

Crisis of Sovereignty: Legal Challenges in Delivering Humanitarian Assistance to Conflict Zone

Elisabeth Septin Puspoayu¹ Setyo Widagdo² Adi Kusumaningrum³
Rika Kurniaty⁴

¹Faculty of Law, Universitas Brawijaya, Malang, Indonesia,

²Faculty of Law, Universitas Brawijaya, Malang, Indonesia,

³Faculty of Law, Universitas Brawijaya, Malang, Indonesia,

⁴Faculty of Law, Universitas Brawijaya, Malang, Indonesia,

✉ Corresponding author: espuspoayu@student.ub.ac.id

Abstract

The emergence of new actors as subjects of international law presents a new challenge in the application of humanitarian law. During armed conflict, the civilian population is not a party to the war and must therefore be protected. One of the forms of protection that must be applied is the provision of humanitarian assistance. The issue of the provision of humanitarian assistance in situations of armed conflict is contingent upon the concept of state sovereignty. This article will examine the relationship between humanitarian assistance and sovereignty, as well as the obstacles to state consent to provide humanitarian assistance in international armed conflicts. In order to address this issue, this article presents a comprehensive explanation based on a normative and case-specific approach to the legal framework governing corporations in international law, with a particular focus on humanitarian law. This article His research highlights the complex relationship between state sovereignty and humanitarian assistance in armed conflicts. Sovereignty obligates states to protect civilians, yet international law, particularly the Fourth Geneva Convention (1949), mandates the non-discriminatory provision of aid. When a state cannot or refuses to assist its population, it must permit external aid. Failure to do so may justify international intervention, balancing sovereignty with humanitarian imperatives.

Keywords: *Consent, International Armed Conflict, Sovereignty.*

A. INTRODUCTION

Armed conflict in humanitarian law is divided into two types: international armed conflict and non-international armed conflict (Dieter Fleck, 2008). International armed conflict is defined as a conflict involving two or more countries where the use of weapons or armed force is involved (Idler, 2024). Globally, armed conflicts involve different groups, some of which are non-state armed groups and some of which are states. In international armed conflicts (Bernard, 2011), state is a party involved in the conflict. However, the state often forgets its responsibility to the civilian population in its territory to continue to be protected and fulfill their needs even in the midst of armed conflict.

The emergence of new subjects involved in an armed conflict presents novel challenges for humanitarian law, particularly in the context of international humanitarian law. These challenges arise from the unique characteristics of international conflicts, which must be overcome (Gal, 2017). Another subject in this international armed conflict is armed groups (Ramphal, 2021) (Schwendimann, 2011). These groups, which control an area effectively and widely, including the population within the controlled area, often disregard the existence of humanitarian law rules that must be obeyed. This includes the obligation of these groups to provide the needs of the population within the area they occupy. In the context of an international armed conflict, the obligation to provide humanitarian assistance is *Erga omnes*, which means that it is owed to all human beings. This obligation is set out in Article 23 of the Geneva Convention IV 1949:

“Each high contracting party shall allow the free passage of all consignment of medical and hospital stores and objects necessary for religious worship intended

only for civilians of another high contracting party, even if the latter is its adversary. It shall likewise permit the free passage of all consignments of essential foodstuffs, clothing and tonics intended for children under fifteen, expectant mothers and maternity cases.”

Article 70(1) of the Geneva Conventions 1949 Additional Protocol I:

“If the civilian population of any territory under the control of a party to the conflict, other than occupied territory, is not adequately provided with the supplies mentioned in article 69, relief actions which are humanitarian and impartial in character and conducted without any adverse distinction shall be undertaken, subject to the agreement of the parties concerned in such relief actions. Offers of such relief shall not be regarded as interference in the armed conflict or as unfriendly acts. In the distribution of relief consignments, priority shall be given to the persons, such as children, expectant mothers, maternity cases and nursing mothers, who, under the fourth convention or under this protocol, are to be accorded privileged treatment or special protection.”

Article 71 (1) Geneva Convention 1949 Additional Protocol I:

“Where necessary, relief personnel may form part of the assistance provided in any relief action, in particular for the transportation and distribution of relief consignment; the participation of such personnel shall be subject to the approval of the party in whose territory they will carry out their duties”.

It is the obligation of the parties to the armed conflict to provide humanitarian assistance in an impartial and prejudicial manner, subject to the consent of the parties to the conflict. Furthermore, no act of obstruction of humanitarian assistance shall be permitted (Rully Sandra, 2008).

From January to March 2024, humanitarian organisations operating in Myanmar's conflict zones reported a total of 359 incidents where humanitarian assistance was denied, leading to the obstruction of aid delivery and the inability to provide essential assistance and services to the populations residing within the *Rakhine, Northern Shan, Kayin, and Sagaing* regions.(Rully Sandra, 2008). The research is important because state consent is relating to providing the humanitarian assistance to the civilian population. The majority research papers regarding state consent like article from by T. Gal(OCHA, 2024)” suggests that humanitarian organizations engage in dialogue with armed groups to negotiate safe access. States and international bodies should emphasize the importance of humanitarian access during peace negotiations. Legal mechanisms should be strengthened to hold armed groups accountable for violations of humanitarian law. Article from Rebecca Barber (Gal, 2017) This comprehensive analysis explores the international legal position regarding the provision of humanitarian assistance in non-international armed conflicts. It particularly addresses repeated denials and obstruction of relief efforts by belligerent states. Article from Cedric Ryngaent(Ryngaert, 2013) This article emphasizes that state consent is a core requirement for humanitarian aid, even in cases of occupation, international, or non-international armed conflicts. While human rights law and prohibitions against starving civilians impose some restrictions on a state’s ability to deny aid, governments can easily bypass these limitations by invoking security risks or sovereignty concerns as justifications for refusal.

The lack of legal clarity in this area results in an inadequate level of protection for civilian populations in areas under the control of armed groups (Barber, 2022). One form of violation committed within the occupied territory is the withholding of

humanitarian assistance from the civilian population, a right which is enshrined in international humanitarian law and which should be respected by all parties. This violation is not only perpetrated by the state that is experiencing armed conflict but also by the occupying power. From the background this article divided into 2(two) section. First, this article begins by discussing the denial of humanitarian assistance by a state in the context of an international armed conflict and last, we will discussing about the obstacles to state consent to humanitarian assistance in international armed conflict. This research is normative juridical research. The legal materials used in this research are statutory, books, documents and other articles related to humanitarian assistance. The technique for searching for legal materials is carried out using library research and browsing through internet repositories. After an inventory of legal materials related to this research was carried out, the legal materials were studied and then grouped based on their hierarchy and analyzed using prescriptive analysis techniques to draw conclusions. This research uses several approaches to obtain information from various aspects regarding the legal issue being studied, namely the case approach which is carried out by reviewing cases related to the issue and conceptual approach which is carried out by examining the concepts of humanitarian assistance as the duty and part of sovereignty (Marzuki, 2017).

B. RESULT AND DISCUSSION

1. Humanitarian Assistance as Responsibility of the State

State is a legal subject of international law have complete authority over their populations, territory, and jurisdiction of the state (Gunawan et al., 2024). in war situation state still have the duty to protect and fullfill the right of the civilian. Humanitarian assistance defined as including all emergency action to ensure the

survival of those directly affected by armed conflict of an international or internal character. It encompasses material aid—food, water, clothing, medicines, fuel, shelter, bedding, hospital equipment, etc. — and the services of trained personnel. In order for assistance to be humanitarian in nature, its sole purpose must be to prevent and alleviate human suffering (Fransiska ayulistya santoso, 2020). Civilians usually become the targeted of armed conflicts, whether they are international or not. Direct attacks on civilians are prohibited by both Article 4 of the Second Protocol 1977 and the common Article 3 of the Geneva Conventions (Geneva Convention 1949). Furthermore, according to the 2005 International Committee of the Red Cross (ICRC) report, customary international humanitarian law is also applicable (Gunawan & Permana, 2024).

It is essential to provide humanitarian assistance in situations of armed conflict to the civilian population in the area, including prisoners of war and those no longer involved in the war. In practice, the provision of this assistance may arise from a number of sources, including governments, occupying powers, non-governmental organisations (NGOs) and third countries that are not directly involved in the armed conflict (Rottensteiner, 1999). The principle of subsidiarity stipulates that the primary obligation to provide humanitarian assistance to civilians in situations of armed conflict must be fulfilled by the party involved in the conflict (state/belligerent/occupying power). In the context of international armed conflict, the Third and Fourth Geneva Conventions establish the provision of food and other essential items to prisoners of war and individuals in occupied territories, including prisoners of war. The provision of humanitarian assistance by humanitarian

organisations and third countries should not be considered an act of interference in a country's internal affairs.

The term refers to the obligation of governments to provide assistance and protection to individuals affected by armed conflicts or disasters, both within their own borders and in some cases, internationally. The principle of state responsibility is a fundamental principle of international humanitarian law (IHL) and ensures that the rights and dignity of individuals are upheld, especially in times of crisis. In accordance with the principles of international law, the primary obligation of a state in times of armed conflict is to ensure the general welfare of the civilian population. This encompasses the provision of assistance to those who have been affected by the conflict, including displaced persons, wounded soldiers, prisoners of war, and civilians facing food shortages, medical emergencies, or violence. It is the responsibility of the state to guarantee the fulfilment of humanitarian needs, either directly or through the coordination of humanitarian organisations. The provision of humanitarian assistance must be based on the principles of neutrality, impartiality, and non-discrimination. These principles require that assistance be provided to all those in need, regardless of race, religion, nationality, or political affiliation. Furthermore, the provision of humanitarian assistance must not be driven by any military or political objectives.

The responsibility of a State in a situation of armed conflict towards its civilian population is to provide assistance, in accordance with the primary obligation to protect its population. However, if access to humanitarian assistance is closed or prohibited by the government, the sovereignty of the government can also be a barrier to the needs of the civilian population being met. In the Venezuelan conflict, the government rejected the provision of humanitarian aid in the form of food and medical

care by United Nations bodies to the civilian population in the region. One of the main reasons for this denial of humanitarian aid is the principle of state sovereignty. In the context of the conflict in Yemen, the occupying authority has imposed restrictions on the movement and delivery of aid, including delays in issuing travel permits and interfering with the distribution of humanitarian assistance (Additional Protocol I 1977 to the Geneva Convention of 12 August 1949, 1977). In May, the Huthi de facto authorities issued a document requiring humanitarian organisations to provide them with details of their media, advocacy and awareness-raising projects and activities on a monthly basis. In addition, they must apply for permission to carry out these activities (Bartels, 2015). Furthermore, the circular mandates that humanitarian organisations submit their monthly media reports for review and signature by the Supreme Council, and that they be accompanied by a Houthi-appointed media representative during field operations. The ability of Yemeni women humanitarian workers to conduct fieldwork in Huthi-controlled areas remains constrained by the requirements of *mahram* (male guardianship), which restrict such visits and aid deliveries.

The denial of humanitarian aid is explicitly prohibited by international law on the grounds that states possess sovereignty (Ahmad AL-BASHA, 2024). The decision and implementation of the requisite actions to apply the law and exercise control over the territory that becomes sovereign territory of a state. The Fourth Geneva Convention of 1949, as codified in international humanitarian law, explicitly permits the provision of humanitarian assistance by external actors, both from within the country and from outside it, during both international and non-international conflicts. It also prohibits the obstruction or disturbance of the distribution of such assistance by affected states, with the exception of instances of gross violations of humanitarian norms, such as the

targeting of civilians or the use of weapons that cannot be used in a manner that distinguishes between civilian and military targets.

The obligation of states to provide humanitarian assistance is a fundamental principle of international humanitarian law. States bear a responsibility for ensuring the safety and welfare of their respective populations, in addition to facilitating and permitting the provision of humanitarian aid when they are unable to meet these needs independently. In the event of a state's failure to fulfil its obligations, whether through negligence or intentional obstruction, the international community may intervene, provided that such intervention is consistent with the principles of state sovereignty and international law. Nevertheless, such interventions are regarded as a last resort when all other avenues have been exhausted.

2. Obstacles to the Consent of States to Access for Humanitarian Assistance in International Armed Conflicts

One type of conflict that has developed over the past 60 years is armed conflict, especially international armed conflict (human rights watch, 2020). The development of state interests is a contributing factor in the international armed conflict. It is inevitable that a conflict of events, including violence and disputes, will arise. Throughout the history of human civilization, conflicts have been carried out in various ways, some of which have been fair and others which have been cruel War is one of the disputes settlement chosen by the state in resolving the dispute at hand. In addition, humanitarian law is present to reduce the suffering of parties who do not participate in the armed conflict and to carry out its objectives. Humanitarian law presents several principles that are used to help ensure the realization of its legal objectives.

Some of the principles used include the distinction principle, which requires that the parties separate or distinguish between civilians and combatants (Zaum, 2007). The term “civilian population” encompasses all those who are not engaged in armed conflict. As such, they are entitled to the protections set forth in Article 4 of the Geneva Convention (IV) of 1949 : “Persons protected by the convention are those who at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of persons a Party to the conflict or occupying power of which they are not nationals”. In Article 4 Geneva Convention IV/1949 and Article 13 Geneva Convention IV/1949 “The provisions of Part II cover the whole of the populations of the countries in conflict, without any adverse distinction based, in particular, on race, nationality, religion or political opinion, and are intended to alleviate the sufferings caused by war”.

Despite the protection of the civilian population, the majority of civilians become victims in a conflict. However, there are also individuals who are tasked with being humanitarian volunteers, whose role is to assist other civilians in mass armed conflicts (Ellryz, 2017), for instance, individuals who are members of the International Committee of the Red Cross (ICRC) or the National Red Cross organization are afforded special protection from threats posed by armed conflict in their region (Centre, 2024). Additionally, certain individuals are engaged in humanitarian work as volunteer staff members of the ICRC (International Committee of the Red Cross) or the national red cross, where they are afforded protection from the dangers posed by armed conflict in their respective areas (Heintze & Zwitter, 2011).

The case of the armed conflict that has occurred in Yemen since late 2014 can be attributed to a civil war within Yemen that was subsequently internationalized due to the complex and unstable situation within Yemen, encompassing political, economic, and environmental crises. Furthermore, the conflict is characterized by the presence of armed rebel groups that are in conflict with one another (UNHCR, 2023). In conflict areas, particularly in Yemen and Myanmar, access to aid is extremely limited. The conflict in Yemen, which began as a civil war in 2014, has evolved into a crisis of global concern involving numerous factions and foreign actors (Garber et al., 2020). It is evident that the delivery of humanitarian assistance to Yemen presents a multitude of challenges, not least due to the involvement of various humanitarian organisations operating both within and outside of the country (UNHCR, 2024). The context of Yemen illustrates the limitations of the advantages of humanitarian access for the local population, as risks are distributed equally between locals and internationals. The challenges faced by humanitarian workers providing assistance to the region of Yemen include the following:

- a. Restrictions on the movement of humanitarian workers, both from humanitarian organizations based in the Yemeni region and from international organizations, have been imposed;
- b. Acts of violence directed towards personnel, facilities, and infrastructure designated for humanitarian purposes (Elkahlout et al., 2022);
- c. The interference in the implementation of humanitarian interventions represents a significant challenge. (Elkahlout et al., 2022);

- d. The continued existence of hostilities, military operations, and landmines represents a significant challenge to the stability of the region (Gal, 2017);
- e. In addition to these constraints, the area is characterised by a lack of paved roads and challenging geographical conditions (Elkahlout et al., 2022);
- f. working in an area with armed groups (Elkahlout et al., 2022; John Odle, 2013).

The access of humanitarian workers in Yemen to areas where their assistance is needed has been severely constrained. This is because these areas are under the control of armed groups, and the government of Yemen has been involved in limiting the distribution of goods and services provided to the civilian population in the region. A similar pattern of obstruction has been observed in Myanmar (Heath, 2011), where the government has intentionally impeded humanitarian access, particularly in the context of the Rohingya crisis that Myanmar's obstruction of humanitarian access stands in direct violation of Article 2(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR), a document that obligates states to facilitate the realization of economic and social rights for their populations. The government's actions demonstrate a pattern of obstruction, not only through the imposition of bureaucratic impediments (amnesty international, n.d.), but also through the active rejection of reports submitted by international organizations that detail the severity of the ongoing humanitarian crisis and the attendant suffering of the civilian population.

Furthermore restrictions on the provision of humanitarian assistance have also been observed during the Myanmar conflict between the Rohingya ethnicity and the

Myanmar government. Since the commencement of the conflict between the Rohingya and the Myanmar military junta government, the Myanmar government has consistently rejected the entry of humanitarian aid aimed at the Rohingya population/ethnicity in the designated conflict area (John Odle, 2013). The Myanmar government and military collectively demonstrated their disapproval of the proposed assistance by refusing to provide essential supplies and medical assistance (Elkahlout et al., 2022). This situation has caused significant suffering for the Rohingya people, who have been the victims of this conflict. Myanmar's refusal to allow the delivery of humanitarian aid from outside the country presents a challenge to the Myanmar government as it attempts to eliminate terrorism in Myanmar.

The government of Myanmar has rejected reports on the situation of the Rohingya, for example World Food programme Report (Fransiska ayulistya santoso, 2020)(Mangku, 2021). A report indicated that more than 80,000 Rohingya children required specialized care due to malnutrition. Additionally, the report noted that increasing food shortages were contributing to a deteriorating situation. However, the Myanmar government rejected the conclusions of the report (katie hunt, 2017). A comparison of data on humanitarian aid delivery in Myanmar between 2023 and 2024 indicates a notable increase in the number of people who received assistance in 2024 compared to 2023. However, despite this apparent improvement, the proportion of the population receiving humanitarian assistance declined from 27% in 2023 to 18% by May of 2024 (*Rohingya crisis: UN warns 80,000 children "wasting" from hunger in Myanmar*, n.d.)(Danish Siddiqui, 2018). This decline was attributable to a number of factors, the most significant of which was the lack of funding, compounded by a challenging operating environment both at the hands of the Myanmar government,

which has imposed restrictions on access to humanitarian assistance, and the pervasive threats faced by humanitarian workers operating in the region (OCHA, 2024)(UNICEF, 2024). In Myanmar, the government has imposed significant limitations on the provision of humanitarian assistance. These restrictions have had a particularly adverse impact on the civilian population, with ethnic Rohingya communities facing significant challenges in accessing essential services such as healthcare, food, sanitation and shelter.

Under Article 6(1) of the International Covenant on Civil and Political Rights (ICCPR), the right to life is an inherent, non-derogable right that must be protected by law (Kuijt, 2020). The deliberate withholding of aid, particularly food and medical supplies, can be interpreted as a violation of this right. Both Yemen and Myanmar, as state actors, are legally bound to prevent civilian suffering and allow the provision of essential humanitarian assistance (Gal, 2017). The denial of aid can also be seen as a breach of customary international humanitarian law (Security Council, 2024), which obligates states and non-state actors to facilitate humanitarian relief operations in times of armed conflict. In Yemen, humanitarian workers are often subject to violent attacks, restrictions on movement, and operational interference from both government and non-state actors (Ann Marie Kimball & Jumaan, 2020). In Myanmar (Nguyen, 2018), the military junta's restrictions on aid organizations have led to increased malnutrition, inadequate healthcare, and worsening conditions for displaced Rohingya communities. The Myanmar government has justified these restrictions on the grounds of national security and sovereignty, the real impact of these restrictions is seen in the deteriorating humanitarian conditions, with reports indicating that only 18% of Myanmar's population had access to humanitarian aid in 2024, compared to 27% in

2023 (Barter & Sumlut, 2023). The restrictions on humanitarian assistance are justified by concerns regarding national security and the potential for external interference. However, this justification has been challenged given the lack of evidence to suggest that external assistance is a cause of concern. Instead, the restrictions appear to be motivated by broader socio-political considerations.

In 2016, the Myanmar government permitted access to the distribution of humanitarian assistance through the UN and Humanitarian agencies in the Kachin state region. There are an estimated 87,000 individuals in this region who require humanitarian assistance. However, the government has placed restrictions on this distribution by requiring that refugees cross the line of conflict to receive assistance (Nguyen, 2018). In other regions of Rakhin State, communities of ethnic Rohingya are unable to access healthcare (Fransiska ayulistya santoso, 2020). Myanmar's restrictions of access to humanitarian workers are causing the suffering of civilians in conflict areas to intensify. The Myanmar government is also committing violations of the right to life in two ways: firstly, by failing to protect the lives of those in areas affected by armed conflict; and secondly, by killing civilians in such areas.

The limitations on humanitarian assistance in Myanmar and Yemen violate Article 2(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which states that states should "achieve the full realization of economic, social and cultural rights through international assistance and co-operation." It is therefore necessary to consider whether the ICESCR can be interpreted as an obligation on states to accept international humanitarian assistance following a disaster, a responsibility that applies to both Yemen and Myanmar as parties to the Convention (amnesty international, n.d.). *The right to life is a fundamental right*

belonging to every individual. This right cannot be diminished or revoked under any circumstances in accordance with the aforementioned article 6(1) International Covenant on Civil and Political Rights, says that “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life” From this article it can be ascertained that the right to life of every individual is an inherent, fundamental right, and that both the state of Yemen and Myanmar have a duty to protect the civilian population affected by armed conflict (amnesty international, n.d.), it is the obligation of the state, as manifested by its government, to safeguard the interests of the civilian population in situations of armed conflict. This is to prevent them from losing their fundamental rights as civilians.

The right to food is a fundamental human right that is particularly relevant in the context of armed conflicts, as seen in the cases of Yemen and Myanmar. Restrictions on humanitarian access, conducted by both governments, have the potential to cause victims from the civilian population due to limited access, particularly to food in situations of armed conflict. In such situations, individuals who flee their territory to seek refuge are engaging in forms of self - defense, yet the movement may be accompanied by insufficient food supplies, which are fundamental to the survival of the civilian population. As a result, refugees depend on humanitarian assistance from within their country and beyond its borders in order to meet their basic needs. Restrictions on humanitarian access are a form of denial of humanitarian assistance, as demonstrated in the Yemen and Myanmar conflicts. States party to conflict must allow humanitarian workers access if they are unable to meet the population's food needs. However, the ICESCR, which contains relevant provisions regarding the right to food and health, does not contain a derogation clause. Article 4 of the ICESCR

permits states to restrict treaty rights in certain instances, provided that the restriction is prescribed by law and is consistent with the nature of the right in question and solely for the promotion of the general welfare in a democratic society. Accordingly, to restrict a right as outlined in the ICESCR, a state must fulfil three conditions. These are: (1) the restriction is prescribed by law, (2) the restriction is compatible with the nature of the ICESCR rights, and (3) the restriction is solely to promote the general welfare in a democratic society (Fransiska ayulistya santoso, 2020). This limitation clause is a consequence of the nature of the rights enshrined in the ICESCR. In the event of a conflict or disaster that gives rise to a humanitarian crisis, it is to be expected that the affected state will be unable to fulfil its obligations with regard to the rights to food and health, as it had done prior to the crisis, due to the drastic change in circumstances that allows external humanitarian aid to enter in order to meet the needs of the civilian population.

C. CONCLUSION

This study concludes that there is a close relationship between the concept of state sovereignty and the provision of humanitarian assistance, particularly in the context of armed conflict. According to the theory of sovereignty, the state has the primary responsibility to protect its civilian population, both in peace and war. The novelty of this research is its analytical approach to the intersection of state sovereignty and humanitarian aid, particularly in armed conflict scenarios. In times of armed conflict, a state has a fundamental duty to protect and care for its people, ensuring that their basic needs are met. This includes providing humanitarian assistance, whether through its own resources, international organizations, or support from other countries.

International law upholds the principle of non-discrimination in the distribution of aid, as outlined in the Fourth Geneva Convention of 1949, which permits external assistance during conflicts and prohibits affected states from obstructing it. This means that if a state is unable to provide for its citizens on its own, it has a responsibility to allow humanitarian aid to reach those in need. When a state fails to fulfill this obligation, the international community may step in, provided that such intervention respects the principles of sovereignty and international law. The tension between the legal principle of sovereignty and the humanitarian imperative to provide aid, demonstrating how states—such as Yemen and Myanmar—use sovereignty as a political tool to limit external assistance, despite their legal obligations under international humanitarian law.

REFERENCES

- Ahmad AL-BASHA. (2024). *Yemen's Huthi Rebels Detain Aid Workers, Including 11 UN Staff*. Al-Monitor Independent, Trusted Coverage Of The Middle East.
- Amnesty International. (N.D.). *Myanmar: Lift Restrictions Immediately On Humanitarian Aid*. Amnesty International.
- Ann Marie Kimball, & Jumaan, A. (2020). Yemen : The Challenge Of Delivering Aid In An Active Conflict Zone. *Global Security: Health, Science And Policy*, 5(1), 65–70. <https://doi.org/10.1080/23779497.2020.1814162>
- Barber, R. J. (2022). Does International Law Permit The Provision Of Humanitarian Assistance Without Host State Consent? Territorial Integrity, Necessity And The Determinative Function Of The General Assembly. In R. Gill, T.D., Geiß, R., Krieger, H., Mignot-Mahdavi (Ed.), *Yearbook Of International Humanitarian*

- Law*. T.M.C. Asser Press. https://doi.org/10.1007/978-94-6265-491-4_5
- Bartels, R. (2015). Denying Humanitarian Access As An International Crime In Times Of Non-International Armed Conflict: The Challenges To Prosecute And Some Proposals For The Future. *Israel Law Review*, 48(3), 281–307. <https://doi.org/10.1017/S0021223715000175>
- Barter, D., & Sumlut, G. M. (2023). The ‘ Conflict Paradox ’: Humanitarian Access , Localisation , And (Dis) Empower _ Ment In Myanmar, Somalia. *Disasters*, 47(4), 849–869. <https://doi.org/10.1111/Disa.12573>
- Bernard, V. (2011). Editorial: Understanding Armed Groups And The Law. *International Review Of The Red Cross*, 93(882), 261–267. <https://doi.org/10.1017/S1816383112000070>
- Centre, D. I. H. L. (2024). *THE PRINCIPLE OF DISTINCTION*. International Humanitarian Law Centre.
- Danish Siddiqui. (2018). *Burma: Memastikan Bantuan Sampai Ke Orang Rohingya*. Human Right Watch.
- Dieter Fleck. (2008). The Handbook Of International Humanitarian Law. In *The Handbook Of International Humanitarian Law* (Second Edi). Oxford University Press.
- Elkahlout, G., Milton, S., Yaseen, T., & Raweh, E. (2022). Localisation Of Humanitarian Action In War-Torn Countries: The Experience Of Local Ngos In Yemen. *International Journal Of Disaster Risk Reduction*, 75(February), 102921. <https://doi.org/10.1016/J.Ijdr.2022.102921>
- Ellryz, R. (2017). Perlindungan Relawan Kemanusiaan Dalam Konflik Bersenjata

- Internasional Menurut Hukum Humaniter. *Lex Et Societatis*, V(2), 13–14.
- Fransiska Ayulistya Santoso. (2020). Penolakan Pemberian Bantuan Kemanusiaan Dari PBB Oleh Myanmar Dalam Presfektif Hukum Hak Asasi Manusia Internasional. *Jurnal Arena Hukum*, 13(3), 593.
- Gal, T. (2017). Territorial Control By Armed Groups And The Regulation Of Access To Humanitarian Assistance. *Israel Law Review*, 50(1), 25–47.
<https://doi.org/10.1017/S0021223716000285>
- Garber, K., Fox, C., Abdalla, M., Tatem, A., Qirbi, N., Lloyd-Braff, L., Al-Shabi, K., Ongwae, K., Dyson, M., & Hassen, K. (2020). Estimating Access To Health Care In Yemen, A Complex Humanitarian Emergency Setting: A Descriptive Applied Geospatial Analysis. *The Lancet Global Health*, 8(11), E1435–E1443.
[https://doi.org/10.1016/S2214-109X\(20\)30359-4](https://doi.org/10.1016/S2214-109X(20)30359-4)
- Gunawan, Y., & Permana, V. G. P. (2024). Extrajudicial Killings Over The Drug War In The Philippines Under The ICC Jurisdiction. *Jurnal Suara Hukum*, 6(1), 31–47. <https://doi.org/10.26740/Jsh.V6n1.P31-47>
- Gunawan, Y., Putra, M. R. P., Khairi, M. F. Al, & Arumbinang, M. H. (2024). International Law In The Sudanese War 2023: An Overview Of The Conflict And Law Enforcement. *Jurnal Suara Hukum*, 6(1), 108–124.
<https://doi.org/10.26740/Jsh.V6n1.P108-124>
- Heath, B. (2011). Disasters, Relief, And Neglect: The Duty To Accept Humanitarian Assistance And The Work Of The International Law Commission. *New York University Journal Of International Law And Politics*, 43(2), 419–478.
- Heintze, H. J., & Zwitter, A. (2011). International Law And Humanitarian Assistance: A Crosscut Through Legal Issues Pertaining To Humanitarianism. *International*

- Law And Humanitarian Assistance: A Crosscut Through Legal Issues Pertaining To Humanitarianism*, 1–141. <https://doi.org/10.1007/978-3-642-16455-2>
- Human Rights Watch. (2020). Deadly Consequences Obstruction Of Aid In Yemen During Covid-19. In *Human Rights Watch*. Human Rights Watch.
- Additional Protocol I 1977 To The Geneva Convention Of 12 August 1949, (1977).
- Idler, A. (2024). Change In Armed Conflict: An Introduction. *International Political Science Review*, 45(1), 3–14. <https://doi.org/10.1177/01925121231177368>
- John Odle. (2013). Targeted Killings In Yemen And Somalia: Can The United States Target Low-Level Terrorists. *Emory International Law Review*, 27(1).
- Katie Hunt. (2017). Rohingya Crisis: How We Got Here. *CNN*, 1–5.
- Kuijt, E. E. (2020). Humanitarian Assistance And State Sovereignty In International Law : Towards A Comprehensive Framework Issue. In *Leiden University*. Leiden University.
- Mangku, D. G. S. (2021). Pemenuhan Hak Asasi Manusia Kepada Etnis Rohingya Di Myanmar. *Perspektif Hukum*, 21(1 Mei), 1–15.
- Marzuki, P. M. (2017). *Penelitian Hukum* (13th Ed.). Kencana.
- Nguyen, V. (2018). *The Rohingya Crisis In Myanmar: Rethinking International Engagement Toward Better Humanitarian Protection*.
- OCHA. (2024). *Myanmar: Humanitarian Response Plan 2024 - Quarter One Dashboard (Jan - Mar 2024)*.
- Ramphal, T. (2021). The Principle Of Distinction In An International Armed Conflict: Organized Armed Groups Not Belonging To A State Party To The Conflict. *International Journal Of Law And Society*, 4(4), 275. <https://doi.org/10.11648/J.Ijls.20210404.15>

Rohingya Crisis: UN Warns 80,000 Children “Wasting” From Hunger In Myanmar.
(N.D.).

Rottensteiner, C. (1999). The Denial Of Humanitarian Assistance As A Crime Under International Law. *International Review Of The Red Cross*, 81(835), 555–582.
<https://doi.org/10.1017/S1560775500059794>

Rully Sandra. (2008). Bantan Kemanusiaan Dalam Hukum Internasional Internasional. *Jurnal Hukum Humaniter*, 4(6), 1142.

Ryngaert, C. (2013). Humanitarian Assistance And The Conundrum Of Consent: A Legal Perspective. *Amsterdam Law Forum*, 5(2), 5.
<https://doi.org/10.37974/Alf.248>

Schwendimann, F. (2011). The Legal Framework Of Humanitarian Access In Armed Conflict. *International Review Of The Red Cross*, 93(884), 993–1008.
<https://doi.org/10.1017/S1816383112000434>

Security Council. (2024). “*Shocking Increase*” In *Denial Of Access To Life-Saving Humanitarian Aid For Children In Conflict Zones* (Vol. 1612, Issue 2005).

UNHCR. (2023). *Sudan Conflict*.

UNHCR. (2024). *Protection In Armed Conflict* (Issue January). The UN Refugee Agency.

UNICEF. (2024). *Myanmar Country Office Humanitarian Situation*.

Zaum, D. (2007). *The Sovereignty Paradox: The Norms And Politics Of International Statebuilding* (1st Ed.). Oxford University Press.