating a case-by-case assessment to make a definitive determination.

B. International Human Rights Law

In addition to the IHL, the IHRL constitutes the second major regime of international law concerning humanitarian assistance. During and after humanitarian crises, certain human rights regarding food, health, and the protection of life form the basis for receiving humanitarian aid. Providing necessities such as food, shelter, medicine, water, and other essential needs falls under the umbrella of humanitarian assistance. These rights are often considered “adequate standards of living”⁵⁹ reinforcing the applicability of humanitarian aid. Therefore, the right to food, life, and health should be considered integral to humanitarian assistance provisions. Although there is no clearly defined human right to receive humanitarian assistance under international human rights law, the right to life, food, and health have a significant potential to contribute to the legal definition of humanitarian assistance.

Examining the right to life closely, the connection between providing humanitarian assistance and enjoying the right to life is evident. In a humanitarian crisis, providing aid can save lives directly impacted by disasters or conflicts. The right to life is articulated in the Universal Declaration of Human Rights (UDHR): “Everyone has the right to life, liberty, and security of person,”⁶⁰ In the same vein, the International Covenant on Civil and Political Rights (ICCPR) states: “Every human being has the inherent right to life, protected by law, and shall not be arbitrarily deprived of his life.”⁶¹ The UN Human Rights Committee emphasizes the elimination of situations jeopardizing the right to life, obliging states to take measures,⁶² including addressing famine, preventing adverse effects of epidemics, and handling disasters.⁶³ Based on this state obligation, the right to life naturally includes providing humanitarian assistance to prevent life deprivation in humanitarian crises.

59 ICESCR Article 11.

60 UDHR Article 3.

61 ICCPR Article 6(1).

62 CCPR ‘General Comment No. 36 on Article 6: Right to Life’ (2018) UN Doc CCPR/C/GC/36 para 21.

63 *ibid* 5.

Another existing right contributing to humanitarian assistance concerns the right to food, found in Article 25 of the UDHR: “[e]veryone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing” The International Covenant on Economic, Social, and Cultural Rights (ICESCR) described provisions related to a sufficient standard of living, including the right to food under Article 11.⁶⁴ The Committee on Economic, Social, and Cultural Rights (CESCR) stated the State’s obligation under Article 11 to eliminate situations causing hunger during natural disasters or other emergencies.⁶⁵ This obligation includes actively contributing to the context of the right to food during humanitarian emergencies.⁶⁶ The distribution of food aid supports the fulfillment of humanitarian assistance and promotes the right to food. If a state prohibits access to food during conflicts or other types of emergencies, people would be stranded in dire situations which may even constitute a violation of their right to food.⁶⁷ In this sense, granting humanitarian assistance also supports upholding the right to food. Therefore, the right to food is understood to be related to humanitarian assistance norms. Furthermore, the UNGA⁶⁸ and the Human Rights Council⁶⁹ support this link between providing humanitarian assistance and fulfilling the right to food and call for strengthening national and international cooperation to ensure that humanitarian assistance reaches the affected population.

Although not as developed as free-standing human rights such as the right to food, life, and health, they also contribute to the legal context of humanitarian assistance. Medical aid, sanitation, and other health-related aid are inseparable from humanitarian assistance. The right to health complements the right to life and food, as evident in Article 12(1) of the ICESCR, which states, “*The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.*” The ICESCR interprets the right to health not solely in terms of “*timely and appropriate health care*” but also in addressing “*the underlying determinants of health,*” including adequate sanitation, access to safe water, and sufficient supply of safe food, nutrition, and housing.⁷⁰ The Economic and Social Council links the right to health and humanitarian assistance in emergencies, emphasizing the need for safe and accessible water, food, and medical supplies.⁷¹

64 Article 11(1) of ICESCR states that “*The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions...*”

65 CESCR ‘General Comment No. 12: The Right to Adequate Food (Art. 11)’ (1999) UN Doc E/C.12/1999/5 para 6.

66 *ibid* 28.

67 Indeed, the CESCR argues a possible violation of Article 11 of the ICESCR in the event a State party denies access to food in times of conflict or disaster.

68 UNGA Res 63/187 (18 December 2008) UN Doc A/RES/63/187, 16, 24; UNGA Res 64/159 (10 March 2010) UN Doc A/RES/64/159, 17, 25; UNHRC Res 7/14 (27 March 2008) UN Doc A/HRC/RES/7/14, 22; UNHRC Res S-7/2 (22 May 2008) UN Doc A/HRC/S-7/2, 4.

69 UNHRC Res 10/12 (26 March 2009) UN Doc A/HRC/RES/10/12, 26; UNHRC Res 12/10 (12 October 2010) UN Doc A/HRC/RES/12/10, 5; UNHRC Res 13/4 (24 March 2010) UN Doc A/HRC/RES/13/4, 11, 13; UNHRC Res 16/27 (25 March 2011) UN Doc A/HRC/RES/16/27, 11, 13.

70 CESCR, ‘General Comment No. 14: The Right to the Highest Attainable Standard of Health (Art. 12)’ (2000) UN Doc E/C.12/2000/4 para 11.

71 *ibid* para 65.

Providing medical support during an emergency aligns with the right to enjoy the best possible level of health.

In summary, providing humanitarian assistance is essential for fulfilling the state's obligation to support peoples' right to health, food, and life. The process of providing humanitarian assistance supports the fundamental legal dimensions of the right to health, food, and life. The full enjoyment of these human rights may require the provision of humanitarian assistance in certain situations.

III. Analyzing Major Themes of Humanitarian Assistance under UNGA Resolutions

Humanitarian assistance provision and its principles are of concern to both the IHL and human rights law. However, new forms of conflicts and natural disasters raise awareness of the necessity for new normative developments to address emerging circumstances globally. This situation has increasingly been discussed under the resolutions of the UNGA. This section analyzes broader normative developments about humanitarian assistance with a focus on UNGA resolutions. In this regard, major themes first concern the endorsement of the Guiding Principles on Humanitarian Assistance by the UNGA, and then focus on repetitively highlighted terms in the UNGA resolutions, namely, state consent to provide humanitarian assistance and address the root causes of humanitarian crises. These major themes shape how humanitarian assistance is legally identified and understood by the UNGA.

A. General Importance of Humanitarian Assistance in the UNGA Resolutions

The relevance of UNGA Resolutions is underscored by widespread approval and adoption by a substantial number of UNGA members. The inaugural resolution on humanitarian assistance, titled "Strengthening of the Coordination of Humanitarian Emergency Assistance of the UN," was passed in 1991⁷² (Resolution 46/182). This resolution laid the foundation for humanitarian assistance. Since its adoption, the legislative framework has expanded significantly, reflecting the broadening scope of humanitarian endeavors and the UN's responsive approach to the changing environment of assistance provided. Since humanitarian assistance was handled for the first time in 1991, an analysis of the UNGA Resolutions is included from 1991 until the end of 2022, when the last meeting was held. The UNGA has given significant attention to different countries such as Yemen, Somalia, Sudan, and Palestine. Various reasons contributed to placing these countries on the UNGA's agenda, including conflicts over basic resources such as water, access and control over rich minerals, conflict over lands and the outbreak of Ebola, and different political agendas.

72 UNGA, Res 46/182 (19 December 1991) UN Doc A/RES/46/182 (n 12).

Since 1991, the UNGA has adopted over 400 resolutions addressing humanitarian assistance. These resolutions include a spectrum of country-specific mandates, including regions such as Somalia, Palestine, the Democratic Republic of Congo, Syria, Lebanon, Liberia, Rwanda, and Djibouti. Additionally, resolutions address the broad regional humanitarian needs of Africa, Central America, and the Middle East. A notable category, covering all aspects, and regions, pertains to the Strengthening of the Coordination of Humanitarian Emergency Assistance of the UN. Given the expansive scope of these resolutions, this analysis concentrates on those specifically targeting the enhancement of the UN's emergency assistance coordination process. This approach allows for comprehensive coverage of diverse subjects in the field of humanitarian assistance and facilitates the exploration of their legal foundations. In total, the UNGA has adopted 35 resolutions on this matter.⁷³

A crucial resolution in this context is Resolution 146/82, which holds significance as it introduces “The Guiding Principles on Humanitarian Assistance” into UN documents for the first time. This resolution establishes fundamental humanitarian principles, notably humanity, impartiality, and neutrality.⁷⁴ It represents the inaugural resolution adopted to enhance the coordination of the UN's emergency assistance. Subsequently, Resolution 58/114 in 2004 further refined these guiding principles, incorporating the principle of independence. The guiding principles cover various categories, with a focus on prevention and preparation for natural disasters and other emergencies. They emphasize the importance of early warning systems, funding sources for humanitarian assistance, and international cooperation to aid countries in acute need. Noteworthy is the UNGA's reminder to the international community that providing humanitarian assistance should not be misconstrued as an intervention. The guiding principles explicitly highlight the necessity of the affected country's agreement to receive assistance, along with respect for territorial integrity and sovereignty.⁷⁵

73 The list of the UNGA Resolution on ‘Strengthening of The Coordination of Humanitarian Emergency Assistance of the United Nations’ as follows: UNGA, Res 46/182 (19 December 1991) UN Doc A/RES/46/182 (n 12); UNGA Res 47/168 (7 April 1993) UN Doc A/RES/47/168; UNGA Res 48/57 (31 January 1994) UN Doc A/RES/48/57; UNGA Res 49/139 (20 December 1994) UN Doc A/RES/49/139; UNGA Res 49/139A (3 February 1995) UN Doc A/RES/49/139; UNGA Res 50/57 (17 January 1996) UN Doc A/RES/50/57; UNGA Res 50/58 (7 March 1996) UN Doc A/RES/50/58; UNGA Res 51/194 (10 February 1997) UN Doc A/RES/51/194; UNGA Res 52/168 (18 February 1998) UN Doc A/RES/52/168; UNGA Res 53/88 (29 January 1999) UN Doc A/RES/53/88; UNGA Res 54/95 (28 January 2000) UN Doc A/RES/54/95; UNGA Res 55/164 (7 February 2001) UN Doc A/RES/55/164; UNGA Res 56/107 (7 February 2002) UN Doc A/RES/56/107; UNGA Res 57/153 (3 March 2003) UN Doc A/RES/57/153; UNGA, Res 58/114 (5 February 2004) UN Doc A/RES/58/114 (n 33); UNGA, Res 59/141 (25 February 2005) UN Doc A/RES/59/141 (n 12); UNGA, Res 60/124 (8 March 2006) UN Doc A/RES/60/124 (n 12); UNGA Res 61/134 (1 March 2007) UN Doc A/RES/61/134; UNGA Res 62/94 (25 January 2008) UN Doc A/RES/62/94; UNGA, Res 63/139 (5 March 2009) UN Doc A/RES/63/139 (n 12); UNGA Res 64/76 (2 February 2010) UN Doc A/RES/64/76; UNGA Res 65/133 (3 March 2011) UN Doc A/RES/65/133; UNGA Res 66/119 (7 March 2012) UN Doc A/RES/66/119; UNGA Res 66/120 (7 March 2012) UN Doc A/RES/66/120; UNGA Res 67/87 (26 March 2013) UN Doc A/RES/67/87; UNGA Res 68/102 (12 February 2014) UN Doc A/RES/68/102; UNGA Res 69/135 (19 January 2015) UN Doc A/RES/69/135; UNGA Res 70/106 (28 December 2015) UN Doc A/RES/70/106; UNGA Res 71/127 (24 January 2017) UN Doc A/RES/71/127; UNGA Res 72/133 (16 January 2018) UN Doc A/RES/72/133; UNGA Res 73/139 (17 January 2019) UN Doc A/RES/73/139; UNGA Res 74/118 (20 January 2020) UN Doc A/RES/74/118; UNGA Res 75/127 (21 December 2020) UN Doc A/RES/75/127; UNGA Res 76/124 (17 December 2021) UN Doc A/RES/76/124; UNGA Res 77/28 (9 December 2022) UN Doc A/RES/77/28.

74 UNGA, Res 46/182 (19 December 1991) UN Doc A/RES/46/182 (n 12) para 2.

75 *ibid* para 3.

In summary, the normative development of humanitarian assistance principles can be observed in two ways in the UNGA Resolutions:

1- by reinstating the principles of impartiality, independence, humanity, and neutrality in the delivery of humanitarian assistance in all resolutions since 2004.

2- by making a direct connection with the Geneva Conventions of 1949 and their Additional Protocols, which include provisions on humanitarian assistance.

In this way, as a reflection of the 193 members of the UN, UNGA Resolutions reveal that member states accepted impartiality, independence, humanity, and neutrality as the pillars of humanitarian assistance. Consequently, no State objected to this view in any of the 35 resolutions' meeting records. Finally, the thematic focus of UNGA Resolutions needs to be identified as these are often drafted in response to certain types of situations or emergencies. An analysis of UNGA Resolutions during the 31 years reveals that the UNGA has always been gravely alarmed concerning the higher rate of natural disasters and other emergency issues. However, what is meant by other emergencies is not clarified in the documents. Following years, situations of sexual violence⁷⁶, gender-based violence⁷⁷, violence against children⁷⁸, man-made

76 The first mention to sexual violence was made in 2005 with UNGA Res 59/141. In the following years, this topic has been included 17 times in resolutions that are regularly adopted on strengthening of the coordination of humanitarian emergency assistance of the UN. See UNGA, Res 60/124 (8 March 2006) UN Doc A/RES/60/124 (n 12); UNGA, Res 61/134 (1 March 2007) UN Doc A/RES/61/134 (n 73); UNGA, Res 62/94 (25 January 2008) UN Doc A/RES/62/94 (n 73); UNGA, Res 63/139 (5 March 2009) UN Doc A/RES/63/139 (n 12); UNGA, Res 64/76 (2 February 2010) UN Doc A/RES/64/76 (n 73); UNGA, Res 65/133 (3 March 2011) UN Doc A/RES/65/133 (n 73); UNGA, Res 66/119 (7 March 2012) UN Doc A/RES/66/119 (n 73); UNGA, Res 66/120 (7 March 2012) UN Doc A/RES/66/120 (n 73); UNGA, Res 67/87 (26 March 2013) UN Doc A/RES/67/87 (n 73); UNGA, Res 68/102 (12 February 2014) UN Doc A/RES/68/102 (n 73); UNGA Res 69/135 (19 January 2015) UN Doc A/RES/69/135; UNGA, Res 70/106 (28 December 2015) UN Doc A/RES/70/106 (n 73); UNGA, Res 71/127 (24 January 2017) UN Doc A/RES/71/127 (n 73); UNGA, Res 72/133 (16 January 2018) UN Doc A/RES/72/133 (n 73); UNGA, Res 73/139 (17 January 2019) UN Doc A/RES/73/139 (n 73); UNGA, Res 74/118 (20 January 2020) UN Doc A/RES/74/118 (n 73); UNGA, Res 75/127 (21 December 2020) UN Doc A/RES/75/127 (n 73); UNGA, Res 76/124 (17 December 2021) UN Doc A/RES/76/124 (n 73); UNGA, Res 77/28 (9 December 2022) UN Doc A/RES/77/28 (n 73).

77 The first mention to gender-based violence was made in 2005 with UNGA Res 59/141. In the following years, this topic has been included 17 times in resolutions that are regularly adopted on strengthening of the coordination of humanitarian emergency assistance of the UN. See UNGA, Res 60/124 (8 March 2006) UN Doc A/RES/60/124 (n 12); UNGA, Res 61/134 (1 March 2007) UN Doc A/RES/61/134 (n 73); UNGA, Res 62/94 (25 January 2008) UN Doc A/RES/62/94 (n 73); UNGA, Res 63/139 (5 March 2009) UN Doc A/RES/63/139 (n 12); UNGA, Res 64/76 (2 February 2010) UN Doc A/RES/64/76 (n 73); UNGA, Res 65/133 (3 March 2011) UN Doc A/RES/65/133 (n 73); UNGA, Res 66/119 (7 March 2012) UN Doc A/RES/66/119 (n 73); UNGA, Res 66/120 (7 March 2012) UN Doc A/RES/66/120 (n 73); UNGA, Res 67/87 (26 March 2013) UN Doc A/RES/67/87 (n 73); UNGA, Res 68/102 (12 February 2014) UN Doc A/RES/68/102 (n 73); UNGA Res 69/135 (19 January 2015) UN Doc A/RES/69/135; UNGA, Res 70/106 (28 December 2015) UN Doc A/RES/70/106 (n 73); UNGA, Res 71/127 (24 January 2017) UN Doc A/RES/71/127 (n 73); UNGA, Res 72/133 (16 January 2018) UN Doc A/RES/72/133 (n 73); UNGA, Res 73/139 (17 January 2019) UN Doc A/RES/73/139 (n 73); UNGA, Res 74/118 (20 January 2020) UN Doc A/RES/74/118 (n 73); UNGA, Res 75/127 (21 December 2020) UN Doc A/RES/75/127 (n 73); UNGA, Res 76/124 (17 December 2021) UN Doc A/RES/76/124 (n 73); UNGA, Res 77/28 (9 December 2022) UN Doc A/RES/77/28 (n 73).

78 The first mention to violence against children was made in 2005 with UNGA Res 59/141. In the following years, this topic has been included 17 times in resolutions that are regularly adopted on strengthening of the coordination of humanitarian emergency assistance of the UN. See UNGA, Res 60/124 (8 March 2006) UN Doc A/RES/60/124 (n 12); UNGA, Res 61/134 (1 March 2007) UN Doc A/RES/61/134 (n 73); UNGA, Res 62/94 (25 January 2008) UN Doc A/RES/62/94 (n 73); UNGA, Res 63/139 (5 March 2009) UN Doc A/RES/63/139 (n 12); UNGA, Res 64/76 (2 February 2010) UN Doc A/RES/64/76 (n 73); UNGA, Res 65/133 (3 March 2011) UN Doc A/RES/65/133 (n 73); UNGA, Res 66/119 (7 March 2012) UN Doc A/RES/66/119 (n 73); UNGA, Res 66/120 (7 March 2012) UN Doc A/RES/66/120 (n 73); UNGA, Res 67/87 (26 March 2013) UN Doc A/RES/67/87 (n 73); UNGA, Res 68/102 (12 February 2014) UN Doc A/RES/68/102 (n 73); UNGA Res 69/135 (19 January 2015) UN Doc A/RES/69/135; UNGA, Res 70/106 (28 December 2015) UN Doc A/RES/70/106 (n 73); UNGA, Res 71/127 (24 January 2017) UN Doc A/RES/71/127 (n 73); UNGA, Res 72/133 (16 January 2018) UN Doc A/RES/72/133 (n 73); UNGA, Res 73/139 (17 January 2019) UN Doc A/RES/73/139 (n 73); UNGA, Res 74/118 (20 January 2020) UN Doc A/RES/74/118 (n 73); UNGA, Res 75/127 (21 December 2020) UN Doc A/RES/75/127 (n 73); UNGA, Res 76/124 (17 December 2021) UN Doc A/RES/76/124 (n 73); UNGA, Res 77/28 (9 December 2022) UN Doc A/RES/77/28 (n 73).

disasters⁷⁹, financial and economic crisis,⁸⁰ famine,⁸¹ protracted displacement,⁸² water scarcity,⁸³ and pandemics including Ebola, HIV/AIDS, COVID-19,⁸⁴ and climate

- 79 The first mention to man-made disasters was made in 2006 with UNGA Res 60/124. In the following years, this topic has been included 16 times in resolutions that are regularly adopted on strengthening of the coordination of humanitarian emergency assistance of the UN. See UNGA, Res 61/134 (1 March 2007) UN Doc A/RES/61/134 (n 73); UNGA, Res 62/94 (25 January 2008) UN Doc A/RES/62/94 (n 73); UNGA, Res 63/139 (5 March 2009) UN Doc A/RES/63/139 (n 12); UNGA, Res 64/76 (2 February 2010) UN Doc A/RES/64/76 (n 73); UNGA, Res 65/133 (3 March 2011) UN Doc A/RES/65/133 (n 73); UNGA, Res 66/119 (7 March 2012) UN Doc A/RES/66/119 (n 73); UNGA, Res 66/120 (7 March 2012) UN Doc A/RES/66/120 (n 73); UNGA, Res 67/87 (26 March 2013) UN Doc A/RES/67/87 (n 73); UNGA, Res 68/102 (12 February 2014) UN Doc A/RES/68/102 (n 73); UNGA Res 69/135 (19 January 2015) UN Doc A/RES/69/135; UNGA, Res 70/106 (28 December 2015) UN Doc A/RES/70/106 (n 73); UNGA, Res 71/127 (24 January 2017) UN Doc A/RES/71/127 (n 73); UNGA, Res 72/133 (16 January 2018) UN Doc A/RES/72/133 (n 73); UNGA, Res 73/139 (17 January 2019) UN Doc A/RES/73/139 (n 73); UNGA, Res 74/118 (20 January 2020) UN Doc A/RES/74/118 (n 73); UNGA, Res 75/127 (21 December 2020) UN Doc A/RES/75/127 (n 73); UNGA, Res 76/124 (17 December 2021) UN Doc A/RES/76/124 (n 73); UNGA, Res 77/28 (9 December 2022) UN Doc A/RES/77/28 (n 73).
- 80 The first mention to financial and economic crisis was made in 2011 with UNGA Res 65/133. In the following years, this topic has been included 11 times in resolutions that are regularly adopted on strengthening of the coordination of humanitarian emergency assistance of the UN. See UNGA, Res 66/119 (7 March 2012) UN Doc A/RES/66/119 (n 73); UNGA, Res 66/120 (7 March 2012) UN Doc A/RES/66/120 (n 73); UNGA, Res 67/87 (26 March 2013) UN Doc A/RES/67/87 (n 73); UNGA, Res 68/102 (12 February 2014) UN Doc A/RES/68/102 (n 73); UNGA Res 69/135 (19 January 2015) UN Doc A/RES/69/135; UNGA, Res 70/106 (28 December 2015) UN Doc A/RES/70/106 (n 73); UNGA, Res 71/127 (24 January 2017) UN Doc A/RES/71/127 (n 73); UNGA, Res 72/133 (16 January 2018) UN Doc A/RES/72/133 (n 73); UNGA, Res 73/139 (17 January 2019) UN Doc A/RES/73/139 (n 73); UNGA, Res 74/118 (20 January 2020) UN Doc A/RES/74/118 (n 73); UNGA, Res 75/127 (21 December 2020) UN Doc A/RES/75/127 (n 73); UNGA, Res 76/124 (17 December 2021) UN Doc A/RES/76/124 (n 73); UNGA, Res 77/28 (9 December 2022) UN Doc A/RES/77/28 (n 73).
- 81 The first mention to famine was made in 2009 with UNGA Res 63/139. In the following years, this topic has been included 13 times in resolutions that are regularly adopted on strengthening of the coordination of humanitarian emergency assistance of the UN. See UNGA, Res 64/76 (2 February 2010) UN Doc A/RES/64/76 (n 73); UNGA, Res 65/133 (3 March 2011) UN Doc A/RES/65/133 (n 73); UNGA, Res 66/119 (7 March 2012) UN Doc A/RES/66/119 (n 73); UNGA, Res 66/120 (7 March 2012) UN Doc A/RES/66/120 (n 73); UNGA, Res 67/87 (26 March 2013) UN Doc A/RES/67/87 (n 73); UNGA, Res 68/102 (12 February 2014) UN Doc A/RES/68/102 (n 73); UNGA Res 69/135 (19 January 2015) UN Doc A/RES/69/135; UNGA, Res 70/106 (28 December 2015) UN Doc A/RES/70/106 (n 73); UNGA, Res 71/127 (24 January 2017) UN Doc A/RES/71/127 (n 73); UNGA, Res 72/133 (16 January 2018) UN Doc A/RES/72/133 (n 73); UNGA, Res 73/139 (17 January 2019) UN Doc A/RES/73/139; UNGA Res 74/118 (20 January 2020) UN Doc A/RES/74/118; UNGA Res 75/127 (21 December 2020) UN Doc A/RES/75/127 (n 73); UNGA, Res 76/124 (17 December 2021) UN Doc A/RES/76/124 (n 73); UNGA, Res 77/28 (9 December 2022) UN Doc A/RES/77/28 (n 73).
- 82 The first mention to protracted displacement was made in 2015 with UNGA Res 69/135. In the following years, this topic has been included 7 times in resolutions that are regularly adopted on strengthening of the coordination of humanitarian emergency assistance of the UN. See UNGA, Res 70/106 (28 December 2015) UN Doc A/RES/70/106 (n 73); UNGA, Res 71/127 (24 January 2017) UN Doc A/RES/71/127 (n 73); UNGA, Res 72/133 (16 January 2018) UN Doc A/RES/72/133 (n 73); UNGA Res 73/139 (17 January 2019) UN Doc A/RES/73/139; UNGA Res 74/118 (20 January 2020) UN Doc A/RES/74/118; UNGA Res 75/127 (21 December 2020) UN Doc A/RES/75/127; UNGA Res 77/28 (9 December 2022) UN Doc A/RES/77/28.
- 83 The first mention to water scarcity was made in 2011 with UNGA Res 65/133. In the following years, this topic has been included 11 times in resolutions that are regularly adopted on strengthening of the coordination of humanitarian emergency assistance of the UN. See UNGA, Res 66/119 (7 March 2012) UN Doc A/RES/66/119 (n 73); UNGA, Res 66/120 (7 March 2012) UN Doc A/RES/66/120 (n 73); UNGA, Res 67/87 (26 March 2013) UN Doc A/RES/67/87 (n 73); UNGA, Res 68/102 (12 February 2014) UN Doc A/RES/68/102 (n 73); UNGA Res 69/135 (19 January 2015) UN Doc A/RES/69/135; UNGA, Res 70/106 (28 December 2015) UN Doc A/RES/70/106 (n 73); UNGA, Res 71/127 (24 January 2017) UN Doc A/RES/71/127 (n 73); UNGA, Res 72/133 (16 January 2018) UN Doc A/RES/72/133 (n 73); UNGA, Res 73/139 (17 January 2019) UN Doc A/RES/73/139 (n 73); UNGA, Res 74/118 (20 January 2020) UN Doc A/RES/74/118 (n 73); UNGA, Res 75/127 (21 December 2020) UN Doc A/RES/75/127 (n 73); UNGA, Res 76/124 (17 December 2021) UN Doc A/RES/76/124 (n 73); UNGA, Res 77/28 (9 December 2022) UN Doc A/RES/77/28 (n 73).
- 84 The first mention to pandemics was made in 2003 with UNGA Res 57/153. In the following years, this topic has been included 19 times in resolutions that are regularly adopted on strengthening of the coordination of humanitarian emergency assistance of the UN. See UNGA, Res 58/114 (5 February 2004) UN Doc A/RES/58/114 (n 33); UNGA, Res 59/141 (25 February 2005) UN Doc A/RES/59/141 (n 12); UNGA, Res 60/124 (8 March 2006) UN Doc A/RES/60/124 (n 12); UNGA, Res 61/134 (1 March 2007) UN Doc A/RES/61/134 (n 73); UNGA, Res 62/94 (25 January 2008) UN Doc A/RES/62/94 (n 73); UNGA, Res 63/139 (5 March 2009) UN Doc A/RES/63/139 (n 12); UNGA, Res 64/76 (2 February 2010) UN Doc A/RES/64/76 (n 73); UNGA, Res 65/133 (3 March 2011) UN Doc A/RES/65/133 (n 73); UNGA, Res 66/119 (7 March 2012) UN Doc A/RES/66/119 (n 73); UNGA, Res 66/120 (7 March 2012) UN Doc A/RES/66/120 (n 73); UNGA, Res 67/87 (26 March 2013) UN Doc A/RES/67/87 (n 73); UNGA, Res 68/102 (12 February 2014) UN Doc A/RES/68/102 (n 73); UNGA Res 69/135 (19 January 2015) UN Doc A/RES/69/135; UNGA, Res 70/106 (28 December 2015) UN Doc A/RES/70/106 (n 73); UNGA, Res 71/127 (24 January 2017) UN Doc A/RES/71/127 (n 73); UNGA, Res 72/133 (16 January 2018) UN Doc A/RES/72/133 (n 73); UNGA, Res 73/139 (17 January 2019) UN Doc A/RES/73/139 (n 73); UNGA, Res 74/118 (20 January 2020) UN Doc A/RES/74/118 (n 73); UNGA, Res 75/127 (21 December 2020) UN Doc A/RES/75/127 (n 73); UNGA, Res 76/124 (17 December 2021) UN Doc A/RES/76/124 (n 73); UNGA, Res 77/28 (9 December 2022) UN Doc A/RES/77/28 (n 73).

change⁸⁵ have been included in the resolutions. Therefore, it is assumed that all these situations are considered as “*other emergencies*.”

One notable observation regarding resolutions is that despite being a primary cause of the increased demand for humanitarian assistance, armed conflict situations were not explicitly addressed in these texts until 2004. Resolutions from that year onward began acknowledging the challenges posed by conflict-affected areas and the impediments to humanitarian personnel gaining access to those regions. The influence of armed conflict situations on the inclusion of the independence principle in 2004 is particularly significant. Subsequently, both armed conflicts and the imperative to uphold humanitarian assistance principles were repeatedly mentioned in each UNGA Resolution regarding humanitarian assistance.

The preceding discussion has comprehensively outlined the gradual recognition and reinforcement of the overarching importance of humanitarian assistance in UNGA resolutions, extending to the broader UN system. The subsequent phases of this analysis examine how these resolutions address the central challenge of providing humanitarian assistance while adhering to the norm of State sovereignty within the framework of State consent.

B. State Consent to Provide Humanitarian Assistance

The legal basis clauses related to humanitarian assistance are rooted in the Geneva Conventions. These resolutions unequivocally state that states and participants in armed conflict must ensure the safety of civilians following IHL.⁸⁶ However, a crucial

85 The first mention to climate change was made in 2009 with UNGA Res 63/139. In the following years, this topic has been included 13 times in resolutions that are regularly adopted on strengthening of the coordination of humanitarian emergency assistance of the UN. See UNGA, Res 64/76 (2 February 2010) UN Doc A/RES/64/76 (n 73); UNGA, Res 65/133 (3 March 2011) UN Doc A/RES/65/133 (n 73); UNGA, Res 66/119 (7 March 2012) UN Doc A/RES/66/119 (n 73); UNGA, Res 66/120 (7 March 2012) UN Doc A/RES/66/120 (n 73); UNGA, Res 67/87 (26 March 2013) UN Doc A/RES/67/87 (n 73); UNGA, Res 68/102 (12 February 2014) UN Doc A/RES/68/102 (n 73); UNGA Res 69/135 (19 January 2015) UN Doc A/RES/69/135; UNGA, Res 70/106 (28 December 2015) UN Doc A/RES/70/106 (n 73); UNGA, Res 71/127 (24 January 2017) UN Doc A/RES/71/127 (n 73); UNGA, Res 72/133 (16 January 2018) UN Doc A/RES/72/133 (n 73); UNGA, Res 73/139 (17 January 2019) UN Doc A/RES/73/139 (n 73); UNGA, Res 74/118 (20 January 2020) UN Doc A/RES/74/118 (n 73); UNGA, Res 75/127 (21 December 2020) UN Doc A/RES/75/127 (n 73); UNGA, Res 76/124 (17 December 2021) UN Doc A/RES/76/124 (n 73); UNGA, Res 77/28 (9 December 2022) UN Doc A/RES/77/28 (n 73).

86 Need to respect and promote International Humanitarian Law was first mentioned in 1997 with UNGA Res 51/194. In the following years, this topic has been included 28 times in resolutions that are regularly adopted on strengthening of the coordination of humanitarian emergency assistance of the UN. See UNGA, Res 52/168 (18 February 1998) UN Doc A/RES/52/168 (n 73); UNGA, Res 53/88 (29 January 1999) UN Doc A/RES/53/88 (n 73); UNGA, Res 54/95 (28 January 2000) UN Doc A/RES/54/95 (n 73); UNGA, Res 55/164 (7 February 2001) UN Doc A/RES/55/164 (n 73); UNGA, Res 56/107 (7 February 2002) UN Doc A/RES/56/107 (n 73); UNGA, Res 57/153 (3 March 2003) UN Doc A/RES/57/153 (n 73); UNGA, Res 58/114 (5 February 2004) UN Doc A/RES/58/114 (n 33); UNGA, Res 59/141 (25 February 2005) UN Doc A/RES/59/141 (n 12); UNGA, Res 60/124 (8 March 2006) UN Doc A/RES/60/124 (n 12); UNGA, Res 61/134 (1 March 2007) UN Doc A/RES/61/134 (n 73); UNGA, Res 62/94 (25 January 2008) UN Doc A/RES/62/94 (n 73); UNGA, Res 63/139 (5 March 2009) UN Doc A/RES/63/139 (n 12); UNGA, Res 64/76 (2 February 2010) UN Doc A/RES/64/76 (n 73); UNGA, Res 65/133 (3 March 2011) UN Doc A/RES/65/133 (n 73); UNGA, Res 66/119 (7 March 2012) UN Doc A/RES/66/119 (n 73); UNGA, Res 66/120 (7 March 2012) UN Doc A/RES/66/120 (n 73); UNGA, Res 67/87 (26 March 2013) UN Doc A/RES/67/87 (n 73); UNGA, Res 68/102 (12 February 2014) UN Doc A/RES/68/102 (n 73); UNGA Res 69/135 (19 January 2015) UN Doc A/RES/69/135; UNGA, Res 70/106 (28 December 2015) UN Doc A/RES/70/106 (n 73); UNGA, Res 71/127 (24 January 2017) UN Doc A/RES/71/127 (n 73); UNGA, Res 72/133 (16 January 2018) UN Doc A/RES/72/133 (n 73); UNGA, Res 73/139 (17 January 2019) UN Doc A/RES/73/139 (n 73); UNGA, Res 74/118 (20 January 2020) UN Doc A/RES/74/118 (n 73); UNGA, Res 75/127 (21 December 2020) UN Doc A/RES/75/127 (n 73); UNGA, Res 76/124 (17 December 2021) UN Doc A/RES/76/124 (n 73); UNGA, Res 77/28 (9 December 2022) UN Doc A/RES/77/28 (n 73).

question arises: does the obligation to protect civilians also include the duty to offer humanitarian assistance? While the obligation to provide such humanitarian assistance is firmly established under IHL⁸⁷ the acceptance acceptance of external humanitarian aid by States remains a topic of debate.⁸⁸ UN UNGA Resolutions emphasize the priority given to the consent of the affected State⁸⁹, urging member states to engage in international cooperation.⁹⁰ The UNGA calls for adherence to international law, and imposes a responsibility on receiving States to provide a reasonable explanation in cases where assistance from the international community is declined. As the resolutions highlight, the use of food deprivation as a tactic of warfare is strictly forbidden by the IHL.⁹¹ According to a study on the Commentary of the Additional Protocols to the Geneva Conventions, denying the passage of humanitarian relief organizations violates the prohibition on using food deprivation as a combat strategy, placing people at risk of hunger⁹²-induced mortality. Concerning the consent of the affected State, it can be argued that the requirement for consent should not imply unconditional decision-making authority for the affected State, especially when the security of the population is at stake. Humanitarian actors also play a role in contributing to the conditions required to uphold the principles of humanitarian ⁹³aid to large segments of their population, seeking to compel the surrender of areas controlled by opposition groups. Syria serves as a notable example of the denial of humanitarian aid since 2011. However, the UNSC has taken a more concrete stance on the requirement of

87 See Common Article 3 to the Geneva Conventions; Protocol I Article 70; Protocol II Article 18.

88 For a detailed discussion on the State's obligation to accept offers of international humanitarian assistance see Katja Luopajarvi (n 23) 678.

89 UNGA, Res 48/57 (31 January 1994) UN Doc A/RES/48/57 (n 73); UNGA, Res 51/194 (10 February 1997) UN Doc A/RES/51/194 (n 73); UNGA, Res 70/106 (28 December 2015) UN Doc A/RES/70/106 (n 73); UNGA, Res 71/127 (24 January 2017) UN Doc A/RES/71/127 (n 73).

90 International cooperation was first mentioned in Article 11 of the Guiding Principles on Humanitarian Assistance that is adopted with UNGA Res 46/182 in 1991. In the following years, this topic has been included 34 times in resolutions that are regularly adopted on strengthening of the coordination of humanitarian emergency assistance of the UN. See UNGA Res 47/168 (7 April 1993) UN Doc A/RES/47/168 (n 73); UNGA, Res 48/57 (31 January 1994) UN Doc A/RES/48/57 (n 73); UNGA, Res 49/139 (20 December 1994) UN Doc A/RES/49/139 (n 73); UNGA, Res 49/139A (3 February 1995) UN Doc A/RES/49/139 (n 73); UNGA, Res 50/57 (17 January 1996) UN Doc A/RES/50/57 (n 73); UNGA, Res 50/58 (7 March 1996) UN Doc A/RES/50/58 (n 73); UNGA Res 51/194 (10 February 1997) UN Doc A/RES/51/194; UNGA Res 52/168 (18 February 1998) UN Doc A/RES/52/168; UNGA Res 53/88 (29 January 1999) UN Doc A/RES/53/88; UNGA Res 54/95 (28 January 2000) UN Doc A/RES/54/95; UNGA Res 55/164 (7 February 2001) UN Doc A/RES/55/164; UNGA Res 56/107 (7 February 2002) UN Doc A/RES/56/107; UNGA Res 57/153 (3 March 2003) UN Doc A/RES/57/153; UNGA, Res 58/114 (5 February 2004) UN Doc A/RES/58/114 (n 33); UNGA, Res 59/141 (25 February 2005) UN Doc A/RES/59/141 (n 12); UNGA, Res 60/124 (8 March 2006) UN Doc A/RES/60/124 (n 12); UNGA, Res 61/134 (1 March 2007) UN Doc A/RES/61/134 (n 73); UNGA, Res 62/94 (25 January 2008) UN Doc A/RES/62/94 (n 73); UNGA, Res 63/139 (5 March 2009) UN Doc A/RES/63/139 (n 12); UNGA, Res 64/76 (2 February 2010) UN Doc A/RES/64/76 (n 73); UNGA, Res 65/133 (3 March 2011) UN Doc A/RES/65/133 (n 73); UNGA, Res 66/119 (7 March 2012) UN Doc A/RES/66/119 (n 73); UNGA, Res 66/120 (7 March 2012) UN Doc A/RES/66/120 (n 73); UNGA, Res 67/87 (26 March 2013) UN Doc A/RES/67/87 (n 73); UNGA, Res 68/102 (12 February 2014) UN Doc A/RES/68/102 (n 73); UNGA Res 69/135 (19 January 2015) UN Doc A/RES/69/135; UNGA, Res 70/106 (28 December 2015) UN Doc A/RES/70/106 (n 73); UNGA, Res 71/127 (24 January 2017) UN Doc A/RES/71/127 (n 73); UNGA, Res 72/133 (16 January 2018) UN Doc A/RES/72/133 (n 73); UNGA, Res 73/139 (17 January 2019) UN Doc A/RES/73/139 (n 73); UNGA, Res 74/118 (20 January 2020) UN Doc A/RES/74/118 (n 73); UNGA, Res 75/127 (21 December 2020) UN Doc A/RES/75/127 (n 73); UNGA, Res 76/124 (17 December 2021) UN Doc A/RES/76/124 (n 73); UNGA, Res 77/28 (9 December 2022) UN Doc A/RES/77/28 (n 73).

91 UNGA Res 73/139 (17 January 2019) UN Doc A/RES/73/139; UNGA Res 74/118 (20 January 2020) UN Doc A/RES/74/118; UNGA Res 75/127 (21 December 2020) UN Doc A/RES/75/127; UNGA Res 76/124 (17 December 2021) UN Doc A/RES/76/124; UNGA Res 77/28 (9 December 2022) UN Doc A/RES/77/28.

92 Yves Sandoz, Christophe Swinarski and Bruno Zimmermann, *Commentary to the Additional Protocols of 8 June 1977 to the Geneva Conventions of 1949* (Martinus Nijhoff 1987) paras 1479, 4885.

93 Jelena Pejic, 'The Right to Food in Situations of Armed Conflict: The Legal Framework' (2001) 83(844) *International Review of the Red Cross* 1097, 1108.

consent. In resolution 2165, the UNSC reaffirms Syria's sovereignty and territorial integrity but expresses concern about the arbitrary denial of humanitarian assistance.⁹⁴ This resolution allowed UN agencies to fund, deliver, and coordinate aid through four border crossings to areas not under the control of the Assad regime without its consent, reaching millions of people. In early 2023, the UNSC passed Resolution 2672, which allowed humanitarian aid to millions of Syrians without the permission of the Assad regime.⁹⁵ This provides a clear indication of the UN's general approach concerning the arbitrary refusal of humanitarian assistance and reflects the UNGA's approach to similar situations. States are not allowed to starve civilian populations, nor can they withhold aid to civilians because those civilians are deemed supportive of the State's enemies.⁹⁶

While advocating for the significance of international cooperation, the UNGA has also highlighted the main role and responsibility of the affected state in coordinating and implementing humanitarian assistance within its sovereign territorial space.⁹⁷ The main reason behind emphasizing the affected State's main responsibility is to reaffirm the State's sovereignty, territorial integrity, and the need for respect thereof. However, in instances where States fall short of providing necessary humanitarian aid, alternative actions should be taken. International cooperation, in this context, should not be perceived as intervention; rather, it represents the most effective alternative to alleviate the suffering of victims. If affected states collaborate with international relief organizations, providing humanitarian assistance to their population not only aids in their recovery from the consequences of natural or human-caused disasters but also helps them stabilize the tension of the post-disaster period.

This aspect of international cooperation is closely linked to the R2P "responsibility to react" pillar. This pillar stipulates response to "situations of compelling human need with appropriate measures, which may include coercive measures like sanctions and international prosecution, and in extreme cases military intervention."⁹⁸ This also reveals the role of the UNSC in intervention for human protection purposes under Chapter VII of the UN Charter. State denial of the delivery of humanitarian assistance, as in the above-mentioned cases, can constitute a threat to international peace and security, and therefore justify the UNSC's action under Chapter VII as well as the application of the R2P concept. In such situations, humanitarian considerations become the priority of collective action and justify an intervention.

94 UNSC Res 2165 (14 July 2014) UN Doc S/RES/2165 1-2.

95 UNSC Res 2672 (9 January 2023) UN Doc S/RES/2672 1.

96 Natasha Hall and Hardin Land, 'Foreign Affairs: The Weaponization of Humanitarian Aid' (2023) International Refugees Blog Post <<https://www.refugeesinternational.org/reports/2023/1/9/the-weaponization-of-humanitarian-aid>> accessed 14.02.2023.

97 Primary role and responsibility of affected State in providing humanitarian assistance was first mentioned in Article 4 of the Guiding Principles on Humanitarian Assistance that is adopted with UNGA Res 46/182 in 1991.

98 ICISS Report, Synopsis XI.

Finally, UNGA Resolutions also highlight and internalize the UN's recognition of the fundamentally civilian nature of humanitarian assistance. This recognition alleviates concerns that the militaristic use of assistance may undermine sovereignty. The first reference to the civilian character of humanitarian assistance dates back to 2011 with Resolution 65/133, and subsequently, every year, the UNGA resolution (14 times) explicitly expresses the civilian aspect of humanitarian assistance⁹⁹. It is clarified that if military capacity and assets are used to support the implementation of humanitarian assistance, it will be done in three ways to maintain the civilian character of humanitarian assistance. This involves obtaining consent from the affected State, using military capacity and assets in conformity with international law, including IHL and humanitarian assistance norms, and resorting to military capabilities as the last option in situations where it is deemed necessary. Emphasizing the civilian character of humanitarian assistance is associated with the principles of impartiality and neutrality.

C. Addressing the Root Causes of Humanitarian Crises

As explored thus far, UNGA Resolutions recognize the significance of humanitarian assistance and provide legal clauses to clarify how such assistance is in accordance with State sovereignty. However, it is evident that UNGA Resolutions also reveal an advanced understanding of pre-emptively addressing the causes of humanitarian crises. A novel approach to humanitarian assistance emerged after 2005, supplementing the traditional model of delivering aid after disasters or conflicts. The resolutions clarify that addressing people's needs solely in the aftermath is not a lasting solution. Humanitarian assistance is not only about providing food, medical supplies, water, or other supplies; it is also about addressing the root causes of humanitarian crises and taking precautionary steps. Although disaster prevention was included in the 1991 Guiding Principles on Humanitarian Assistance for the first time, this issue was addressed explicitly only in 2005. International cooperation on disaster prevention, preparedness, early warning systems, and risk assessment form a joint part of humanitarian assistance. Furthermore, finding resilient solutions in the post-disaster period and facilitating a smooth shift from relief to rehabilitation are highlighted.¹⁰⁰

As humanitarian assistance became more difficult due to emerging situations such as epidemics, protracted displacement, regional food crises, and new regional conflicts, UNGA Resolutions began to emphasize the need to strengthen the efficient

⁹⁹ UNGA, Res 66/119 (7 March 2012) UN Doc A/RES/66/119 (n 73); UNGA, Res 66/120 (7 March 2012) UN Doc A/RES/66/120 (n 73); UNGA, Res 67/87 (26 March 2013) UN Doc A/RES/67/87 (n 73); UNGA, Res 68/102 (12 February 2014) UN Doc A/RES/68/102 (n 73); UNGA Res 69/135 (19 January 2015) UN Doc A/RES/69/135; UNGA, Res 70/106 (28 December 2015) UN Doc A/RES/70/106 (n 73); UNGA, Res 71/127 (24 January 2017) UN Doc A/RES/71/127 (n 73); UNGA, Res 72/133 (16 January 2018) UN Doc A/RES/72/133 (n 73); UNGA, Res 73/139 (17 January 2019) UN Doc A/RES/73/139 (n 73); UNGA, Res 74/118 (20 January 2020) UN Doc A/RES/74/118 (n 73); UNGA, Res 75/127 (21 December 2020) UN Doc A/RES/75/127 (n 73); UNGA, Res 76/124 (17 December 2021) UN Doc A/RES/76/124 (n 73); UNGA, Res 77/28 (9 December 2022) UN Doc A/RES/77/28 (n 73).

¹⁰⁰ Guiding Principles on Humanitarian Assistance (n 32) Article 9.

and appropriate allocation of humanitarian assistance. For this purpose, the UNGA promotes two elements: First, to enhance international cooperation on emergency humanitarian assistance. Second, to address the root causes of the humanitarian crisis. UNGA Resolutions call upon States to adopt preventive measures against violent actions initiated against civilians in armed conflicts and to promote disaster prevention and preparedness measures. Thus, resolutions build the resilience of affected states and host communities, thus reducing humanitarian needs. If the root causes of crises are not addressed effectively, there will be an increasing gap between the number of persons requiring assistance and the amount of assistance provided to them. The UNGA is well aware of this growing gap and has taken steps to increase the awareness of humanitarian assistance provisions. Notably, the first World Humanitarian Summit convened in Istanbul.¹⁰¹ in 2006 serves as a treatment for these efforts

IV. Analyzing Specific Categories of Humanitarian Assistance under UNGA Resolutions

This section further expands upon the broader legal aspects discussed above to examine specific categories of humanitarian assistance. The focus shifts to nuanced aspects concerning displaced populations, the safety of humanitarian personnel, the deployment of starvation as a tactic, and the accountability of humanitarian actors.

A. Internally Displaced Persons

UNGA resolutions have progressively intensified their focus on addressing the needs of displaced people, with explicit references emerging after 2004, notably in resolutions 58/114. While the issue of refugees and extensive displacement garnered attention in 1991 with the Guiding Principles on Humanitarian Assistance, it resurfaced prominently in 2004 with resolution 58/114. This resolution marked a crucial document where various new UN approaches to humanitarian assistance can be identified, including the inaugural mention of the principle of independence, consideration of displaced people, armed conflicts, and humanitarian emergencies in these contexts, and acknowledgment of the Guiding Principles on Internal Displacement.¹⁰² Since 2004, UNGA decisions have consistently acknowledged the imperative of providing humanitarian assistance to diverse vulnerable groups and new factors contributing to an increased need for such aid.

The resolutions employ the terms “refugees” and “IDPs” interchangeably when referring to displaced individuals. Notably, the UNGA has directed special attention to the increasing number of IDPs, advocating for the enhancement of national legal frameworks and policies to address their needs. Consequently, the Guiding Principles

¹⁰¹ UNGA Res 69/135 (19 January 2015) UN Doc A/RES/69/135.

¹⁰² HRC ‘Guiding Principles on Internal Displacement’ (1998) UN Doc E/CN.4/1998/53/Add.2.

of Internal Displacement have been acknowledged by the UNGA as an international legal foundation for protecting IDPs. It is evident from these resolutions that a direct correlation exists between the increase in armed conflict situations and the escalating number of IDPs, exceeding even the number of refugees.¹⁰³ Consequently, resolutions have started to distinctly address IDPs rather than combining them with refugees in the same context. The UNGA supports the protection of IDPs through two primary avenues. First, at the national level, it encourages the adoption of the Guiding Principles on Internal Displacement and urges UN member states to establish national normative frameworks protecting IDPs. The UNGA consistently references the Guiding Principles on Internal Displacement in every resolution (19 times) from their inaugural mention in 2004 to the latest resolution in 2022, emphasizing the imperative for the development of national frameworks.¹⁰⁴ Second, at the regional level, the UNGA advocates adopting regional instruments for protecting IDPs in Africa.¹⁰⁵ A critical instrument in this regard is the African Union Convention for the Protection and Assistance of IDPs in Africa,¹⁰⁶ commonly known as the Kampala Convention. This convention is the first and only legally binding regional instrument that contributes to the establishment of normative rules regarding internal displacement. Addressing displacement issues inherently involves considerations of humanitarian assistance. For example, Principle 25 of the Guiding Principles on Internal Displacement sets out rules relating to humanitarian assistance, stating:

“1. The primary duty and responsibility for providing humanitarian assistance to IDPs lies with national authorities.

103 According to UNHCR's displacement data there are 53.2 million internally displaced people and 32.5 million refugees in the world as of the end of 2022. See UNHCR, 'Refugee Data Finder' (2022) < <https://www.unhcr.org/refugee-statistics/> > accessed 03.10.2023.

104 UNGA, Res 58/114 (5 February 2004) UN Doc A/RES/58/114 (n 33); UNGA, Res 59/141 (25 February 2005) UN Doc A/RES/59/141 (n 12); UNGA, Res 60/124 (8 March 2006) UN Doc A/RES/60/124 (n 12); UNGA, Res 61/134 (1 March 2007) UN Doc A/RES/61/134 (n 73); UNGA, Res 62/94 (25 January 2008) UN Doc A/RES/62/94 (n 73); UNGA, Res 63/139 (5 March 2009) UN Doc A/RES/63/139 (n 12); UNGA, Res 64/76 (2 February 2010) UN Doc A/RES/64/76 (n 73); UNGA, Res 65/133 (3 March 2011) UN Doc A/RES/65/133 (n 73); UNGA, Res 66/119 (7 March 2012) UN Doc A/RES/66/119 (n 73); UNGA, Res 66/120 (7 March 2012) UN Doc A/RES/66/120 (n 73); UNGA, Res 67/87 (26 March 2013) UN Doc A/RES/67/87 (n 73); UNGA, Res 68/102 (12 February 2014) UN Doc A/RES/68/102 (n 73); UNGA Res 69/135 (19 January 2015) UN Doc A/RES/69/135; UNGA, Res 70/106 (28 December 2015) UN Doc A/RES/70/106 (n 73); UNGA, Res 71/127 (24 January 2017) UN Doc A/RES/71/127 (n 73); UNGA, Res 72/133 (16 January 2018) UN Doc A/RES/72/133 (n 73); UNGA, Res 73/139 (17 January 2019) UN Doc A/RES/73/139 (n 73); UNGA, Res 74/118 (20 January 2020) UN Doc A/RES/74/118 (n 73); UNGA, Res 75/127 (21 December 2020) UN Doc A/RES/75/127 (n 73); UNGA, Res 76/124 (17 December 2021) UN Doc A/RES/76/124 (n 73); UNGA, Res 77/28 (9 December 2022) UN Doc A/RES/77/28 (n 73).

105 The first mention to Kampala Convention was made in 2010 with UNGA Res 64/76. In the following years, this topic has been included 12 times in resolutions that are regularly adopted on strengthening of the coordination of humanitarian emergency assistance of the UN. See UNGA, Res 65/133 (3 March 2011) UN Doc A/RES/65/133 (n 73); UNGA, Res 66/119 (7 March 2012) UN Doc A/RES/66/119 (n 73); UNGA, Res 66/120 (7 March 2012) UN Doc A/RES/66/120 (n 73); UNGA, Res 67/87 (26 March 2013) UN Doc A/RES/67/87 (n 73); UNGA, Res 68/102 (12 February 2014) UN Doc A/RES/68/102 (n 73); UNGA Res 69/135 (19 January 2015) UN Doc A/RES/69/135; UNGA, Res 70/106 (28 December 2015) UN Doc A/RES/70/106 (n 73); UNGA, Res 71/127 (24 January 2017) UN Doc A/RES/71/127 (n 73); UNGA, Res 72/133 (16 January 2018) UN Doc A/RES/72/133 (n 73); UNGA, Res 73/139 (17 January 2019) UN Doc A/RES/73/139 (n 73); UNGA, Res 74/118 (20 January 2020) UN Doc A/RES/74/118 (n 73); UNGA, Res 75/127 (21 December 2020) UN Doc A/RES/75/127 (n 73); UNGA, Res 76/124 (17 December 2021) UN Doc A/RES/76/124 (n 73); UNGA, Res 77/28 (9 December 2022) UN Doc A/RES/77/28 (n 73).

106 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (adopted on 23 October 2009) 49 ILM 86 (hereinafter Kampala Convention).

2. International humanitarian organizations and other appropriate actors have the right to offer their services to support the IDPs. Such an offer shall not be regarded as an unfriendly act or interference in the State's internal affairs and shall be considered in good faith. Consent thereto shall not be arbitrarily withheld, particularly when the concerned authorities are unable or unwilling to provide the required humanitarian assistance.

3. All authorities concerned shall grant and facilitate the free passage of humanitarian assistance and grant persons engaged in the provision of such assistance rapid and unimpeded access to the IDPs.”

Furthermore, Article 9(2)(b) of the Kampala Convention also sets forth a State obligation to “[p]rovide internally displaced persons to the fullest extent practicable and with the least possible delay, with adequate humanitarian assistance, which shall include food, water, shelter, medical care and other health services, sanitation, education, and any other necessary social services, and where appropriate, extend such assistance to local and host communities.”

It can be concluded that as the UNGA provides some legal rules to address internal displacement, it concurrently lays the legal foundation for rules governing humanitarian assistance in its resolutions.

B. Safety and Security of Humanitarian Personnel

The UNGA Resolutions also address the safety of humanitarian personnel. This entails three key aspects. First is the challenge of humanitarian personnel not having access to those affected by emergencies, especially armed conflicts. Conflict conditions were not explicitly covered in resolutions until 2004 (Resolution 58/114). The resolutions increasingly embed conflict situations, highlighting the critical issue of ensuring safe access for humanitarian personnel to aid those in need.

Second, safe access to humanitarian assistance is linked to the threat of violent attacks on humanitarian personnel. The UNGA expresses concern about deliberate violent attacks on humanitarian personnel, although these attacks were not initially part of the UNGA agenda for humanitarian assistance. These attacks gained international attention early in relief operations, leading to the establishment of legal grounds through the 1994 Convention on the Safety of UN and Associated Personnel.¹⁰⁷ This Convention addresses the security of humanitarian personnel from two aspects: “a) the general rights and duties of State parties and UN and associated personnel; and b) the individual criminal responsibility of alleged perpetrators of attacks against such personnel.”¹⁰⁸

107 UN Convention on the Safety of United Nations and Associated Personnel (adopted on 9 December 1994) 2051 UNTS 363.

108 M-Christiane Bourloynnis-Vrailas, ‘The Convention on the Safety of United Nations and Associated Personnel’ (1995) 44 *International & Comparative Law Quarterly* 560.

Subsequently, the legal grounds for the criminal responsibility of perpetrators are established more concretely by affirming intentional direct attacks against humanitarian personnel as a “war crime in both international and non-international armed conflicts,” as noted in Article 8 of the Rome Statute of the International Criminal Court (ICC).¹⁰⁹ D’Alessandra and Gillett argue that the discriminatory intent of inhibiting the passage of humanitarian assistance or diverting such aid might amount to a war crime under international law.¹¹⁰ Furthermore, under Customary International Law, all parties in a conflict are legally obliged to grant passage to humanitarian aid in major types of armed conflict, international and noninternational. This is reflected in customary Rules 55 (humanitarian relief access for civilians who need it) and 56 (freedom of movement of persons working in humanitarian relief).¹¹¹

The third aspect linked to the safety of humanitarian personnel is the recognition of the importance of humanitarian assistance in ensuring an effective transition from conflict to peace. To prevent adverse conditions in the distribution of humanitarian assistance, two actors are responsible for the efficient designation of humanitarian assistance: the Emergency Relief Coordinator and the Office for the Coordination of Humanitarian Affairs. The UNGA has realized that public awareness of humanitarian assistance needs to be increased worldwide to enhance international cooperation on humanitarian assistance and allow for a transition from warfare to peaceful stability. Consequently, August 19 was designated as “World Humanitarian Day” in 2009.¹¹²

C. The Prohibition of Starvation

The UNGA follows the legal grounds of certain international instruments and condemns deploying starvation as a warfare method in its resolutions while emphasizing its prohibition under IHL. UNGA Resolutions highlight the use of starvation of civilians as a tactic of warfare.¹¹³ The prohibition of starvation and the rules regulating the operation of humanitarian relief are closely linked. The above-mentioned Customary Rules 53 and 54 directly prohibit the use of starvation, which is commonly used to obtain military advantage, such as capturing a city by starving its population. Starvation is also used as punishment against the civilian population of the opposing side in a conflict.¹¹⁴ It is also argued that the deprivation of people’s

109 Statute of the International Criminal Court (adopted on 17 July 1998) UN Doc. A/CONF.183/9 (hereinafter ICC Statute) Article 8(2) (b)(iii) and (e)(iii).

110 Federica D’Alessandra and Matthew Gillett, ‘The War Crime of Starvation in Non-International Armed Conflict’ (2019) 17 *Journal of International Criminal Justice* 815, 822.

111 Jean-Marie Henckaerts and Louise Doswald-Beck (eds), *Customary International Humanitarian Law, Vol 1: Rules* (1st edn, Cambridge University Press, 2005) 193, 200.

112 UNGA, Res 63/139 (5 March 2009) UN Doc A/RES/63/139, (n 12).

113 UNGA Res 73/139 (17 January 2019) UN Doc A/RES/73/139; UNGA Res 74/118 (20 January 2020) UN Doc A/RES/74/118; UNGA Res 75/127 (21 December 2020) UN Doc A/RES/75/127; UNGA Res 76/124 (17 December 2021) UN Doc A/RES/76/124; UNGA Res 77/28 (9 December 2022) UN Doc A/RES/77/28.

114 Federica D’Alessandra and Matthew Gillett (n 110) 842.

liberty in contemporary armed conflicts is frequently used methods on civilians by their own States, which causes inadequate access to humanitarian resources, including access to water, food, and medical assistance.¹¹⁵

The content of UNGA Resolutions allows for reinstating the significance of key regimes of international law. Preventing starvation is not only a moral imperative of States but also an obligation imposed under the IHL, and can be classified as a war crime under International Criminal Law. Article 8(2)(b)(xxv) of the Rome Statute of the ICC recognizes that it is a war crime to intentionally starve civilians as a tactic of warfare. However, there is a lack of equivalent crime in the Rome Statute that applies to non-international armed conflicts. Article 8 explicitly includes violations of the Geneva Conventions, which are relevant to international armed conflicts, but not the Additional Protocols (specifically Protocol II), which are related to the protection of victims of non-international armed conflicts. Under the IHL, Article 14 of Protocol II and Article 54 of Protocol I state that “[s]tarvation of civilians as a method of combat is prohibited.” Such a method includes prohibiting civilians’ access to sources that are critical for their survival, including food stocks, medical treatment, shelter, and water sources. The ICRC Commentary to Article 14 of Protocol II and Article 54 of Protocol I notes: “using such method of warfare would be to provoke it deliberately, causing the population to suffer hunger, particularly by depriving it of its sources of food or of supplies”.¹¹⁶ Displacement can also amount to starvation as displacement causes people to lose access to their sources of livelihood and more generally increases vulnerabilities, including food insecurity.¹¹⁷ Therefore, the intention of the parties to a conflict plays a significant role in determining the violation. In addition to Articles of Protocol I, Article 14 of Protocol II addresses the starvation of civilians as a tactic of combat in non-international armed conflicts.

D. Accountability of Humanitarian Actors

The final subject considered in the UNGA Resolutions is holding humanitarian actors accountable at all stages and holding the perpetrators of sexual exploitation accountable. The recognition of accountability as an integral part of humanitarian assistance was first stated in 2014 with resolution 68/102. Since 2014, the same sentence has been repeated in the UNGA Resolutions that are adopted every year. A total of 10 resolutions

115 Rezzan Katılmış, ‘Günümüz Çatışmalarında Özgürlüğünden Yoksun Bırakılmış Kişilerin Korunması’ (2020) 40 *Public and Private International Law Bulletin* 1, 9.

116 Yves Sandoz, Christophe Swinarski and Bruno Zimmermann (n 92) paras 2089, 4791.

117 Dapo Akande and Emanuela-Chiara Gillard, ‘Conflict-induced Food Insecurity and The War Crime of Starvation of Civilians as a Method of Warfare: The Underlying Rules of International Humanitarian Law’ (2019) 17 *Journal of International Criminal Justice* 753, 757.

emphasize accountability as an integral part of humanitarian assistance.¹¹⁸ The main reason behind the inclusion of “the recognition of accountability” is to ensure that there is respect for fundamental human rights. It is important for people and communities affected by the crisis to “know their rights and entitlements, have access to information, and participate in decisions that affected them.”¹¹⁹ For this purpose, the UNHCR’s report on “Accountability to Affected People” is a good reflection of the UN’s approach to accountability. The accountability process includes the inclusion of affected people in decision-making processes, sharing of information, access to a secure mechanism to manage complaints, and setting up discussion forums.¹²⁰ All these dimensions provide a coherent and integrated framework to help humanitarian organizations assess and improve their accountability toward affected people. UNGA Resolutions state that the Emergency Relief Coordinator has the mandate to enhance the processes of coordination and accountability in how humanitarian assistance is managed within the UN system.¹²¹ Furthermore, the UN policy of no tolerance toward sexual exploitation and abuse, highlighted in UNGA Resolutions, calls for member states to ensure that those who cause sexual exploitation and abuse are legally accountable.¹²² Women and children are especially vulnerable to such exploitation and abuse. Resolution 59/141 confirms that sexual violence and abuse can constitute serious violations and grave breaches of IHL, and are crimes against humanity, as well as war crimes.¹²³ States also have positive obligations under the IHRL to initiate an investigation and prosecution of any acts that amount to sexual and gender-based violence, and cause humanitarian emergencies, to improve coordination and strengthen capacity, and to ensure the prevention and mitigation of gender-based and sexual violence.

Conclusion

This article revisits the significance of humanitarian assistance in the protection of civilians in situations of conflict, natural disasters, and other emergencies, such as pandemics and food scarcity. Among such situations, conflict has become the prevailing dimension because of the emergence of new types of warfare. The need for humanitarian assistance in conflicts has been a significant consideration across the international community. The article analyzed the relevant international legal

118 UNGA, Res 68/102 (12 February 2014) UN Doc A/RES/68/102 (n 73); UNGA Res 69/135 (19 January 2015) UN Doc A/RES/69/135; UNGA, Res 70/106 (28 December 2015) UN Doc A/RES/70/106 (n 73); UNGA, Res 71/127 (24 January 2017) UN Doc A/RES/71/127 (n 73); UNGA, Res 72/133 (16 January 2018) UN Doc A/RES/72/133 (n 73); UNGA, Res 73/139 (17 January 2019) UN Doc A/RES/73/139 (n 73); UNGA, Res 74/118 (20 January 2020) UN Doc A/RES/74/118 (n 73); UNGA, Res 75/127 (21 December 2020) UN Doc A/RES/75/127 (n 73); UNGA, Res 76/124 (17 December 2021) UN Doc A/RES/76/124 (n 73); UNGA, Res 77/28 (9 December 2022) UN Doc A/RES/77/28 (n 73).

119 CHS Alliance, Group URD and the Sphere Project, ‘Core Humanitarian Standard on Quality and Accountability’ (2014), Commitment 4, <<https://corehumanitarianstandard.org/files/files/Core%20Humanitarian%20Standard%20-%20English.pdf>> accessed 16.02.2023.

120 UNHCR, ‘UNHCR’s Approach to Accountability to Affected People: Synthesis of Evaluative Evidence’ (2022) 4, <<https://www.unhcr.org/research/evalreports/63c5603f4/unhcrs-approach-accountability-affected-people-aap.html>> accessed 17.02.2023.

121 Federica D’Alessandra and Matthew Gillett (n 110) 842.

122 *ibid.*

123 UNGA, Res 59/141 (25 February 2005) UN Doc A/RES/59/141 (n 12).

provisions, under IHL and IHRL that apply to situations requiring humanitarian assistance. In addition, it identified the most relevant rules to those situations, such as the legal provisions of the Geneva Conventions and their Additional Protocols, and central human rights, such as the right to food, health, and life. The discussion then examined the key aspects of humanitarian assistance that are pursued by humanitarian organizations, which states are expected to respect. These principles of neutrality, impartiality, independence, and humanity, are consistently highlighted by UNGA resolutions. Furthermore, the article analyzes UNGA resolutions and how they developed legal grounds for humanitarian assistance and the title to strengthening the delivery of humanitarian emergency assistance within and through the UN system. Analysis coverage began with the first adoption of such an approach in 1991 and continued until the most recent resolution adopted in 2022. The article argued that UNGA resolutions first contributed to the adoption of the Guiding Principles on Humanitarian Assistance. They then contributed to expanding this framework to include several additional categories. These include reaffirming the territorial integrity of the State, promoting effective allocation of humanitarian assistance, addressing the root causes of humanitarian crises, and taking precautionary measures. They also cover the inclusion of displaced people, civilian nature of humanitarian assistance, need for international cooperation, safety of persons working in humanitarian sectors, blocking of the distribution of humanitarian assistance, deployment of conflict situations as a method of starvation, and recognition of accountability as a central aspect of humanitarian assistance. In conclusion, this article highlights how the UNGA has gradually expanded the legal grounds for the designation of humanitarian emergency assistance to define the responsibilities and obligations of States and the international community regarding humanitarian assistance.

This article's argument regarding the critical role of the UNGA resolutions in enhancing the legal context for managing and coordinating humanitarian assistance has important implications. It should be noted that the UNGA performs a critical role in further raising the need for humanitarian assistance as a response to new and ongoing political, economic, and social crises. The UNGA, through its resolutions, can contribute to filling the gap between the increasing need for humanitarian assistance because of global challenges, and the current limited provision of humanitarian assistance because of the lack of effective coordination mechanisms. New types of conflicts and crises, such as COVID-19, the Russia-Ukraine war, and higher energy and food prices, increasingly affect the global provision of humanitarian assistance and trigger discussions across the international community regarding possible violations of international law. As highlighted in the article, the UNGA is well-positioned to respond to this situation. through its resolutions, the UNGA has consistently identified the specific areas of international law that are in threat of violation and is therefore playing a crucial role in shaping and defining the international legal context of humanitarian assistance.

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