



DEFENDERS

Summer 2019

Humanitarian Aid



- There is no legal basis for the US sanctions on Iran: ODVV interview with Medea Benjamin
- A Look at Humanitarian Aid in the Recent Floods in Iran
- The consequences of United State unilateral sanctions on the humanitarian activities of the Iranian Red Crescent Society
- Effects of Unilateral Coercive Measures
- International Humanitarian Assistance and the Impact of Sanctions on Humanitarian Assistance to Iran in the Recent Flash Flooding
- Comparative Study of the Influence of Humanitarian Aid and Developmental Aid in the Preservation of Human Dignity
- Review of New Challenges and Solutions for the Improvement of Humanitarian Aid

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- Published by: The Organization for Defending Victims of Violence (ODVV)
- Supervised by: Mahmoudreza GolshanPazhooh(Ph.D)
- Editor in Chief: Farzaneh Mostofifar
- Translated by: Haroot Azarian
- Design: Mohammad Taheri

The articles and papers published in the Defenders Quarterly do not necessarily reflect the views of the ODVV.

The Editor welcomes your suggestions and comments on the articles.

All letters should be addressed to: The Defenders Quarterly

P.O.BOX 14155/5957 , Tehran-Iran

Tel:+98 21 88 95 49 28

Fax: +98 21 88 96 30 91

Email: int@odvv.org

Website: <http://www.odvv.org>

Those interested in receiving Defenders, should contact the Distribution Section of the ODVV at the above- mentioned address.

Geneva Representative Office:Telefax: +41 227916030

Address: The Ecumenical Centre,150 Route de Ferney, PO Box: 2100 , 1211 Geneva

Mobile: +41 786602076

Email: int-swiss@odvv.org

Editor's Note

Human rights and humanitarian campaigns' challenges have always been the concern of free thinking and goodwill people. Through putting behind various difficulties and catastrophes be they manmade or natural, such as wars and natural disasters, Mankind has more than before realized the importance of the promotion of human rights and humanitarian aid for the reduction of human pain and suffering. The establishment of specialized organizations for humanitarian issues, adoption of various laws and conventions all indicate the importance of the subject and its link with the most crucial international issues such as peace and security. Issues such as unilateralism, double-standard policies, aggressive stances which today we witness more than in any other period of time, are turning into big crisis in the world the example of which can be found in unilateral coercive measures, benefiting from threat policy and fear and making some regions of the world insecure.

It is this fact which during the occurrence of natural disasters which Mankind continually speaks towards the reduction of number of victims, Mankind's achievements such as conventions and humanitarian approaches lose their functionality. As people who have always had concerns for humanity issues, we caution this trend. Thus in this issue of Defenders Newsletter we deal with the subject of humanitarian aid and its global challenges.

As a natural disaster, the recent floods in Iran which took many lives

destroyed everything in their path has been dealt with in an article. Also the statistical study of this subject has been dealt with in the form of a report which clarified the relief sent by various domestic and international organizations.

The review of the legal status of humanitarian aid in international laws is another subject which has been dealt with in this issue of Defenders, exclusively under the heading of humanitarian aid.

In other parts of Defenders, the review of the challenges in humanitarian aid in two conflict and natural disaster conditions, and the introduction of special conditions which do not fit in the aforementioned conditions and their challenges have been dealt with in an article. Reference to international and specialized organizations' statistics, such as the International Committee of the Red Cross, and the Red Crescent Society, according to their officials is the subject of another report and article. The review of the views of various human rights experts in the form of interviews is another part of Defenders' Newsletter. In this issue the negative consequences of sanctions on human rights is the subject of one of such interviews.

We in Defenders' believe that although our steps may be small, but they can be steps forward towards human rights goals, and the path that we have chosen, we warmly shake the hands of all the human rights authors and enthusiasts.

There is no legal basis for the US sanctions on Iran

ODVV interview with Medea Benjamin



By: Kourosh Ziabari

Iran is in the headlines once again. The United States has imposed the second round of sanctions against the Middle East nation after withdrawing from the Joint Comprehensive Plan of Action, popularly known as the Iran nuclear deal. This time, the sanctions target Iran's oil and banking sectors and are expected to have an onerous effect on its economy. This is while the International Court of Justice had ruled following a complaint lodged by Iran to this court that the U.S. sanctions are illegal due to their detrimental impacts on the life of ordinary citizens and should be suspended. The United States ignored the ruling.

A prominent human rights activist told the Organization for Defending Victims of Violence that the United States government under President Trump has zero respect for international law and this became clear when he pulled out of the Paris climate accord, the Intermediate Range Nuclear Forces treaty with Russia and the Iran nuclear deal.

Medea Benjamin said the U.S. pressure on different world countries to stop doing trade with Iran and buy its oil are unjustifiable: "The US pressure on [Iran's] oil clients has no legal justification, and the U.S. can only get away with this because it's a superpower. It can blackmail other countries because the dollar is so key to international financial transactions."

Medea Benjamin is the co-founder of the Code Pink organization and a contributor to several news websites, including The Huffington Post. In 2000, she was the Green Party candidate in California for the United States Senate, but didn't make it to the Congress. An outspoken opponent of the Iraq war and a vocal critic of the U.S. military interventions in the Middle East, Medea Benjamin disrupted an event hosted by the Hudson Institute on 19th of September this year where the U.S. Special Representative for Iran Brian Hook was speaking, to voice her anger at the U.S. policies on Iran.

In an exclusive interview with ODVV, Ms. Benjamin shared her views about the ongoing spat between Iran and the United States and the human impact of the U.S. sanctions. The following is the text of the interview.

Q: What's your take on the unilateral withdrawal of the United States from the Iran nuclear deal and the re-imposition of economic sanctions against Iran? What do you think drove President Trump to de-certify the Iran deal and decide to target Iran with new sanctions?

A: President Trump's unilateral withdrawal from the nuclear deal makes a mockery of international cooperation and Trump's re-imposition of sanctions punishes countries that want to abide by a deal that was approved not only by the negotiating parties but was passed unanimously by the UN Security Council. It is the height of imperial hubris. President Trump talked about wanting to withdraw from the deal during his campaign, so once he was president he wanted to fulfil that promise to his base and to his large campaign contributors. He has also been anxious to undo the major legacies of President Obama, from his healthcare bill to the Paris climate accord to the Iran nuclear deal. Trump also is closer than previous presidents to both Israel and Saudi Arabia, two countries that never wanted the U.S. to sign that deal. Finally, Trump brought into his inner circle people known for their hawkish posture towards Iran, including National Security Advisor John Bolton and Secretary of State Mike Pompeo.

Q: What's your view on the human impact of the U.S. sanctions against Iran? Do you agree that they will be the ordinary citizens who will suffer if the international community is not able to do business with Iran?

A: We know the sanctions will hurt millions of ordinary Iranians because we already saw that when strict sanctions were imposed from 2010-2015, and we have seen how just the threat of these new sanctions has wreaked havoc on Iran's economy, with the value of the rial plummeting and prices skyrocketing. Major western companies have already pulled out of multi-billion dollar deals, which severely curtails Iran's economic options. And while the U.S. government insists that humanitarian aid is exempt, with the banks not wanting to handle financial transactions with



Medea Benjamin Co-founder of the Code Pink organization



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Iran, critical medicines are already in short supply.

Q: The UN special rapporteur on the unilateral coercive measures Idriss Jazairy noted in a statement on 22nd of August that the sanctions against Iran are illegitimate, destroy the economy of the nation as well as the country's currency and millions of people will be forced into poverty. What's your reaction to his statement?

A: The UN special rapporteur's statement is totally on point. There is no legal basis for these sanctions and, indeed, sanctions that interfere with the importation of medicine and food have been declared illegal by the International Court of Justice.

Q: Is the U.S. pressure on Iran's oil clients to stop their transactions with Tehran and refrain from buying its crude legally justifiable?

A: The U.S. pressure on oil clients has no legal justification, and the U.S. can only get away with this because it's a superpower. It can blackmail other countries because the dollar is so key to international financial transactions. It's outrageous to see the U.S. strong arm both big and small nations alike, demanding that they either totally cut their oil purchases or granting them "waivers" if they agree to major cuts and agree to put Iran's money in accounts that can only be used for purchases that the US agrees to. These waivers, by the way, are also only temporary, as the U.S. continues its mafia-like push to strangle Iran's economy by bringing its

oil exports down to zero.

Q: Do you think the European Union will be able to salvage the nuclear deal now that the United States is no longer a party to it, keep the means of trade with Iran alive and convince the Islamic Republic to remain in the deal?

A: It is not clear if the European Union will be able to salvage the deal. The mechanisms for the Special Purpose Vehicle are still being worked out, but the Trump administration has already declared that it will try to sabotage this effort. And even if this new financial arrangement is actually capable of circumventing U.S. sanctions, it's not clear that Western companies will want to take the risk. So far, it certainly doesn't look like they are willing to make themselves vulnerable to U.S. retaliation.



The sanctions are not about Iranian nuclear weapons, which don't exist, but about regime change. They are designed to make life so miserable for Iranians that they will rise up and overthrow their government

Q: What do you think are the major goals behind the U.S. sanctions on Iran? Iran has stipulated restrictions on its nuclear program and the International Atomic Energy Agency has confirmed 11 times that Iran has kept its commitments. Why were the sanctions re-imposed then?

A: The sanctions are not about Iranian nuclear weapons, which don't exist, but about regime change. They are designed to make life so miserable for Iranians that they will rise up and overthrow their government. Does the U.S. government have any idea or even care about what would happen afterwards? Just look at Iraq or Libya. Perhaps what the U.S. and Israel and Saudi Arabia want is simply chaos in Iran, so that Iran becomes a weak, divided state incapable of challenging other countries in the region or challenging U.S. hegemony.

Q: The International Court of Justice ruled against the United States after Iran lodged a complaint to the court about the new sanctions, ordering that Washington should lift the restrictive measures. What does Washington's denial to abide by the ICJ's ruling tell you?

A: The U.S. government, especially under the Trump administration, has contempt for international law. That was clear then it pulled out of the Paris climate accord, the nuclear deal and more recently, the INF, i.e. Intermediate Range Nuclear Forces treaty with Russia. But it is also clear from its refusal to acknowledge the International Criminal Court or the International Court of Justice. Of course, this is not really new. When the ICJ ruled against the U.S. in the case of mining Nicaragua's ports in 1984, the U.S. simply ignored the ruling. Superpowers, it seems, don't have to abide by the international rules imposed on weaker countries.

Q: I'd like to ask you to share with us your view on the frequent use of the economic sanctions by superpowers as a punitive measure against other countries. Won't frequent and hard-hitting economic sanctions undermine diplomacy and multilateralism and foment tensions and instability across the world?

A: Sometimes sanctions can be justified, especially when there is a movement for justice internally that is calling for those sanctions. That was the case in South Africa under apartheid, and it is the case today around Israel's repression of Palestinians. In other cases, however, sanctions tend to be unjust and a form of collective punishment. This has been the case with Cuba since the 1959 revolution and the case with Iraq during the time of Saddam Hussein. It has also been the case of Iran since the 1979 revolution. These sanctions have not had their intended effect of toppling governments; they have only served to hurt the people. In some cases, like that of Iraq, the consequences were devastating for the population, with enormous casualties resulting for the lack of medicines and food.

A Look at Humanitarian Aid in the Recent Floods in Iran



By: Negar Paidar Darian
Human rights researcher

Humanitarian aid is in fact aid that is provided for people who need it in material, food, medicine and clothing form. Usually these assistances are for short periods, till in the long term governments and other institutions can replace them, and often the aid is provided to the displaced, refugees, victims of natural disasters, armed conflicts and famine. The main aim of humanitarian aid is saving lives and reduction of pain and suffering and respect to human dignity. In the recent months United States imposed unilateral sanctions against Iran have created difficult conditions for the provision of some humanitarian and vital materials such as medicines, and furthermore, the prohibition of financial and humanitarian transactions are not included in these sanctions, but what we see in practice is a shortage of humanitarian goods and a sharp rise in the cost of their provision, which creates all sorts of problems and as a result of these sanctions, the humanitarian system loses its function which is the provision of dignity and reduction of pain and suffering.

In this report we take a look at aid and relief that was provided for the flood-hit regions of Iran. This relief more or less was affected by ongoing sanctions. Was the reason why in practice no financial aid was given to Iran in this crisis, solely the wishes of countries and international organizations based on refusal to provide financial aid, or fear of the repercussions of financial transaction with Iran? Fundamentally, is there any path left for financial transactions?

This report is will review three aids which are country aid, international organizations aid and domestic aid.

Introduction

Heavy rains and flash floods have affected more than 2,000 cities and towns across Iran, according to the Iranian Red Crescent. This is the largest disaster to hit Iran in more than 15 years. An estimated 10 million people have been affected in some way, including more than half a million have been displaced from their homes. 84 have died, and around 20,573 persons were injured.¹ At least 54,000 houses have been destroyed and another 90,000 have been damaged. 1,500 schools have been damaged and 200 of them must be rebuilt and also floods

¹ <https://reliefweb.int/report/iran-islamic-republic/iran-floods-leave-people-limited-access-life-saving-health-services>

caused damage to 39 public libraries.² The floods have fully and partially destroyed 1040 health facilities and 81 hospitals, leaving patients with limited access to essential and life-saving health services.³ Agricultural areas were heavily hit, 1 million hectares of farmland being flooded, with crops ahead of harvest and livestock being lost. The drinking water system has been repaired in a majority of affected villages; power has been restored in some 60% of the affected communities.

The main needs are in the sectors of water, sanitation and hygiene (WASH), health, shelter, agriculture and livelihoods. According to the authorities, the disaster has caused some USD 4.1 billion of damage on various sectors (including USD 1.5 billion in agriculture).⁴

The conditions that the floods have created for the country, it put people in need of humanitarian aid. Humanitarian aid which in fact is the provision of food, medicine and equipment and materials to the people is required. From the international law aspect it is based on the solidarity of Mankind, meaning that not only the local government where the incident or natural disaster has taken place, but the international community also must respond to the people caught in critical conditions. Sending relief towards the protection of the right to life, ease of pain and suffering and respect to human dignity is fulfilled as Mankind's right. This relief is done by various international actors which include the local government, neighbouring and non-neighbouring countries, national and international organizations and the private sector. In this report under the headings of national assistance, international organizations' assistance and domestic organizations' assistance, we take a look at the relief that was sent to the recent flood regions of Iran.

1 – National Assistance

The local government of the place of incident or natural disaster

As the country where the disaster struck, aside from the humanitarian aspects, the Iranian government is legally obliged to provide internal aid and relief. The government must immediately after the occurrence of disaster provide relief and also facilitate ways for emergency relief. In this regards first of all allocation of some of the country's budget for unforeseen and emergency circumstances must be part of the budget draft legislation. In the Islamic Republic of Iran,

2 <https://reliefweb.int/report/iran-islamic-republic/iran-starts-reconstruction-schools-flood-hit-areas>

3 <https://reliefweb.int/report/iran-islamic-republic/iran-floods-leave-people-limited-access-life-saving-health-services>

4 <https://reliefweb.int/report/iran-islamic-republic/iran-floods-appeal-n-mdrir002-operation-update-03>



Heavy rains and flash floods have affected more than 2,000 cities and towns across Iran, according to the Iranian Red Crescent

five percent of the country's overall budget is allocated for compensation for unforeseen unconventional events. Secondly, the movements in infrastructure budgets too have been considered for needed instances, therefore the capacity of the 2019 budget and related laws, resources exceeding 6.4 billion dollars facilitates for support of flood victims and reconstruction of infrastructures and agricultural sectors.⁵ Although according to calculations the damage caused by the floods has been estimated at 8.333 million dollars^{6,7}.

Also insurance companies and banks are another method for provision of the government's budget. Ultimately if required, with the permission of the Supreme Leader, the government can withdraw from the National Development Fund, which in fact can withdraw with the oil revenue surplus over the years. Another of the government's duties is the organization and collection of public and various domestic and international organizations' donations and assistances. Furthermore in the recent floods the armed forces were also present for sending aid and relief.

1 – 2 – Rest of Nations

Aside from the local government where the disaster has taken place has the duty to provide aid relief to its citizens, the government must also ask the international community for help and facilitate emergency aid routes, particularly if the government itself is not able to and does not have enough means to undertake extensive tasks.

The international community's responsibility begins when the local government where the disaster took place is not able to help its citizens. Governments have a major role in providing humanitarian assistance. Meanwhile, countries bordering the affected country also are obliged to create emergency routes for aid relief to the country.

In short, the assistance of other countries' assistances in the recent floods were:

- Through the German Red Cross Society, the German government provided 40 motorized rubber dinghies and individual rescue equipment for floods 300,000 Euros.
- Jointly with the government of the Russian Federation, the Emergency Situations Ministry of Armenia donated 250 bed sheets, 4000 blankets, 20 M10 tents and 20 M30 tents.⁸
- The French government donated 114 water pumps, 210 tents (18 tones, and 37 sq./m)
- The government of the Republic of Azerbaijan donated 17 trucks filled with emergency relief that included blankets, sheets, pillows, pillowcases, bed covers, kitchen equipment, life jackets, 5 people's tents, water pumps, boats, overalls,

5 <http://yon.ir/cPaca>

6 Exchange rate: 1\$= 42000 IR Rials

7 <http://yon.ir/EzUhf>

8 <http://www.irna.ir/fa/News/83270851>

rescue clothes and two Caterpillar diggers.

- The Oman government sent 7 planes loaded with living, food and rescue materials to the approximate weight of 100 tons that included rice, flour, dates, lentils, sugar, oil, tea, powdered milk, 6 by 4 tents, blankets, pillows, sheets and 10 boats.

- The South Koran government announced 200 thousand dollars in aid through the International Rescue Federation. To-date this remains a pledge and no transaction has taken place and nothing been given to Iran.

- The Georgian government sent a shipment containing 130 stretchers, 50 stretcher mattresses, 130 blankets, 50 sleeping bags, 300 water containers and 200 water purifier systems.

- The Indian government sent a shipment of 917 packages that include 1750 single blankets, 1750 double blankets, 2000 kg of plastic bags 1080 canned food, 1000 kg of canned peas, 500 kg of cans of dehydrated potatoes, 1020 kg of fried onions, 999 family tents (111 tents, 111 bridge boxes and base, 20 packages of road and 20 packages of hooks).

- The rescue unit of the Czech Republic Fire Department sent, tents, blankets, sleeping bags, power generators, power generator equipment swap drying pump and wooden pallets.⁹

- The Italian government sent rescue and hygiene packages that included 5 sixteen kilowatts power generators, 200 family tents, 5 motorized rubber dinghies, 300 hygiene kits, 1000 sheets, 60 rolls of plastic rapping, 600 Coleman's 5 ten-thousand litre water tanks, 5 ten-thousand litre water tanks, 250 solar powered lamps, 250 solar powered torches, 2550 blankets, 2 trauma emergency kits 2 emergency kits in support of trauma, medical equipment and cholera medicines.

- Through the World Food Program, the British government sent a 77,000 dollar aid package that included 52 blankets, 17 pallets of tents, 4 pallets of kitchen pots and pans.

- Through the European Commission the Austrian government sent relief in the form of 80 packages and 4 pallets to the weight of 3404 kg which included 2000 blankets, 5 sludge cleaners with couplings and hoses, and also stated readiness to send a second shipment of 1000 5 persons 1 month hygiene packages which



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⁹ <http://yon.ir/J0v4F>

include washing powder, toilet paper, soap, toothpaste, toothbrush, disposable razors and tampons.

- The Chinese government sent 4000 waterproof tents, and also declared readiness to send another shipment that include 20 diesel powered generators, 300 sludge removal machines, 30 loudhailers and 400 tents.

- The Crisis and Support Center of the French Ministry for Europe and Foreign Affairs sent twelve tons of humanitarian cargo, including 114 motorized pumps.¹⁰ As the above inventory shows no financial aid has been given to Iran, whereas cash humanitarian donations play a key role in getting crucial and urgent goods. This is while due to the United States unilateral sanctions, Iran is having problems with even importing crucial goods such as medicines into the country.

2 – International Organizations’ Assistance



The UN and its bodies which include the Office for the Coordination of Humanitarian Affairs (OCHA), WHO, the Food and Agriculture Organization of the United Nations (FAO), UNICEF, the World Food Program (WFP), all have duties in provision of humanitarian relief.

The UN and its bodies which include the Office for the Coordination of Humanitarian Affairs (OCHA), (WHO), the Food and Agriculture Organization of the United Nations (FAO), (UNICEF), the World Food Program (WFP), all have duties in provision of humanitarian relief. Also nongovernmental organizations such as the Red Cross and Red Crescent too have an important role in the coordination and provision of relief during crisis conditions.

In view of the crisis conditions and Iran’s request for aid and assistance from other countries and organizations, the assistances of international governmental or private organizations were as follows:

- The Turkish Red Crescent Society sent 5 trucks filled with living and hygiene goods that included 320 tents, 1000 sheets, 100

hygiene kits, 1625 blankets, 360 kitchen pots sets, 60 oil heaters.

- The International Red Cross and Red Crescent Federations approved 500,000 dollars from the Federation’s emergency fund

- The Swiss Development and Cooperation Agency: two water distribution equipment.

- The Kuwait Red Crescent Society first aid packs included 40 tons of aid food, medicines and medical equipment and 4 water pumps. Second aid packs that included 40 aid goods (1000 food packs at 23 kg a pack, 60 food packs at 10 kg a

¹⁰ <https://www.diplomatie.gouv.fr/en/country-files/iran/events/article/iran-humanitarian-aid-05-04-19>

pack, and 1200 bags of rice at 5 kg per bag, and also sent 2 representatives from the Kuwait Red Crescent (for 40 billion rials purchase of food and nonfood materials)

- The Japanese International Cooperation Agency sent around 6 tons of relief that include 140 domed tents, 50 light tents, 1150 sleeping packs, 100 plastic bags.

- French NGO Popular Relief sent relief shipment that included 4960 blankets, 274 pots and pans.

- The Office of the International Committee of Red Cross in Tehran provided 100,000 Euros in cash aid.

- The UAE Red Crescent and Saudi Red Crescent sent humanitarian aid at 80 tons that included 2500 food packages and 292 tents.

- The Iranian Hospital in Lebanon pledged 60,000 dollars from its popular assistances and hospital medical personnel. This is solely a pledge and not been paid.

- The Qatar Red Crescent cash relief to the amount of 410,000 Swiss Franks.

- The Iraq Red Crescent pledged 5000 dollars relief through International Relief Federation. This pledge has not been materialized to-date.

- The Iranian Consul General in Peshawar, Pakistan, and the region's people donated a cash contribution of RIs 1,320 billion (nearly 31,420 US dollars) to the Iranian Red Crescent.¹¹

- A French non-governmental organization, Secours Populaire Francais: has provided food and hygiene items worth 15,500 Euros which include rice, tuna, edible oil, sugar and beans.¹²

- The OPEC Fund for International Development has approved an emergency aid grants totaling US \$ 500000 in support of relief efforts in Iran.¹³ The grant will be used primarily for the purchase and distribution of tents, blankets, kitchen sets, hygiene kits and food items for the most vulnerable households.

- The International Federation of Red Cross and Red Crescent Societies (IFRC) has launched an international emergency appeal seeking 5.1 million Swiss francs to expand Red Crescent support to an additional 30,000 families (equivalent to about 150,000 people). The IFRC-supported part of the operation will focus on providing unconditional cash grants to each of these families.¹⁴

In these instances we observe limited and trivial amounts of pledged cash amounts received by international organizations such as the Red Cross. What is important is that due to US unilateral sanctions against Iran, according to the statement of the Red Crescent Society, cash transactions cannot take place, and to-date the pledged amounts or goods to their value have not been given to Iran. The only way for Iranians abroad and citizens of other countries to help the Red Crescent is to make payments into a charity account that the German Red Cross

11 <https://reliefweb.int/report/iran-islamic-republic/china-pakistan-offer-relief-aids-flood-affected-people>

12 <https://m.reliefweb.int/report/3122453/iran-islamic-republic/france-supports-iran-flood-victims-once-again>

13 <https://reliefweb.int/report/mozambique/ofid-approves-total-emergency-aid-us1m-mozambique-and-iran-ifrc>

14 <https://reliefweb.int/report/iran-islamic-republic/iran-floods-emergency-appeal-mdrir002>

has opened. Thus from the collection of these amounts the Iranian Red Crescent and German Red Cross undertake the review to undertake allocation of these payments to flood victims.¹⁵

3 – Domestic Iranian Organizations’ Assistance

The Iranian Red Crescent Society is one of the most important organizations which is responsible for managing and collecting cash and noncash donations and also training of human resources for crisis situations in the country. The amount of assistance that has been given to the Red Crescent for the floods is 890 billion Rials in cash and 200 billion Rials in noncash forms.

In the recent floods, more than 18,000 Red Crescent relief workers – most of them volunteers – have been involved in these humanitarian response. Seventeen

Red Crescent helicopters along with 41 boats have been used to rescue people trapped by rising waters. In all, more than 457,000 people have been reached with Red Crescent services, including about 239,000 people who have been provided with temporary shelters.¹⁶

Alongside the Red Crescent 350 nongovernmental organizations¹⁷ have also been identifying, needs assessing and providing relief, such as the Imam Ali Students Society which altogether has provided 50 billion rials in cash and 50 billion noncash assistance to the organization, and cash relief from outside Iran has been in excess of 34,000 dollars. This NGO has announced its cash and

noncash assistances in its website.¹⁸

Conclusion

Humanitarian aid is an important part of international law for which there are numerous resolutions in the UN Security Council and General Assembly in this regard, such as the Draft articles on the protection of persons in the event of disasters¹⁹. Each government and organization has the rights to the method



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15 <http://dolat.ir/detail/320412>

16 <https://reliefweb.int/report/iran-islamic-republic/iran-floods-two-million-people-need-humanitarian-aid>

17 <http://yon.ir/fvZl7>

18 <https://sosapoverity.org/report/%d8%af%d8%b2%d8%a7%d8%b1%d8%b4-%d9%85%d8%a7%d9%84%db%8c-%d8%b3%db%8c%d9%84-%d8%a8%d9%87%d8%a7%d8%b1-%db%b1%db%b3%db%b9%db%b8/>

19 http://legal.un.org/docs/?path=../ilc/texts/instruments/english/draft_articles/6_3_2016.pdf&lang=EF

and amount of relief they provide to the government of affected country. These reliefs include various activities such as getting food, shelters, education, hygiene support, which generally are in the form of goods and also cash funds in humanitarian aid, are given to individuals. Experience shows that cash funds be very effective, more practical and economic and based on the protection of human dignity during disasters due to the power of choice and control for getting food and necessary goods and based on people's needs it gives to organizations, and even strengthen local markets and jobs.

Although in the recent years according to the amount of cash relief in humanitarian aid have increased due to the crucial role they have, has increased²⁰ and the cash relief of governments has always been seen as a normal action in international law and customs of countries, but with regards to the recent floods in Iran, the effects of sanctions can be seen in the amount and type of assistance governments can provide. But we see that no country has the ability or dares to present cash assistance due to fear of America's punishment threats. We can clearly see the sacrificing of human rights and humanitarian aid due to political decisions based on force and bullying. Due to the inhuman sanctions imposed on Iran by the United States no paths have been left open for financial transactions. And therefore there are no distinctions between goods (medicines and crucial goods with other goods. Humanitarian needs during crisis and natural disasters are not just limited to blankets, food and ten, but the government is in urgent need of immediate reconstruction of destroyed infrastructures such as roads, bridges, homes, schools, farmlands, power stations, and telecommunications etc. all of which require substantial funds.

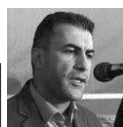
Cash assistance can also link longer-term recovery and government-led efforts to support affected citizens.

Among international organizations only two organizations (Red Crescent Society and the Red Cross) out the hundreds of organizations have provided cash relief, and 3 other cases have only pledged funds but not given any to Iran. Aside from the fact that these funds are low in amount, we still witness that cash reliefs have not been to the amounts needed and due to the illegal and inhuman sanctions imposed by America, international organizations usually do not have the inclination to provide cash relief and fundamentally there are no channels for doing such transactions.

It must be noted that there should be a study on the scenario where if this flood crisis occurred in a country which was not under sanctions, how much cash and noncash support we would see for that country?

²⁰ <https://reliefweb.int/report/world/state-world-s-cash-report-cash-transfer-programming-humanitarian-aid>

The consequences of United State unilateral sanctions on the humanitarian activities of the Iranian Red Crescent Society



By: Hassan Esfandiari

PHD candidate for international public law, Science and research university, Tehran, Iran and Deputy Director General of International Communications, Iranian Red Crescent Society

Background

Over the years, economic sanctions have contributed to violation of right of disaster affected population deprived them to have access to international humanitarian aids. Iran has been under comprehensive unilateral economic sanctions by groups of countries in recent years especially by the United States of America. They have been intensified from 8th May 2018 when the U.S.A. unilaterally withdraws from the JCPOA. This article aimed to identify the humanitarian impacts of the sanctions on the right of Iranian disaster affected people to have access to International assistance during the large scale disasters occurred in Iran since March 2019.

Methods

To assess the humanitarian impact of unilateral sanctions to the activities of the Iranian Red Crescent (IRCS), especially during the March – April 2019 floods, the evidences and documents available within the IRCS have been identified and studied and the results of the filed assessment to the flood affected areas carried out by FACT¹ team have been analyzed.

Results

The U.S. led unilateral sanctions against Iran have been tightened to unprecedented levels since 8th May 2018 when the USA withdraws from the JCPOA. The sanctions imposed by the U.S. to the Islamic Republic of Iran affected many of the activities implemented by the Iranian Red Crescent Society, especially the emergency relief efforts. In recent floods occurred in 13 provinces of Iran in March 2019, the effectiveness of emergency response to disasters has been considerably affected by the unilateral sanctions.

Conclusion:

The sanctions must have a lawful purpose, must be proportional, and must not harm the human rights of the ordinary citizens, particularly the right to access the international assistance during the emergency phase of the disasters and none of these criteria not only is met in this case but also deteriorating the humanitarian situation in the country.

¹ Filed Assessment and Coordination Team

Introduction

As a largest humanitarian organization in the Islamic Republic of Iran, the Iranian Red Crescent Society (IRCS) is responsible to respond to the disasters occurred in the country as part of its mandate to have auxiliary role to the government.² The Iranian Red Crescent is the unique Iranian non-governmental organization rendering humanitarian services to the disaster affected population, dispatching international assistance and aids to the targeted groups as well as deploying relief workers and medical experts to the disaster affected countries based on the Article³ (4) of its statute.

The impact of U.S unilateral sanction to the humanitarian work of the Iranian Red Crescent is considerable as the IRCS was not able to receive any international cash donation during the March 2019 floods due to the financial system and banks restrictions. At this stage, the main question is if, another natural or man-made large scale disaster (like the March –April flooding) occurs in Iran, what would be the humanitarian consequences of the unilateral sanctions to the on time, efficient and effective response to the disaster?

To answer this question we have to look the nature of the sanctions and to see if the humanitarian organizations are exempted from the scope of the sanctions.

Sanctions are “measures taken by a state to coerce another to conform to an international agreement or norms of conduct, typically in the form of restrictions on trade.”³ These measures are called countermeasures which are resorted against an international wrongdoer in the case that they are not decided by UN Security Council.⁴ They may be comprehensive which prohibit commercial activities entirely with a country, or targeted (or smart) which block transactions of and with certain businesses, groups, or individuals of a target country.⁵

Sanctions are called “brutal instruments” by the UN Food Program; WHO has asked international community to ban them altogether.⁶ The Committee on the



The impact of U.S unilateral sanction to the humanitarian work of the Iranian Red Crescent is considerable as the IRCS was not able to receive any international cash donation during the March 2019 floods due to the financial system and banks restrictions

2 Article 1, Iranian Red Crescent statute.

3 Sanction. Oxford Dictionary website. <http://www.oxforddictionaries.com/definition/english/sanction>. Accessed August 15, 2016.

4 Ronzitti N. Coercive Diplomacy, Sanctions and International Law: Martinus Nijhoff Publishers; 2016.

5 Masters M. What are economic sanctions? <http://www.cfr.org/sanctions/economic-sanctions/p36259>. Accessed March 25, 2016. Published 2016.

6 Maggie O. The Wake of War. Guardian. 1996

Rights of the Child also declared that economic sanctions can act as an obstacle to the implementation of the Convention on the Rights of the Child (CRC).⁷ Through humanitarian exemptions for food and medicine, the sanctions often do not aim to violate people's right to health in target countries. But, still civilians of target countries suffer from deprivation; since, it is not possible to separate effects of economic sanctions on humanitarian issues, health and economy. UN Human Rights Council in 2013 declared that there are reliable evidences about serious consequences of sanctions on the rights of people particularly vulnerable groups such as women, children, the elderly, the poor, minorities, indigenous people and persons living with disabilities.⁸

ICJ provisional measures on Iran – U.S. case:

The provisional measure of the International Court of Justice (ICJ) on 3th October 2018,⁹ has excluded the medicine and medical equipment, agricultural commodities and other humanitarian items from the scope of the United States unilateral sanctions re-imposed to Iran. The ICJ in its provisional measures indicated that:

The United States of America, in accordance with its obligations under the 1955 Treaty of Amity, Economic Relations, and Consular Rights, shall remove, by means of its choosing, any impediments arising from the measures announced on 8 May 2018 to the free exportation to the territory of the Islamic Republic of Iran of:

- (i) Medicines and medical devices;
- (ii) Foodstuffs and agricultural commodities; and
- (iii) Spare parts, equipment and associated services (including warranty, maintenance, repair services and inspections) necessary for the safety of civil aviation;

As clearly mentioned in the provisional measures the humanitarian items such as medicine and medical devices, the foodstuff and agricultural commodities as well as the spare parts for the safety of the civil aviation have been excluded from the sanctions.

Moreover, the International Court of Justice at the second paragraph of the measures declared that:

The United States of America shall ensure that licenses and necessary authorizations are granted and that payments and other transfers of funds are not subject to any restriction in so far as they relate to the goods and services referred to in point (1);

The ICJ in this paragraph declares that the United States of America must provide facilitation for the payments and transfer of the funds which is one of the main constrain in humanitarian activities of the Iranian Red Crescent. The funds donated either through the emergency appeal of the International Federation of Red Cross

7 United Nations. Yearbook of the United Nations. United Nations; 1998.

8 UN Human Rights Council. Human rights and unilateral *coercive measures* (24/14). New York: UN General Assembly; 2013

9 <https://www.icj-cij.org/en/case/175>

and Red Crescent Societies or throughout different donors to the IRCS have been seized or blocked due to the sanctions on the financial systems and banks.

Draft articles on the protection of persons in the event of disasters
The United Nations International Law Commission (ILC) has Considered the frequency and severity of natural and human-made disasters and their short-term and long-term damaging impact and the necessity of the essential needs of persons affected by disasters, and conscious that the rights of those persons must be respected in such circumstances 10 has adopted the draft articles and submitted to General Assembly by resolution 71/141 on 13 December 2016.¹¹ Article 2 of the draft article clearly mentioning that: The purpose of the present draft articles is to facilitate the adequate and effective response to disasters, and reduction of the risk of disasters, so as to meet the essential needs of the persons concerned, with full respect for their rights.¹²

The main purpose of this article is to protect the people affected by disaster and to render them adequate supports with full respect of their life. It is the right of the affected people to receiving the support from the national and international donors, yet the unilateral sanctions made impediment to get the international cash assistance through banking systems. Despite of emphasis at article 5 of the draft article which clearly talks about the human rights of the affected population, the sanctions are the real obstacle to protect the human rights of persons. Persons affected by disasters are entitled to the respect for and protection of their human rights in accordance with international law¹³ and these rights are violated due to the unilateral sanctions. The United States of America also neglected article 7 of the draft articles as the ILC intended to have ultimate cooperation of the states with the humanitarian organizations. Article 7 indicates the cooperation and coordination of states to facilitate the humanitarian efforts and to ease the access to international assistances. This article says: in the application of the present draft articles, States shall, as appropriate, cooperate among themselves, with the United Nations, with the components of the Red



The main purpose of this article is to protect the people affected by disaster and to render them adequate supports with full respect of their life

10 United Nations international law commission, draft articles on the protection of persons in the event of disasters, http://legal.un.org/ilc/summaries/6_3.shtml, 2016

11 <http://legal.un.org/docs/?symbol=A/RES/71/141>

12 United Nations international law commission, draft articles on the **protection of persons in the event of disasters**, http://legal.un.org/ilc/summaries/6_3.shtml, 2016

13 Article 5, draft articles on the **protection of persons in the event of disasters**, http://legal.un.org/ilc/summaries/6_3.shtml, 2016

Cross and Red Crescent Movement, and with other assisting actors.¹⁴ The flood affected persons did not benefit from the international cash program due to the lack of the fund transfer mechanism and banks were not permitted to transfer the donated funds.

The United Nations position on the unilateral sanctions

The independent expert appointed by the Human Rights Council has expressed deep concern at the recent imposition of unilateral coercive measures on Iran by the United States, saying the use of economic sanctions for political purposes violates human rights and the norms of international behavior. Such action may precipitate man-made humanitarian catastrophes of unprecedented proportions.¹⁵ The UN Special Rapporteur concerned with the negative impact of sanctions and said real

concerns and serious political differences between governments must never be resolved by precipitating economic and humanitarian disasters, making ordinary people pawns and hostages thereof.¹⁶

As it is obvious, the unilateral sanctions violates the right of the ordinary people and make more pressures to the disaster affected population who lost all of their properties by the natural or human made disasters. The case has been repeatedly seen during the 2017 Kermanshah earthquake in western province of Iran and 2019 floods in 13 provinces of the country.



Such action may precipitate man-made humanitarian catastrophes of unprecedented proportions

The International Federation of Red Cross and Red Crescent Societies (IFRC) emergency appeal

The IFRC with the coordination and request of the Iranian Red Crescent has launched the emergency appeal for the flood affected population on 8th April 2019. The unprecedented rainfall in March 2019 led to catastrophic flash flooding and landslides, initially in Golestan Province, and subsequently spreading further north and east. At least 23 of 31 provinces across Iran are affected.¹⁷The Iranian

¹⁴ Article75, draft articles on the protection of persons in the event of disasters, http://legal.un.org/ilc/summaries/6_3.shtml, 2016

¹⁵ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24566&LangI>

¹⁶ Idriss Jazairy, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24566&LangI>

¹⁷ Iran Emergency Appeal 2019, <https://media.ifrc.org/ifrc/wp-content/uploads/sites/5/2019/04/08042019-IR-A4-EN.pdf>

Red Crescent Society launched its relief efforts in 5 provinces of the country, including Ilam, Golestan, Khuzestan, Sistan and Baluchestan and Lorestan.

Floods affected over 12 million people, leaving 2 million people in need of assistance. 78 persons lost their lives, 1,136 people are reported injured. More than 4,000 cities and villages have been hit by the floods, destroying 65,000 houses, damaging another 114,000 houses, and causing massive destruction to infrastructure (e.g. damaging/destroying 14,000 km of roads). About 366,000 people remain temporarily displaced, staying in emergency shelters or with relatives. Agricultural areas were heavily hit, with crops and livestock being lost. The main needs are in the sectors of water, sanitation and hygiene; health; shelter, education and agriculture.¹⁸

To respond to this large scale disaster, the Iranian Red Crescent (IRCS) started a major response operation that reached 602,000 persons in need. Key elements of the operation are:

Search & Rescue Services: IRCS has evacuated 8,340 persons to safe areas, utilizing IRCS helicopters, boats and vehicles. Evacuations also included livestock; 5,853 vehicles were towed from water. The country's well-functioning early warning system prevented further loss of life.

Emergency Shelter: IRCS provides emergency shelter to those displaced and unable to return to their destroyed or seriously damaged houses. Camps, widely set up in schools, sport clubs and alike, are managed by IRCS located mainly in Khuzestan (91 camps), and four main cities in Lorestan (Noor Abad, Aligodarz, Pol-Dokhtar, and Dorood). By end of March 2019, 269,000 people are provided emergency shelters in IRCS camps. IRCS services include the distribution of hot meals, which are widely provided by local NGOs, the facilitation of social activities, and transport service to schools.

Relief: People in shelters as well as other persons in need are provided food and basic non-food items. The relief operation uses IRCS emergency stocks (held in warehouses at national and provincial level) and in-kind donations of the public, commercial enterprises, and international donors. More than 2,000 'collection points' were set up all across the country, where IRCS volunteers collect in-kind donations; in 'packing stations' volunteers (IRCS, with the support of local NGOs and including spontaneous volunteers) pack standard items. Distribution logistics utilize IRCS's air, water, and land fleet capacities.¹⁹ Many of the services have been provided by the relief air capacity of the IRCS which 20 relief helicopters were involved in these operations.

Health: 24 mobile clinics are providing basic health care, assisting the Ministry of Health's (MoH) activities. By end of March 2019, 7,195 outpatients and 2,033 paramedical cases were supported, 2,518 mother and child interventions done, 406 cases of malnutrition (children under 5 years) taken care of. IRCS psychosocial teams have done more than 2,007 psychosocial support interventions. 512

¹⁸ Emergency plan of action, 2019, IFRC/IRCS joint program, <https://media.ifrc.org/ifrc/wp-content/uploads/sites/5/2019>

¹⁹ Emergency plan of action, *ibid*,

environmental health interventions have been done.²⁰

In general, IRCS has mobilised a total of 30,000 volunteers and staff (in 4,700 operational teams). Teams from all provinces were deployed to hardest hit areas; the human resources capacities of the IRCS allowing for continued operation at scale. 20 relief and rescue helicopters, 24 mobile clinics, 41 boats, and more than 2,000 light and heavy relief vehicles have been involved in the operation, carrying out response activities in line with IRCS's mandate within the national response system.²¹

As highlighted briefly above the Iranian Red Crescent has done its utmost efforts and used the capacity and resources to respond to this catastrophe in a proper and professional way. The main constrain to the IRCS effectiveness and on time

response was not having access to the international funds donated by different stakeholders and volunteer individuals. As the Iranian banks are not able to receive and transfer any money from abroad as the result of the U.S.A led unilateral sanctions, the Iranian Red Crescent did not receive the funds consequently. The IFRC assessment team highlighted this vital issue as follow:

“The economic sanctions imposed on Iran have the potential to affect the efficiency of the relief and recovery efforts, e.g. for the flow of supplies (e.g. 6 out of the 24 relief and rescue helicopters of IRCS not

being operational due to the unavailability of spare parts).

For the same reason, there is a risk that the transfer of funds from IFRC to IRCS may be delayed or no funds cannot be transferred to the National Society. Options to transfer funds are subject of intense discussions with partners, the banking sector and diplomatic channels. The IRCS intends to back delays with its own funds to ensure implementation of the Appeal activities.”²²

As a result of the unilateral sanctions, the most needy people and affected persons are suffered by the sanctions and humanitarian organizations like the Iranian Red Crescent and other local NGOs are not able to receive the international funds and consequently will not be able to render their humanitarian services in a proper manner.



As highlighted briefly above the Iranian Red Crescent has done its utmost efforts and used the capacity and resources to respond to this catastrophe in a proper and professional way

20 activities related to hygiene and sanitation

21 <http://en.rcs.ir/wp-content/uploads/sites/5/2019/04/IRCS-Bulletin-13.pdf>

22 Emergency plan of action, 2019, IFRC/IRCS joint program, <https://media.ifrc.org/ifrc/wp-content/uploads/sites/5/2019>

Conclusion

The unilateral sanctions imposed against Islamic republic of Iran have targeted the most vulnerable population affected by the disasters. It also affects the efficiency of the disaster response of the humanitarian organizations like the Iranian Red Crescent. No exemptions of sanctions could be designed as many of the tools (financial systems and banks) are under the coverage of sanctions. The sanction designer must bear in mind the right of the disaster and economic affected people while trying to target a county. Iranian Red Crescent was not able to act properly and to respond to the disaster in an efficient way because the unilateral sanctions are a real constrain in humanitarian areas. The main issue is the right of the affected people which is violated by the unilateral sanctions.

Resources:

<http://legal.un.org/docs/?symbol=A/RES/71/141>

<https://www.icj-cij.org/en/case/175>

Iranian Red Crescent statute, available at www.rcs.ir

Iran Emergency Appeal 2019, <https://media.ifrc.org/ifrc/wp-content/uploads/sites/5/2019/04/08042019-IR-A4-EN.pdf>

Masters M. What are economic sanctions? <http://www.cfr.org/sanctions/economic-sanctions/p36259>. Accessed March 25, 2016. Published 2016

Maggie O. The Wake of War. Guardian. 1996

Ronzitti N. Coercive Diplomacy, Sanctions and International Law: Martinus Nijhoff Publishers; 2016

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UN Human Rights Council. Human rights and unilateral coercive measures (24/14). New York:

UN General Assembly; 2013

United Nations international law commission, draft articles on the protection of persons in the event of disasters, http://legal.un.org/ilc/summaries/6_3.shtml, 201

A Review of the Violation of International Laws with Regards to Negative Effects of Unilateral Coercive Measures



By: Zahra Mirabian
MS in International Relations

Unilateral coercive measures are violation of human rights. Now when the negative effects of these measures occur during international humanitarian aid, the problem becomes a graver violation of human rights.

On numerous occasions, UN special rapporteurs have reported the negative effects of these measures on the aid and relief process and have also issued resolutions. The adoption of 11 resolutions in the UN Human Rights Council, 31 in the UN General Assembly and 12 resolutions in the UN Commission on Human Rights shows the human rights importance of the subject.

Unilateral coercive measures create obstacles in the way of humanitarian aid and according to the definitions of the UN Human Rights Council, they are deemed as human rights violations and since according to the reports of 20 Special Rapporteurs, America's unilateral sanctions are an all out economic war, therefore perhaps countries such as Iran who are targeted by these measures might be included in humanitarian law during armed conflict principles.

In this event, and by taking this assumption, according to humanitarian law and also the decision of ICC, the United States should not put obstacles in the way of humanitarian aid and relief reaching Iran, which unfortunately the United States has acted in this regard.

Introduction

According to the United Nations, unilateral coercive measures are violation of human rights and have negative and irreparable impacts on people. When conflict erupts or disaster strikes, the people affected often need protection - from violence; from exploitation and abuse; from the elements; and of their dignity and human rights. States have the primary responsibility to protect persons under their control. In situations of natural disasters or civil unrest national authorities are responsible for the well-being of those affected.¹

¹ <https://www.unocha.org/es/themes/protection>

In spite of UN and other international organizations' efforts to improve the access to humanitarian aid process during crises, some governments create serious obstacles in the reaching of international aid and relief.

1 – Concept of international law humanitarian aid during crisis

International law has various laws with regards to humanitarian aid during crises. Crises which are either in the group of manmade crises such as wars, migration

etc. or crises that come about from natural disasters, with the difference that the legal humanitarian principles are not enforceable during natural disasters.

Humanitarian assistance is beneficial to disaster victims and can play an important role in the development of the country if it is properly coordinated and responds to real needs.²

UN General Assembly resolution 42/169 (1987) falls into the soft laws category which confirms the importance of the effects of natural disasters for all people, especially for the people of developing countries and the 90s decade was named the International Decade for the Reduction of Disasters. The General Assembly 1988 and 1990 resolutions also stressed on the importance of humanitarian assistance for victims of natural disasters and called on international nongovernmental organizations to provide assistance for putting an end to the pain and suffering of victims of natural disasters and preservation of their status and human dignity. Also governments were asked, if possible to facilitate the activities of these organizations and give them permits to help victims of disasters where necessary. Furthermore, access to humanitarian aid during armed conflicts has its own particular principles.

In general humanitarian access in international law has been defined as right of access to assistance during conflict, because during peace, all countries in general in sending humanitarian aid have the control in the people's hands and during natural disasters it is these countries that with their humanitarian aid try to reduce human pain and suffering. Therefore in international law literature there are very limited cases of prevention of humanitarian aid from reaching countries during peacetime.

Article 7 of the draft of the international law committee with regards to protection of people during natural disasters, obliges governments and international organizations to cooperate for aid and assistance.³



According to the United Nations, unilateral coercive measures are violation of human rights and have negative and irreparable impacts on people

² <http://helid.digicollection.org/en/d/Jh0185e/2.html>

³ Comment From The UN Office For The Coordination Of Humanitarian Affairs (OCHA), 2016

Access to humanitarian aid during armed conflict is defined in ICRC as follows:⁴ Rule 55. The parties to the conflict must allow and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need, which is impartial in character and conducted without any adverse distinction, subject to their right of control. Right of the civilian population in need to receive humanitarian relief is defined as there is practice which recognizes that a civilian population in need is entitled to receive humanitarian relief essential to its survival, in accordance with international humanitarian law. The Fourth Geneva Convention recognizes the right of protected persons to make application to the protecting powers, the ICRC or a National Red Cross or Red Crescent Society. The Additional Protocols implicitly recognize the entitlement of a civilian population in need to receive humanitarian relief as they require that relief actions “shall be undertaken” whenever a population is in need.⁵



But what is notable is that the effects of unilateral sanctions in instances, particularly economic, are just like the effects of war

2 – Negative effects of unilateral coercive measures on the aid provision process during war or natural disasters

The Human Rights Council also calls unilateral coercive measures economic war, but can crises which are created during unilateral coercive measures against a country be deemed within the humanitarian aid during armed conflict principles? It is a point which requires further study and cannot fit in this article.

But what is notable is that the effects of unilateral sanctions in instances, particularly economic, are just like the effects of war. This is while unilateral coercive measures have direct effects on the aid provision process and humanitarian assistance in the recent years. The effects of these measures can be clearly seen in two processes.

a) Cutting humanitarian aid

In many instances the country under sanction cannot easily access humanitarian aid, and in most instances the access of governments to international resources for humanitarian aid is severed. Like the cutting of the Iranian Red Crescent to financial resources for the purchase of relief and aid equipment due to America’s unilateral sanctions.⁶

In the recent Iranian floods a limited number of countries and organizations

4 https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule55

5 https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule55

6 <https://www.independent.co.uk/news/world/middle-east/us-sanctions-iran-lifted-un-court-humanitarian-aid-a8566666.html>

<https://www.trtworld.com/middle-east/us-sanctions-block-aid-efforts-to-flood-stricken-towns-in-iran-25626>

managed to send their non-cash aid to Iran after a number of days. Also most countries of the world who usually during natural disasters undertake humanitarian aid, stopped their aid to Iran in fear of US unilateral coercive measures.⁷

According to United Nations' resolution, during natural disasters, all sides and organizations and governments must facilitate humanitarian aid, and in emergency situations coordination and facilitation for dealing with crisis is the responsibility of governments and relevant organizations.⁸

Humanitarian access, mandated by the GA resolution 46/182, refers to a two-pronged concept, comprising:

- Humanitarian actors' ability to reach populations in need
- **Affected populations' access to assistance and services.**⁹

Compliance – or non-compliance - with these principles affects humanitarian actors' acceptance, and their ability to engage in negotiations with State and non-state actors with the aim of reaching affected populations. In particular, perceived alignment with political and military objectives results in increased threats on humanitarians and further restrictions on access.

b) Creating obstacles in the way of access to humanitarian aid

In a small number of crisis-affected countries, humanitarian organizations work amid active conflict and under direct threat of violence. This insecurity, reflected in rising aid worker casualty rates, significantly constrains humanitarian operations and hinders the ability of people in emergencies to access vital aid.¹⁰ From the international community's aspects, many countries of the world are deemed to have high security risks and provision of aid to these countries is dangerous. And or some countries some countries have doubts about sending aid relief to countries in crisis.

For example due to US unilateral coercive measures against Iran, in the recent floods the Iranian Red Crescent was not able to buy aid relief equipment such as rescue boats and life detecting equipment, and worn aid and rescue equipment have always made things difficult for aid workers in Iran during crises. The worn out air search and rescue system also had made accessing remote regions difficult.

Due to blockade on the transfer of Iranian Red Crescent's money, not only in times of crisis, but in normal conditions too the Red Crescent cannot purchase the needed medicines and medical equipment. Medical equipment companies have stopped trading with Iran, and obstacles have been created in the sale of medicines and medical equipment to Iran out of fear of America's reaction and punishments.¹¹

7 https://www.washingtonpost.com/world/middle_east/fresh-sanctions-on-iran-are-already-choking-off-medicine-imports-economists-say/2018/11/17/c94ce574-e763-11e8-8449-1ff263609a31_story.html

8 [A/RES/46/182]

9 <https://www.unocha.org/es/themes/humanitarian-access>

10 <https://www.stabilityjournal.org/articles/10.5334/sta.506/>

11 <https://www.globalpolicy.org/global-taxes/42501-the-adverse-consequences-of-economic-sanctions.html>

https://www.washingtonpost.com/world/middle_east/fresh-sanctions-on-iran-are-already-

C) Violation of Humanitarian Law and Human Rights by United states of America after Iran s flood

Situation Overview of Floods, As of 9 April 2019 in Iran

Floods in Iran have killed 76 people and caused more than \$2.2bn in damages in recent year, with flood warnings still in place for large swaths of the country. Twenty-five provinces and more than 4,400 villages across the country were affected by the floods. The damages amount to between 300 and 350 trillion rials - between \$2.2bn and \$2.6bn and 725 bridges have been totally destroyed. And more than 14,000 kilometers of roads have been damaged.

Humanitarian needs

Heavy rains and flash flooding that began in March have affected 24 of 31 provinces across the Islamic Republic of Iran. The flooding has killed 70 people and injured 1,076 people according to the authorities. It is estimated that 10 million people have been affected and that as many as 2 million may be in need of some form of assistance. At least 500,000 people are reportedly displaced. The widespread damages to the road and transportation network are making villages and small towns inaccessible. While information on humanitarian needs is still limited, the greatest needs are reported to be in the water, sanitation and hygiene, health, shelter and agriculture sectors.

Humanitarian response

The Government of Iran, the Iranian Red Crescent Society and the local communities are responding to the emergency and the needs of people affected. More than 280,000 people across Iran have been assisted with food, water, shelter and emergency supplies. The Government of Iran has officially indicated that emergency equipment, health supplies and household items are most needed.¹² About 1,900 cities and villages have been affected by floods and exceptionally heavy rains since March 19.

The disaster, which has so far killed 72 people, has left aid agencies struggling to cope and seen 86,000 people moved to emergency shelters.

Early estimates put agriculture sector losses at 47 trillion rials (about \$350 million)

Iran's operating budget is already stretched under U.S. sanctions on energy and banking sectors that have halved its oil exports and restricted access to some revenues abroad.

Blocking and impeding humanitarian access

The United Nations 'highest court has ordered the United States to lift sanctions

[choking-off-medicine-imports-economists-say/2018/11/17/c94ce574-e763-11e8-8449-1ff263609a31_story.html](https://www.bbc.com/persian/blog-viewpoints-47909336)

<http://www.bbc.com/persian/blog-viewpoints-47909336>

<https://www.nytimes.com/2019/04/02/world/middleeast/iran-floods-trump-sanctions.html>

<https://www.reuters.com/article/us-iran-floods/iran-says-u-s-sanctions-have-helped-slow-flood-aid-idUSKCN1RD37D>

¹² <https://reliefweb.int/report/iran-islamic-republic/islamic-republic-iran-situation-overview-floods-9-april-2019>

on Iran that affect imports of humanitarian goods and products and services linked to the safety of civil aviation.

Following President Donald Trump's announcement that the US was withdrawing from the 2015 agreement on Iran's nuclear programme, known as the JCPOA – reached by Iran, the five permanent members of the Security Council, Germany and the European Union – the US President ordered sanctions “lifted or waived” in connection with the agreement, to be re-imposed. The sanctions affect anyone doing business with Iran in areas such as finance, oil and shipping.

In its ruling, the ICJ found Iran's case to be credible and urgent, ruling that restrictions on importing “foodstuffs and medicines, including life-saving medicines, treatment for chronic disease or preventive care, and medical equipment, may have a serious detrimental impact on the health and lives of individuals on the territory of Iran.”

The Court ordered the US to “remove, by means of its choosing, any impediments arising from the measures announced”, allowing medicines and medical devices, foodstuff and agricultural goods into Iran, together with “spare parts, equipment and associated services (including warranty, maintenance, repair services and inspections) necessary for the safety of civil aviation.”

The decision is reportedly the first time that international judges have ruled on a case of “economic warfare.”¹³

In spite of the decision of the International Court to open the humanitarian aid supply to Iran channel open, even though the United States in words claims channels for humanitarian aid to Iran are open, in practice however, sanctions are more serious obstacles in the way of sending aid, particularly cash relief.

As a result with the violation of the temporary order of the International Criminal Court and disruption of international custom for humanitarian aid at the same time as the floods in Iran, once again by imposing illegal unilateral sanctions against Iran, the United States prevented cash and some non-cash international assistance from reaching Iran.

Although The United Nations 'highest court has ordered the United States to lift sanctions on Iran that affect imports of humanitarian goods and products and services linked to the safety of civil aviation. United States has frozen the accounts of the Iranian Red Crescent Society as part of its cruel sanctions against the Iranian people, thus preventing other countries from sending humanitarian aid to people in Iran's flood-stricken areas. “Given that the accounts of the Iranian Red Crescent have been blocked [due to US sanctions], no foreign citizen or Iranian national living abroad is able to send any relief aid to flood-hit people. US sanctions have obstructed aid efforts to flood-stricken towns and villages in what the foreign minister describes as ‘economic terrorism’. Iran's state budget is already stretched under US sanctions on energy and banking sectors that have halved its oil exports and restricted access to some revenues abroad.”¹⁴

¹³ <https://news.un.org/en/story/2018/10/1022142>

¹⁴ <https://www.independent.co.uk/news/world/middle-east/us-sanctions-iran-lifted-un-court-humanitarian-aid-a8566666.html>

<https://www.trtworld.com/middle-east/us-sanctions-block-aid-efforts-to-flood-stricken-towns-in-iran-25626>

According to the Reuters U.S. sanctions have prevented the Iranian Red Crescent from obtaining any foreign financial aid to assist victims of flooding that has killed at least 70 people and inundated some 1,900 communities¹⁵ and the Red Crescent said in a statement that “No foreign cash help has been given to the Iranian Red Crescent society. With attention to the inhuman American sanctions, there is no way to send this cash assistance,”¹⁶

Sanctions are against human rights

The UN expert warned against generalized economic war and announced that Iran sanctions are unjust and harmful,¹⁷

The reimposition of sanctions against Iran after the unilateral withdrawal of the United States from the Iran nuclear deal, which had been unanimously adopted by the Security Council with the support of the US itself, lays bare the illegitimacy of this action.

This illegitimacy was confirmed by the opposition of all other permanent members of the Security Council and indeed of all international partners. The UN Charter calls for sanctions to be applied only by the UN Security Council precisely to ensure such wanton attacks on nations are avoided.

These unjust and harmful sanctions are destroying the economy and currency of Iran, driving millions of people into poverty and making imported goods.

The ohchr¹⁸ report showed that The current system creates doubt and ambiguity which makes it all but impossible for Iran to import these urgently needed humanitarian goods.

The report of the Special Rapporteur on Unilateral Coercive Measures Mr. Edris Jazayeri clearly shows that US sanctions against Iran alone can have what effects on the ordinary people of Iran. The illegal and contrary to human rights principles actions of the United States is a clear violation of human rights, and in all of this the floods crisis and creation of obstacles in the way of aid from other governments to Iran multiplies the violation.

Conclusion

Unilateral coercive measures create obstacles in the way of humanitarian aid and according to the definitions of the UN Human Rights Council, they are deemed as human rights violations and since according to the reports of 20 Special Rapporteurs, America’s unilateral sanctions are an all out economic war, therefore perhaps countries such as Iran who are targeted by these measures might be included in humanitarian law during armed conflict principles.

15 <https://www.reuters.com/article/us-iran-floods-redcrescent/flood-hit-iran-getting-no-financial-aid-from-abroad-due-to-u-s-sanctions-statement-idUSKCN1RJ0GY>

16 <https://www.reuters.com/article/us-iran-floods-redcrescent/flood-hit-iran-getting-no-financial-aid-from-abroad-due-to-u-s-sanctions-statement-idUSKCN1RJ0GY>

17 <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23469&LangID=E>

18 <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23469&LangID=E>

In this event, and by taking this assumption, according to humanitarian law and also the decision of ICC, the United States should not put obstacles in the way of humanitarian aid and relief reaching Iran, which unfortunately the United States has acted illegally in this regard.

This is while international aid provision during natural disasters have always been one of the important paths for reaching human goals. For years governments have expressed readiness to assist during the occurrence of human crisis, even during conflict, putting aside their differences.

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International Humanitarian Assistance and the Impact of Sanctions on Humanitarian Assistance to Iran in the Recent Flash Flooding



By: Jabbar Aslani
University Lecturer Head of Rules and Principles of the Movement,
International Affairs and IHL Division, Iranian Red Crescent Society

The legal aspect of international humanitarian assistance and its surrounding questions and challenges, is not considered as a very new issue. Based on the United Nations resolution 43131 (adopted on 1998), delivering and providing the international humanitarian assistance was dealt with three decades ago by now, which is currently taken into account as a controversial and somehow, problematic matter. Thus, in the survey, some different legal dimension of the issue such as: its legal basis and nature, the obligation of the international community and finally the situation of the affected country, namely Iran, which has been blocked due to unilateral or international sanctions, will be explored at both legal and practical level.

Introduction

During last two decades and due to serious climate change and consequently its negative impacts on different parts of the globe, unfortunately, several countries in the world have been confronted with devastating and harmful natural disasters: such as Nepal Earthquake, Pakistan Flood and recently Iran Flash Floods. In this field, the first and the last important point which is immediately raised among public, is to provide humanitarian assistance to affected people as soon as possible. Actually, providing and receiving such kind and in kind assistance to needy population requires a process which its full realization and accomplishment, relies on different and various factors. Despite of its clarity, the legal basis of the international humanitarian assistance is not as much as strong within international law rules and regulations, so that, there are only some limited legal documents which deal with this matter including the UN General Assembly Resolutions and the international Law Commission draft on the Protecting Persons in event of Disasters (2016). In this context, the main question is the obligation of the affected State in time of disaster to receive international humanitarian assistance and also the obligation and of the third States and as a whole, the obligation of the international community towards the affected State in order to facilitate and send humanitarian assistance to victims of natural disasters. Apparently, it

may seem that these are simple questions which have clear answers; but the issue is going to be more complicated when there is no consent (arbitrarily) to receive international assistance on the side of the affected State and also no serious will to send such aids on behalf of the third States or the international community and worse than all, when the affected State is faced with international sanctions which normally, is taken into account as a great obstacle towards receiving humanitarian assistance in a timely manner. Recent floods in Iran and the confrontation of the country with the heaviest sanctions from U.S.A would be a precise instance and case for this survey. Therefore, in following parts, the survey aims to study and analysis the above mentioned questions and issues in detail.

The Legal Basis of Humanitarian Assistance

Considering the importance of the international humanitarian assistance and its peripheral aspects, the legal nature and the position of this issue among international law is considered as the rudimentary question. According to the legal background of the topic within the literature of the United Nations, it is worth noting that the General Assembly of the United Nations in its 75th plenary meeting on 8 December 1988 adopted resolution 43/131 about “Humanitarian assistance to victims of natural disasters and similar situations” and by adopting this document, it took its first step toward the legalization of this issue. At a glance, the resolution states some significant and considerable issues such as: abandonment of the victims of natural disasters without humanitarian assistance constitutes a threat to human life and an offence to human dignity, concentration and emphasis on the principles of humanity, neutrality and impartiality by all those involved in providing humanitarian assistance, reaffirming the sovereignty of the affected States and their primary role in the initiation, organization, coordination and implementation of humanitarian assistance within their respective territories and appealing to all states to give their support to the organization working to provide humanitarian assistance, where needed, to the victims of natural disasters. Besides above resolution, two years later, the second resolution (45/100) was adopted by General Assembly on 14 December 1990 in this regard. While reaffirming the previous resolution, the general assembly notifies new aspects of the issue and refers to some important technical points towards receiving humanitarian assistance in the event of natural disasters such as: responding speedily and effectively to the needs by the international community, concerning



Considering the importance of the international humanitarian assistance and its peripheral aspects, the legal nature and the position of this issue among international law is considered as the rudimentary question.

about the difficulties and obstacles that victims of natural disasters may encounter in receiving humanitarian assistance and inviting all States whose populations are in need of such assistance to facilitate the work of the humanitarian organizations in implementing humanitarian assistance. Inferring from the aforementioned resolutions, it seems that some legal challenges and gaps exist that must be taken into account at international era. The hard line of States, namely, their sovereignty, national security and their consent to receive international humanitarian assistance are considered as legal and practical obstacles towards this issue which must be discussed internationally; by now, there is no legal (binding) document and due to this, States do not have any legal commitment and obligation in this regard.; therefore, it is true if we claim that a legal lacuna exists in this field. Regardless of the UN outlines on the international humanitarian assistance, the draft articles on the protection of persons in the event of disasters adopted by the International Law Commission (ILC) at its sixty-eighth session in 2016, which submitted to the General Assembly as part of the commission's report covering the work of that session (A/71/10). It must be pointed out this draft articles are not legally binding, so it does not contain any obligation or commitment for States in their legal relations. Apart from its legal nature, the outstanding feature for this draft is its comprehensiveness and also its specialized literature; it is noteworthy that throughout its 18 articles, the draft truly has focused on the precise process which starts from describing the specialized notions of the issue in article 3 and in the following articles, enters into the practical aspects of the issue such as Duty to Cooperate (Art. 7), Forms of Cooperation in the Response to Disasters (Art.8), Role of Affected State (Art.10), Duty of the Affected State to seek External assistance (Art.11), Consent of Affected States to External assistance (Art.13) and Facilitation of External Assistance (Art. 15). Beyond the legal status of this draft, it must be noted that the content of this document is so important and considerable that no one can deny it; in other words, this draft has created a road map and also is considered as a pillar for any codification of the humanitarian assistance in the future.

To some extent, this draft is similar to the ILC's draft articles on responsibility of States for Internationally Wrongful acts, because both of them are not legally binding, but at the same time, their contents have been referred in different ways such as ICJ verdicts. Despite of the above mentioned statements, receiving humanitarian assistance for persons in the event of disasters, may be considered and discussed as a human right for affected persons. If so, the other side of the coin comes to scene: namely, the responsibility and legal commitment of affected State to protect the human rights of their aliens and realization and fulfillment of its obligations under the International Human Rights covenants and other related treaties. In this case, the affected State must take all appropriate and necessary measures to receive humanitarian items (including kind and in-kind). Arbitrary refusal to receive humanitarian assistance by the affected State, would led to its responsibility towards its own citizens and international community as a whole. In sum, it must be reminded that the current legal status of the humanitarian

assistance in international law is an unaccomplished process which has been appeared as soft law and more or less, governed by the practice of States as the main actors of the international community.

The obligation of the International community

Without any prorogation, international community, (by providing humanitarian assistance, based on humanity and philanthropy not on its legal commitment), always play its role and fulfill its ethical commitments during natural disasters throughout the world. According to the preamble the draft articles concerning the fundamental value of solidarity in international relations and the importance of strengthening international cooperation in respect of all phases of a disaster and by considering the article 7 of the mentioned draft regarding the duty of all states to cooperate among themselves and with other international entities and organizations, it would be clear that the legal base of this obligation has been truly predicted, but due to non-binding feature of the draft articles, we have to acknowledge that the international community has not been bound to enter into force of such obligation, therefore, the affected State, legally, would not be entitled to peruse its demands from the legal aspect. Regardless of this legal gaps and shortages, it must be bear in mind that based on the general rules and principles of international law, and particularly, according to the UN General assembly declaration of the 24 October 1970 regarding “Principles of international law concerning friendly relations and cooperation among States in accordance with the Charter of the United Nations”, the international community, formerly, has committed itself toward its members; therefore, it could be claimed that this obligation, prima facie, has been created and developed amongst States as the main subjects of international law. However, the modality of realization and the practical fulfillment of this obligation in field of international humanitarian assistance to the affected state is the matter, because there is no precise and defined mechanism for the affected state to make its claim in order to interpolate the international community for accomplishing their obligation. In few words, this kind of obligation is considered as a potential not a de facto situation.



Without any prorogation, international community, (by providing humanitarian assistance, based on humanity and philanthropy not on its legal commitment), always play its role and fulfill its ethical commitments during natural disasters throughout the world

Iran flood and U.S imposed sanctions on Iran: A controversial case

During the abrupt rainfall in 23 provinces across Iran, unfortunately 5 provinces

including Golestan, Ilam, Khuzestan, sistan and Baluchestan and Lorestan severely damaged and most of their infrastructures fully destroyed and consequently, more than 12 million people throughout the country affected and in need of immediate assistance. According to the massive damages and destructions in different levels, on 8th April 2019, the Iranian Red Crescent Society (IRCS) with the coordination of the International Federation of Red Cross and Red Crescent Societies (IFRC) requested to launch an emergency appeal for the flood affected population. After launching the appeal by IFRC, the serious barrier of money transferring to IRCS emerged due to unilateral sanctions of the U.S against Iran. Actually, these sanctions directly have targeted the most vulnerable people affected by the current disaster in Iran and normally, make various and lots of impediments toward IRCS

and other internal humanitarian actors to provide assistance to the affected needy population. It is obvious that under the international law, humanitarian assistance is an exception to any unilateral or multilateral sanctions; therefore, this is an absolute rule in international law which must be protected all times and everywhere without any discrimination. In addition, the current ICJ provisional measures on Iran-U.S case, which has been issued on 3th October 2018, explicitly has excluded the medicine and medical equipment, agricultural commodities and other humanitarian items from the scope of the United States unilateral sanctions imposed to Iran. In this case ICJ precisely states that:



It should be noted that the abundance and complexity of natural disasters is considered as a serious concern to international community, which must be more concentrated and emphasized legally within international law

“ The United States of America in accordance with its obligations under the 1955 treaty of amity, Economic Relations and Consular Rights, shall remove, by means of its choosing, any impediment arising from the measures announced on May 2018 to the free exportation to the territory of the Islamic Republic of Iran: (i) Medicine and Medical Devices; (ii) Foodstuffs and agricultural commodities; and (iii) Spare parts, equipment and associated services (including warranty, maintenance, repair services and inspections) necessary for the safety of civil aviation”.

The wording of the provisional measure is so clear that there is no need for any comment or interpretation. Furthermore, ICJ in second paragraph of its provisional measure explicitly stipulates that:

“The United States of America shall ensure licenses and necessary authorizations are granted and that payments and other transfers of funds are not subject to any restriction in so far as they relate to the goods and services referred in point 1”

The above mentioned paragraph exactly refers to and directly relates to facilitating the money transferring to Iran for the purpose of providing humanitarian assistance for the flood affected people, which unfortunately, has not been done and realized yet, because the imposed sanctions of the U.S against Iran, blocked any financial transaction and transferring of funds to all Iranian organs and entities and addition to that, as a secondary impact of its unilateral sanctions, U.S not only does not allow other countries to have or make any financial or banking exchanges with Iran, but threatens them to impose heavy fines and penalties! Undoubtedly, it must be said such behavior within international relations and international law is an obvious, explicit and clear example of violation of rules and principles of international law, which preferably better to name it “the new threat against hope to the Rule of Law” in international law.

Conclusion and Final Analysis

It should be noted that the abundance and complexity of natural disasters is considered as a serious concern to international community, which must be more concentrated and emphasized legally within international law. If it is assumed that the right to receive international humanitarian assistance by individuals is recognized as a right, therefore, the affected State, at the first phase, and the international community, at the second phase, are respectively responsible towards the affected population for provide and ensure to provide humanitarian assistance to them. Regardless of recognizing this right as a human right, it seems that the obligation to provide international humanitarian assistance, ethically and philosophically, comes from the fundamental principle of Humanity as an umbrella to all humanitarian relations, so, putting any restrictions in the name of economic sanctions on States and excluding them from receiving humanitarian assistance through creation financial and banking obstacles, actually could be an obvious cruelty against humanity. It must be underlined that the continuance of such intemperate and illegal practices among States would be a serious warning for the future world order, to the extent that can lead to a great threat against the peace and security of all of us.

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Comparative Study of the Influence of Humanitarian Aid and Developmental Aid in the Preservation of Human Dignity



By: Ali Salehi
MS in International Relations

During the occurrence of humanitarian disasters caused by conflict or natural disasters, every human being has a moral duty to rush towards helping fellow human beings in need. Fortunately, today, Mankind has reached mental maturity and not only it rushes towards helping people in need. Fortunately, today, Mankind has reached mental maturity and not only through adoption of rules of war, but also rushes to the assistance of fellow human beings through humanitarian aid. To this aim, following the founding of the International Committee of the Red Cross (ICRC), humanitarian aid has had a key role in the promotion of the characters of people in international armed conflicts. Furthermore, following the end of the Cold War, and the importance of public consensus and their reactions towards the shameful imperialism period, poverty in other words, developed countries and the UN conducted various programmes under the heading of “developmental aid” took steps towards strengthening countries of the South so that perhaps these countries could to an extent get relieved of their terrible conditions. In this study, through the use of comparative research an inquiry has been made in the issue, which of the humanitarian aid and developmental aid programmes have played a more highlighted role in the promotion and protection of human dignity, so that through this path make the international community reach the belief towards more successful plans.

Introduction

Throughout the history of Mankind people have always fled from wars and conflicts and their effects. But this had not become official until the founding of the ICRC. With the expansion of the duties of this international organization towards natural disasters, humanitarian aid transformed. Furthermore, following the end of the Second World War, in the fight against the expansion of Communism in the poor regions of the western block, the United States came up with the Marshall Plan so that through the development of war-torn countries, prevent the advancement of Soviet influence. But following the end of the Cold War and affected by public consensus, initially the countries of the North and in the next stage, nongovernmental organizations, multilateral and regional organizations, multinational companies and military establishments in the form of various technical, agricultural, economic, investment project

provide assistance and aid to the countries of the South (OECD 2012). The international community had reached the belief that the best way to prevent suffering and destruction from war was to provide developmental aid. Thus researchers believed that through presentation of development aid prevent crisis from happening and there would no longer be a need to send humanitarian aid.¹

It must be reminded that the definition of “human dignity” which is brought in laws, conventions and the UN Charter is natural rights, Natural human rights does not have any other meaning, the observation of which will fulfill a more humane and logical living, and will gift security and welfare without any prejudice for all of Mankind. Thus developmental aid become more necessary than before. But with the passage of two decades from the notion of development aid and also pursuing humanitarian aid not only wars are not a thing of the past, but we have witnessed their escalation.

In this study an attempt has been made to deal with the effect of these two aid models to Mankind, through a comparative method. Nevertheless evidence shows that these two types of aid are intertwined with each other and in most instances they complement each other (Mahitab Marzouk, 2007). Even some researchers go a step further and believe that these models must be more mixed than before and the gap between these two types of aid has created problems.² But in this study, an attempt has been made to look into the subject through comparative research, which is to say, how successful have each of these two methods been for the promotion and protection of human status (which is the objective of both of these methods).

The main assumption of this project is each of these two models have different characteristics each of which in their own way have managed to serve Mankind. Thus, at first the effects of humanitarian and development aid in the promotion of human dignity will be reviewed separately and in the next step, the comparative approach will be used.



Throughout the history of Mankind people have always fled from wars and conflicts and their effects. But this had not become official until the founding of the ICRC. With the expansion of the duties of this international organization towards natural disasters, humanitarian aid transformed

1 (www.humanitariancoalition.ca/from-humanitarian-to-development-aid)

2 (<https://nzinitiative.org.nz/reports-and-media/opinion/humanitarian-aid-versus-development-aid>)

Humanitarian Aid

Humanitarian aid is designed to save lives and alleviate suffering during and in the immediate aftermath of emergencies ³.

As it can be seen from the above definition, the main objective of humanitarian aid is the protection of people's lives. Thus, both in natural disasters and armed conflicts humanitarian aid rushes towards humanitarian assistance. A large volume of these types of aids are given by developed countries during crises to countries in crisis. Of course it is not just developing countries that need these types of aids, but any state during emergency situations needs these types of support; because no state has the ability and capacity to foresee all natural and unnatural disasters' occurrence. Humanitarian aid usually takes place within a short period of time and thematically. Thus the basis of international cooperation does not become very deep.



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Development Aid

Development aid responds to ongoing structural issues, particularly systemic poverty, that may hinder economic, institutional and social development in any given society, and assists in building capacity to ensure resilient communities and sustainable livelihood.⁴

Also, the activities of organizations who present development aid during the time mentioned above is very extensive. The cooperation period during these aids is usually longer than humanitarian aid, and in fact the time period of these aids depends on the contents of the

agreements between countries accepting aid and those providing aid.

In this regard it must be said that development aid is provided for various objectives, according to WTO figures, in 2008 more than 80 percent of countries who provided development aid, said their intentions were humanitarian sentiments.⁵ This is while studies conducted in 2004 showed that the first reason for rich governments' sending development aid was self-interest, and the second reason was humanitarian duties (German Marshall Fund Trade and Poverty Reduction Survey Report, 2007).

It is natural that this fact gives countries of the North an open hand for political approach with the critical matter of development aid which has been deemed their duty by the UN and in the framework of the UN Charter. Almost all

³ www.definitions.net/definition/humanitarian+aid

⁴ (www.definitions.net/definition/development+aid)

⁵ (www.worldpublicopinion.org/2008)

developed countries state that they support the development of the countries of the South. They claim that the development of these countries not only is their human duty, but believe that their development will expand the global trade and create stability and security in the international community. Furthermore, these development aids cause the spread of democracy and a method for the fight against international terrorism, but in practice in most instances, concepts such as democracy, human rights and fight against corruption become a tool for superpowers to put pressure on other governments. The clearest of examples are the US imposed unilateral sanctions against Iran in the Middle East which prevents Iran from accessing international assistance in the fight against drugs, climate change and other development and humanitarian aid projects.

Furthermore, in the recent years the international community has seen a new phenomenon, where not only countries of the North but other countries who are not fully developed take steps in providing development aid. Just as the researchers of the book “Why Do Countries Become Donors?” have studied in fact the concept of development aids has been exploited by countries (Nilima Gulrajani and Liam Swiss, 2017). Because these countries do not have high level technology, social education, medical services etc. and are even one of the main accused of violation of human rights and dignity. Nevertheless, through payments of large sums of money they try to mend their global image and this is another example of the double-standard behaviour of countries in development aid.

One of the fundamental problems in development aid is that its technical structure is not designed and defined in a way in order to prevent wars. Thus, some scholars argue that foreign aid does harm than good to developing countries contending that foreign aid is not an effective tool for growth and development. (Peter Boone, 1996, pp. 289–329) Additionally, it is argued that it creates dependency, keeps authoritarian governments in power and encourages corruption. Dambisa Moyo argues that aid has been a disaster for Africa. (Dambisa Moyo, 2009, pp. 1–5) For Moyo, the notion that aid brings growth is a “myth” as aid has been and continues to be, an unmitigated political, economic and humanitarian disaster” for most developing countries. The weak points in the development aid model are not limited to political security, but it also includes the economic field, because some economists argue



Because these countries do not have high level technology, social education, medical services etc. and are even one of the main accused of violation of human rights and dignity

that aid is only effective in a good macroeconomic policy environment .⁶ In fact, evidence lies in total contradiction with the main objective of the said plan, because they have not managed to create the necessary infrastructures and also the economy of the country accepting aid becomes dependent on development aid donor countries and are more vulnerable from outside their national economic system, because large investments are not made in the infrastructures of the development aid accepting countries, and attention is made only on the surface of the economic-social structure, which is a reminder of the colonialism period (Ali Mohamed Farah, 2018, pp15).

Comparison of Humanitarian Aid with Development Aid

Following the 1970s and 80s, development aid providing organizations very quickly and without conditions grew. They ignored many of the mechanisms of the previous years (Slim, 2000, 220pp). But humanitarian aid organizations have been formed in accordance with international law, the Universal Declaration of Human Rights, Geneva Four Convention (1949) and a large number of international conventions and covenants. This is while almost all development aid presenting organizations refer to the following 1992 convention (see Global Trend 2000, 1999).

At the same time, the number of personnel the organizations maintain in the field varies substantially. The large international NGOs easily reach

numbers in the hundreds if not thousands. One typical difference between aid and development organizations is that the former works in larger, specialized teams, while the latter often send single experts to work as consultants in a local environment. These single experts are typically Northerners sent to the South, although some organization (e.g. United Nations Volunteers) try successfully to avoid such a relationship that prompts images of colonial times.⁷

Dambisa Moyo, a Zambian-born economist who has written extensively on the impact of foreign development aid on developing nations, argues that unlike humanitarian aid, which addresses a temporary spike in resource demand, development aid can lock impoverished nations into a never-ending cycle of corruption, disease, poverty and aid-dependency. In Moyo's own words: "[Development] aid has been, and continues to be, an unmitigated political,

6 www.beyondintractability.org/essay/humanitarian_aid

7 (www.humanitariancoalition.ca/from-humanitarian-to-development-aid)



**At the same time,
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economic, and humanitarian disaster for most parts of the developing world.” (Khyaati Acharya, 22 November 2013)

In fact the said organizations have developed less, but based on the international economic structure they have not been able to increase their services quality and function and cause fundamental changes in the development aid accepting countries (Stephen Browne, 1997, pp19-22).

Another point to note is that although humanitarian aid takes place in a certain time frame and is limited, but in spite of all the development aid that is provided by countries and NGOs for countries in need, on the scale there is still a big gap with the UN Millennium Goals.

In this study it is good for us to always remember that the range of activities of these two types of international aids

are different, because on one hand emergency aid provides relief to victims who are unable to deal on their own with the emergency situation - food, medical aid, shelter, etc. In a later stage, it might mean assistance with physical reconstruction, resettlement of refugees and reintegration of former combatants.

And on the other hand, development co-operation entails many activities, for example: technological support, rural development, livelihood support projects and the like, which may have only an indirect impact on conflict. In regard to conflict and peace, some fields of activities for development organizations have been described by the OECD in their recommendations on conflict, peace and development co-operation. Thus it is predictable that they have different functions.

In any event, one of the fundamental problems of development aid is that these types of aids (fully opposite humanitarian aid) are conflicted by accepting countries, because firstly from the political logic it is predictable that the cash assistance of another country, will bring about its economic and political presence in the governance sphere of the accepting country. Its clear example is the development aid the United States gave to Europe in the form of the Marshall Plan. Secondly, the shrewd behaviours of some organizations and countries providing development aid which in the scientific community is referred to as “organized hypocrisy” be reminded.⁸

Thirdly, to receive foreign aid some countries have set complex and difficult laws which in themselves prevent aid from developed countries to the country in need, such as the laws of Iran which condition the receiving of any foreign



Its clear example is the development aid the United States gave to Europe in the form of the Marshall Plan

⁸ <https://nzinitiative.org.nz/reports-and-media/opinion/humanitarian-aid-versus-development-aid/>

aid to the submission of a draft by the government and its ratification by the parliament. This is while humanitarian aid does not face the same problems, and is provided per case and speed compared to development aid.

Conclusion

As observed, the humanitarian aid model is very simple, fast and clear, but its implementation method had structural problems. Opposed to this, development aid is very complex, lengthy and conditional to a contract between parties, which itself in many instances gets selective, political and profit seeking approaches of the aid providing countries in their main objective which is sending services to people in need and raise the living quality of humanity has been left behind.

It is recommended that in the organizational structure and or allocation structure of development and humanitarian aid, the UN is significant more than before and in a way these procedures must be reviewed so that outbreaks of wars and or their prolonging and the double-standard behaviours of governments are prevented.

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Review of New Challenges and Solutions for the Improvement of Humanitarian Aid



By: Farzaneh Mostofifar
PHD candidate for international Relations

In today's world we witness that obstacles in the way of access to humanitarian aid have turned into an international challenge. Therefore the need for identification and analysis of these obstacles for the protection of Mankind which is one of the humanitarian objectives is vital. Therefore, the main question is what are limitations and obstacles – be they international or national – in the way of relief operations during natural disasters influenced by?

Our initial assumption is in view of the approval of the country targeted for receiving humanitarian aid, is conditional challenges in the way of provision of humanitarian aid during natural disasters as a result of internal issues (failure to intervene principle) and legal issues (protection responsibility. With the study of new cases such as humanitarian aid for a country under economic sanctions, as well as traditional challenges, we see the appearance of new challenges. Based on the country under sanctions in various aspects is similar to having war conditions. This is while humanitarian aid to country under sanction do not full under humanitarian law (international humanitarian law, conventions and Geneva Four Convention) which are pertinent during war, and furthermore the situation is not like normal conditions (peace conditions) where aid is freely supplied. What we are reviewing in this article is the presentation of a picture of these complex conditions so that suitable solutions are also thought of.

Ultimately we reach the conclusion that respect to existing humanitarian principles and teaching of these principles, effective definition of principles and in instance the adoption of new laws according to conditions and enjoyment of humanitarian diplomacy will result in the protection of Mankind and further access to humanitarian aid during special conditions.

Introduction

Today the provision of humanitarian aid during various national and international armed conflicts and natural disasters to respond to the extensive human needs is commonplace. Nonetheless, the provision of these aids during natural disasters is not as easy as humanitarian aid in war conditions. (A/63/10, 2008: para 228) ¹

The current global humanitarian system is widely acknowledged as no longer being fit for purpose. As natural disasters and internal conflicts increase over the years, there is a corresponding increase in the number of actors involved in humanitarian assistance and disaster relief [HADR]. However, the growth in the number of actors has not translated into increased effectiveness and

efficiency in HADR operations. The lack of coordination among the various actors is one of the key identified problems which has resulted in unnecessary duplicity of effort, wastage of resources, tensions among various parties involved, and delays in ensuring timely relief to affected populations. Different actors have competing agendas and biases, despite having the stated common goal to deliver humanitarian assistance to those in need. ²

Nevertheless, while in war conditions aid to the victims in accordance with international laws is done with further ease, there are no similar laws for natural disaster conditions, and this itself brings about challenges in the provision of humanitarian aid.



One of the most fundamental challenges during armed conflict is double-standard positions and politicization in provision of humanitarian aid

Challenges in the way of humanitarian aid during war

One of the most fundamental challenges during armed conflict is double-standard positions and politicization in provision of humanitarian aid. A lot of these conditions are in the hands of politicians, where counter-humanitarian activities below can be pointed out:

1 https://books.google.com/books?id=FuwkAwAAQBAJ&pg=PA189&lpg=PA189&dq=A/63/10,+2008:+para+228&source=bl&ots=5X1Drwplq5&sig=ACfU3U08-h3hNTz_bvUWZAZltqbgxT4e1A&hl=en&sa=X&ved=2ahUKEwj16LnonfXiAhVDURUIHXa4CBEQ6AEWAHoECAGQAQ#v=onepage&q=A%2F63%2F10%2C%202008%3A%20para%20228&f=false

2 <https://reliefweb.int/report/world/roundtable-challenges-humanitarian-assistance-and-disaster-relief-asia-pacific>

Counter-humanitarianism as criminality

The most visible form of counter-humanitarianism today is in Yemen. Since 2015 a proxy war, a near-total economic blockade and the obstruction of relief efforts, driven by Saudi Arabia and its Gulf allies, have left 24 million people in need of aid.

Counter-humanitarianism as a trump card

In the US, President Trump is using counter-humanitarian practices to fuel anti-immigration sentiment and gain political advantage.

His separation of 2,654 children from their families at the US's southern border last spring directly contravened global and national refugee and anti-human trafficking conventions.

His counter-factual narrative regarding crisis-level rises in cross-border movements and the 'illegal' status of Central American arrivals also gained traction, despite the fact that Central Americans have a legal right to seek and apply for asylum.

Counter-humanitarianism as nationalism

Whether it's the long-standing abuses against the Rohingya in Rakhine State or the long-simmering borderland conflict in Kachin province, the government of Myanmar and its army have used the denial of humanitarian assistance at the expense of the protections and rights of its minority communities.³

Although the abovementioned challenges, the presentation of humanitarian aid are within the framework of humanitarian law and Geneva Four Conventions and Additional Protocols, but the presentation of aid in each situation is faced with very difficult situations.

Challenges in the way of humanitarian aid in natural disasters

Presentation of humanitarian aid during natural disasters is not subject to legislated law. This, alongside the nonintervention principle and the governance principle which are two internationally recognized principles and result in the acceptance of humanitarian aid receiving country, result in the appearance of challenges in the way of presentation of humanitarian aid during natural disasters.(ERIC ADJEI, 2005: 2)

³ <https://www.odi.org/blogs/10721-2019s-biggest-challenge-humanitarian-sell-out>



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The principle of “non-intervention” in internal affairs of countries is one of the fundamental principles of international law upon which, the countries are prohibited to intervene in the internal affairs of each other. Respecting this principle would result in the sovereignty and independence of the countries and also maintains international peace and security. The constituents of UN Charter attempted to prevent the governments from interfering in each other’s affairs based on the principle of the “non-use of force”⁴

With regards to the occurrence of natural disasters, the principle of nonintervention shows that the suffering country is free to adopt any measure to send aid and assistance to its citizens. Furthermore the outcome is that other countries do not have the right to unilaterally and without the approval or request of the affected country, provide aid. Provision of aid to them must be done within the framework of the cooperation with the affected country. (A/CN.4/629,2010: para 74)



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According to the Mohonk Criteria for Humanitarian Assistance in Complex Emergencies⁵, the principle of nonintervention like the principle of governance, must not disrupt the provision of humanitarian aid.

Nonetheless, with regards to humanitarian action during armed conflict, international humanitarian law is based on human and neutrality principles and often with the use of conventions and Geneva Conventions and 1997 and 2005 Additional Protocols and international customary law, include

principles for support for humanitarian aid during armed conflict.(HIDER, 2013:6)

This is while as it has been stated in the year 2000 Natural Disasters Report, in the event of the occurrence of natural disasters, in spite of the existence of a number of treaties for aid provision during natural disasters, there is still no specific legal framework for aid provision and support for victims and reduction of the destructive effects of these disasters, and humanitarian actions in provision of aid during natural disasters has not been in proportion with the advancement of international law in many other areas and including international humanitarian law with regards to armed conflicts.(WORLD

4 http://prb.iauctb.ac.ir/article_524477.html

5 https://www.researchgate.net/publication/236802266_The_Mohonk_Criteria_for_Humanitarian_Assistance_in_Complex_Emergencies_Task_Force_on_Ethical_and_Legal_Issues_in_Humanitarian_Assistance

disaster report 2000:147) ⁶

Efforts for the adoption of humanitarian laws during natural disasters has resulted in the International Disaster Responsible Law's adoption.

International disaster relief law (IDRL) is an emerging area of international law designed specifically to improve the humanitarian response to natural disasters. It thus fills both a gap and a need, given the focus of IHL upon conflict situations and the increasing frequency and impact of natural disasters. In a process led by the IFRC, IDRL draws on existing law, rules, principles and guidance. It aims to contribute to a more effective oversight and regulation of the disaster response by local authorities while pushing towards more effective and accountable relief efforts. ⁷

Recent experience has shown that even the best prepared governments may need international support when a major disasters strike. Unfortunately, few governments have adequate systems in place to facilitate and regulate outside relief.

After years of intensive research and consultations on problems and best practice in the regulation of international disaster relief, the IFRC spearheaded negotiations to develop a new set of international guidelines to help governments strengthen their domestic laws and policies.

On 30 November 2007, the state parties to the Geneva Conventions and the International Red Cross Red Crescent Movement unanimously adopted the

“Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance” (also known as the “IDRL Guidelines”) at the 30th International Conference of the Movement. In 2008, the UN General Assembly adopted three resolutions (Res. 63/139 63/141, and 63/137) ⁸encouraging states to make use of them.

6 https://www.google.co.uk/url?sa=t&rct=j&q=&escr=s&source=web&cd=1&cad=rja&uact=8&ved=2ahUKEwi8o-jfl_XiAhVjQHEKHSzIA10QFjAAegQIABAC&url=https%3A%2Fwww.ifrc.org%2FGlobal%2FPublications%2Fdisasters%2FWDR%2F9000-WDR2000.pdf&usg=AOvVaw22IBAAjx2JhruzIDUKhZkf

7 https://phap.org/PHAP/Sector_Monitoring/Themes/Law_and_protection/IDRL/PHAP/Themes/IDRL.asp

8 [https://books.google.com/books?id=YKLF_jRgdgC&pg=PA94&lpg=PA94&dq=Res.+63/139+63/141,+and+63/137\)&source=bl&ots=AoRx5yKk6x&sig=ACfU3U1aGeLwFib_Y6iqXXzCZIWKy_fL_w&hl=en&sa=X&ved=2ahUKEwjGiqPvMPXiAhUjUxUIHQBUCPAQ6AEwAnoECAkQAQ#v=onepage&q=Res.%2063%2F139%2063%2F141%2C%20and%2063%2F137\)&f=false](https://books.google.com/books?id=YKLF_jRgdgC&pg=PA94&lpg=PA94&dq=Res.+63/139+63/141,+and+63/137)&source=bl&ots=AoRx5yKk6x&sig=ACfU3U1aGeLwFib_Y6iqXXzCZIWKy_fL_w&hl=en&sa=X&ved=2ahUKEwjGiqPvMPXiAhUjUxUIHQBUCPAQ6AEwAnoECAkQAQ#v=onepage&q=Res.%2063%2F139%2063%2F141%2C%20and%2063%2F137)&f=false)



The IDRL Guidelines are meant to assist governments to become better prepared for the common legal problems in international response operations

The IDRL Guidelines are meant to assist governments to become better prepared for the common legal problems in international response operations. Using the Guidelines, governments can avoid needless delays in the dissemination of humanitarian relief while at the same time ensuring better coordination and quality of the assistance provided.⁹

Challenges in the way of humanitarian aid in special conditions

Unilateral coercive measures against a country with direct effects on the economic, health and hygiene conditions of the people of the sanctions targeted country, results in the violation of human rights. This fact has been stressed in many UN international documents such as the UN Special Rapporteur on Unilateral

Coercive Measures reports. Complex and difficult conditions due to sanctions which affect all financial transactions, affect the imports and exports of goods. When the negative effects of these measures show themselves during natural disasters and affect international humanitarian aid and assistance, the issue turns into a grave human rights violation. In view of the aforementioned two conditions, do not fit into humanitarian aid during conflict and also humanitarian aid during peace, these conditions are called special conditions.

The country target of sanctions is in special conditions. In various aspects it has similarities with war conditions. This is while humanitarian aid to the country target of sanctions do not abide by humanitarian law (humanitarian law,

Geneva Four Conventions) which are pertinent during war. Furthermore, the situation is not like normal conditions (peace conditions) where aid is sent freely. This is while, the officials of the country imposing the sanctions (the United States) have stressed on no restrictions on humanitarian aid, but what takes place in practice, based on humanitarian law organizations such as ICRC and Red Crescent Society, the lack of the transfer of financial aid have also been a challenge in the way of non-financial aid.¹⁰ This double-standard in remarks

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9 <https://www.ifrc.org/en/what-we-do/disaster-law/about-disaster-law/international-disaster-response-laws-rules-and-principles/idrl-guidelines/>

10 <https://www.globalpolicy.org/global-taxes/42501-the-adverse-consequences-of-economic-sanctions.html>

https://www.washingtonpost.com/world/middle_east/fresh-sanctions-on-iran-are-already-choking-off-medicine-imports-economists-say/2018/11/17/c94ce574-e763-11e8-8449-1ff263609a31_story.html

<http://www.bbc.com/persian/blog-viewpoints-47909336>

<https://www.nytimes.com/2019/04/02/world/middleeast/iran-floods-trump-sanctions.html>

and practice add complexity to special conditions and make it more difficult to come up with solutions to remove obstacles.

Conclusion

By reviewing the three conditions: conflict, peace and special conditions in sending humanitarian aid we can see an overall challenge.

One of the most challenges to humanitarian action depend in part on how you define humanitarian action. There is no single definition, and no one owns the concept. Humanitarian action is clearly to do with notions of man, and the value of humanity. If you define humanitarian action as mobilisation by human beings in response to the needless suffering of other human beings for the sake of a common humanity, then humanitarian action becomes a small and limited ideology. It must be action oriented; it must be non-coercive; it must be provided solely for the benefit of those we seek to assist. But in addition, humanitarian action must demonstrate an ethic of restraint. Humanitarian action cannot be subordinated to political interests, military rationales or even socially progressive moves towards peace and democracy. These are different ideologies and actions. Humanitarian action is smaller, more precise, self-limiting but no less idealistic or important for that.¹¹

Also as it has been stressed in this narrative, humanitarian aid is provided in two conditions of conflict and peace (natural disasters), each of which have their own specific laws and regulations. The complexity of today's human communities has brought about a condition which is outside of the said two conditions, and that is the occurrence of natural disasters in a country which is target of unilateral coercive measures. In the recent case, although countries that impose the sanctions claim that humanitarian targets are not included in sanctions but what we see in practice (thematic study of the recent floods in Iran) shows that humanitarian aid is directly affected by sanctions.

In today's world the ferocity and extent of armed conflicts and natural or manmade disasters increase on a daily basis. Accountability to these situations often is out of the control of the governments where these disasters take place, and furthermore, classic government diplomacy is a pivot and basis of the



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¹¹ <https://odihpn.org/magazine/the-challenges-to-humanitarian-action/>

interests of governments, and cannot guarantee an effective and practical humanitarian response to these conditions. It is under such circumstances where humanitarian diplomacy has a chance to appear. Humanitarian diplomacy is faced with numerous challenges with regards to guaranteeing victims of conflicts access, effects of sanctions and humanitarian interventions, private sector interventions, inter-organizational interventions and new information technologies.

The aim of humanitarian diplomacy is to convince others to adopt measures for protection or assistance to victims of conflicts or disasters, or letting these individuals to directly conduct these activities. Humanitarian diplomacy are talks, communication and information dissemination activities which are done from the headquarters of organizations or in the field. The beneficiaries of this diplomacy are the victims and other vulnerable groups who have been affected by natural or manmade disasters (Siah Rostami, 2015:83).

Overall, respecting existing humanitarian law and its teaching, effective definition of principles and in instances adoption of new principles based on conditions and benefiting from humanitarian diplomacy will result in the protection of Mankind and further access to humanitarian aid during special conditions.

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