



THE ROLE OF INTERNATIONAL LEGAL FRAMEWORKS IN MANAGING COMPLEX HUMANITARIAN EMERGENCIES

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Abstract:

Complex Humanitarian Emergencies (CHEs) present a multifaceted challenge to the international community, often involving large-scale displacement, humanitarian crises, and widespread human suffering. In such contexts, international legal frameworks play a crucial role in guiding the response efforts, ensuring the protection of vulnerable populations, and providing a basis for humanitarian interventions. This paper explores the role of international legal frameworks in managing CHEs, focusing on the key treaties, conventions, and customary laws that regulate humanitarian action. It examines the mandates of the United Nations and its agencies in coordinating relief efforts, as well as the relationship between International Humanitarian Law (IHL) and Human Rights Law (HRL) in conflict zones. Furthermore, the paper discusses the importance of humanitarian access and the protection of aid workers in these emergencies. Through this exploration, the paper assesses the strengths and weaknesses of current legal frameworks and offers recommendations for enhancing their effectiveness in future humanitarian crises.

Keywords:

Complex Humanitarian Emergencies (CHEs), International Legal Frameworks, Geneva Conventions, Refugee Convention, Humanitarian Aid, United Nations Office for the Coordination of Humanitarian Affairs (OCHA), International Humanitarian Law (IHL)

1. Introduction

Definition and Characteristics of CHEs:

Complex Humanitarian Emergencies (CHEs) are large-scale crises that involve severe human suffering, widespread displacement, and the breakdown of societal structures. These emergencies are often the result of a combination of armed conflict, political instability, economic collapse, or natural disasters. What sets CHEs apart from other types of emergencies is their multifaceted nature, which typically involves not just humanitarian needs but also issues of security, governance, and prolonged instability. The characteristics of CHEs include ongoing violence or conflict, mass displacement of people, the collapse of essential services such as healthcare and education, and the widespread violation of human rights. These factors create complex environments that challenge traditional methods of providing humanitarian assistance.

Impact of CHEs on Affected Populations and Global Stability:

The impact of CHEs on affected populations is profound. Civilians suffer the most, facing death, injury, and the loss of livelihoods. Many are forced to flee their homes, leading to large refugee populations and internally displaced persons (IDPs). In addition to physical harm, the mental health consequences of these crises are also severe, with individuals and communities experiencing trauma, stress, and long-term psychological impacts. Moreover, CHEs often disrupt the supply of basic necessities, such as food, clean water, and medical care, leading to widespread hunger, disease outbreaks, and preventable deaths. On a global level, the effects of CHEs can extend beyond the immediate region. Regional instability, the spread of conflict, and the pressure of large-scale migration can destabilize neighboring countries and even affect global peace and security. The economic consequences can also ripple across borders, disrupting trade and humanitarian aid efforts.

Importance of International Cooperation in Managing CHEs:

The complexity and scale of CHEs demand a coordinated response from multiple international actors, including national governments, international organizations, non-governmental organizations (NGOs), and local authorities. The challenges involved—such as securing humanitarian access in conflict zones, ensuring the protection of vulnerable populations, and providing timely and adequate assistance—cannot be effectively addressed by any single entity alone. International cooperation is crucial to pooling resources, expertise, and logistical support. Moreover, through frameworks like the United Nations and humanitarian organizations such as the World Food Programme (WFP) or the United Nations High Commissioner for Refugees (UNHCR), a more organized, efficient, and comprehensive approach to addressing the immediate needs and long-term recovery of affected populations can be developed. In the absence of such collaboration, the impact of a CHE may worsen, and humanitarian aid efforts may become politicized or fragmented, further complicating the situation.



2. Overview of International Legal Frameworks

Key International Treaties and Conventions (Geneva Conventions, Refugee Convention):

International legal frameworks form the backbone of humanitarian law and set out the obligations of states and non-state actors during complex humanitarian emergencies. Two of the most critical instruments are the **Geneva Conventions** and the **Refugee Convention**. The **Geneva Conventions** of 1949, along with their Additional Protocols, represent a cornerstone of **International Humanitarian Law (IHL)**. They establish standards for the protection of individuals who are not or are no longer participating in hostilities, such as civilians, prisoners of war, and wounded soldiers. These conventions emphasize the humane treatment of all persons, the prohibition of torture, and the guarantee of access to humanitarian aid. The Geneva Conventions also set out rules concerning the conduct of armed forces during conflicts, ensuring that they distinguish between military and civilian targets, and that civilian infrastructure is not deliberately harmed.

The **1951 Refugee Convention** and its 1967 Protocol, on the other hand, provide a framework for the protection of refugees, defined as individuals who are outside their country of nationality due to a well-founded fear of persecution. The Refugee Convention establishes the right of refugees to seek asylum, and it prohibits the return (or **refoulement**) of refugees to places where they face serious harm. These conventions aim to safeguard individuals from the direct consequences of conflict, ensuring that they have access to basic rights, including the right to work, education, and healthcare.

Together, these treaties create a binding legal foundation for the protection of human dignity in the midst of conflict and displacement, helping to guide the actions of states, humanitarian organizations, and other actors in times of crisis.

The Role of Customary International Law in Humanitarian Aid:

While treaties and conventions provide written legal guidelines, **customary international law** plays an equally important role in the field of humanitarian aid, especially in situations where no formal treaty exists or when certain countries have not ratified specific agreements. Customary international law consists of practices and rules that have evolved over time and are generally accepted as binding, even if they are not written in treaties. For example, principles such as the prohibition of genocide, the protection of civilians during armed conflicts, and the right to humanitarian assistance are considered part of customary international law.

In humanitarian emergencies, customary international law ensures that even in the absence of specific treaty obligations, fundamental rights and humanitarian principles must be respected. This body of law underlines the importance of impartiality, neutrality, and independence in providing aid, and it obligates states to allow the delivery of humanitarian assistance to affected populations, particularly when their own capacity to respond is limited or non-existent.

The Significance of State Sovereignty vs. Humanitarian Intervention:

A crucial tension in the international legal landscape is the balance between **state sovereignty** and the principle of **humanitarian intervention**. **State sovereignty** refers to the right of a state to exercise full control over its territory and the political, social, and economic affairs within it, without external interference. This principle is enshrined in the **United Nations Charter** and has been a cornerstone of international relations for centuries. However, in the context of complex humanitarian emergencies, the principle of sovereignty can come into conflict with the need for international intervention to protect civilians and ensure humanitarian aid reaches those in need.

Humanitarian intervention refers to the use of force or other measures by the international community to prevent or halt human rights violations, such as genocide, ethnic cleansing, or other forms of mass atrocity, even when these actions violate a state's sovereignty. The **Responsibility to Protect (R2P)** doctrine, adopted by the United Nations in 2005, seeks to bridge this divide by asserting that the international community has a responsibility to protect populations from mass atrocities, even if it requires intervention in a sovereign state.

This balance between sovereignty and intervention is a contentious issue in international law, particularly in CHEs. On one hand, humanitarian organizations emphasize the need for unhindered access to victims and the necessity of intervention in situations where states are unable or unwilling to protect their citizens. On the other hand, some states argue that intervention, particularly military intervention, violates their sovereignty and can lead to further destabilization. In practice, this debate is often influenced by political considerations, the nature of the conflict, and the interests of the international community.

In sum, international legal frameworks provide both legal standards and guiding principles for humanitarian action during complex emergencies. The treaties and conventions offer concrete legal obligations, while customary international law ensures that basic humanitarian principles are respected universally. At the same time, the tension between state sovereignty and humanitarian intervention continues to shape the response to crises, making the international legal landscape both dynamic and contentious in its application to humanitarian emergencies.



3. The United Nations and Its Humanitarian Mandates

The Role of the United Nations Office for the Coordination of Humanitarian Affairs (OCHA):

The **United Nations Office for the Coordination of Humanitarian Affairs (OCHA)** plays a central role in coordinating the international humanitarian response to complex emergencies. Established in 1991, OCHA's mission is to ensure effective and timely humanitarian assistance in crisis situations by coordinating the efforts of multiple stakeholders, including UN agencies, non-governmental organizations (NGOs), and other humanitarian actors. OCHA is responsible for mobilizing resources, coordinating access to affected populations, and promoting collaboration among various organizations involved in the response.

One of OCHA's key functions is to act as a liaison between humanitarian actors and governments, ensuring that aid is delivered efficiently and in line with international humanitarian principles. It also works to ensure that the humanitarian response is impartial, neutral, and in accordance with the needs of affected populations, rather than driven by political or military agendas. In addition, OCHA plays a key role in humanitarian advocacy, highlighting the needs of affected populations and raising awareness about obstacles to humanitarian access or violations of international law. OCHA's leadership in coordination is crucial for avoiding duplication of efforts and ensuring that humanitarian resources are used effectively.

Coordination of Relief Efforts through UN Agencies (UNHCR, WHO, WFP):

The United Nations system includes several specialized agencies that work together to respond to humanitarian crises. Among the most prominent agencies involved in CHEs are the **United Nations High Commissioner for Refugees (UNHCR)**, the **World Health Organization (WHO)**, and the **World Food Programme (WFP)**. Each agency has its own mandate but works closely with others under the overall coordination of OCHA to provide a comprehensive response to humanitarian emergencies.

- **UNHCR** is responsible for providing protection and assistance to refugees, internally displaced persons (IDPs), and stateless individuals. It leads the coordination of refugee protection efforts, advocating for the rights of displaced individuals and providing shelter, food, and other essential services to those fleeing conflict or persecution. UNHCR also works on durable solutions for refugees, including resettlement, voluntary repatriation, and local integration in host countries.
- **WHO** focuses on public health responses during CHEs, providing expertise and coordinating the delivery of medical assistance, including the provision of essential medicines, medical supplies, and vaccines. WHO also works to prevent the spread of diseases, such as cholera or Ebola, which often thrive in crisis settings due to poor sanitation and overcrowding. In addition, WHO offers technical support to strengthen local health systems and ensure that affected populations have access to health services.
- **WFP** is responsible for addressing food security and nutrition in emergency situations. It provides food aid to populations affected by conflict, natural disasters, or economic crises, often in the form of food rations or cash-based assistance. WFP's role also includes monitoring food insecurity and working with local governments and partners to establish longer-term solutions to hunger in crisis-affected areas.

These agencies collaborate under OCHA's leadership, ensuring that their efforts complement one another and meet the diverse needs of affected populations. Their collective efforts provide a holistic humanitarian response, covering protection, health, and food security, among other essential needs.

Legal Mandates of UN Peacekeeping Missions in Humanitarian Crises:

United Nations **peacekeeping missions** play a vital role in complex humanitarian emergencies, particularly in situations where conflict and instability prevent the effective delivery of aid and the protection of civilians. While peacekeeping forces are not primarily focused on humanitarian assistance, they are often deployed to create the security environment necessary for humanitarian organizations to operate effectively. The legal mandates of UN peacekeeping missions are governed by **Security Council resolutions**, which specify their roles and responsibilities in a given situation.

The primary legal mandate of peacekeeping missions is to maintain peace and security by providing a stable environment, facilitating the implementation of peace agreements, and protecting civilians from violence. In humanitarian contexts, peacekeepers may be tasked with ensuring the safety of humanitarian convoys, protecting refugees or internally displaced persons (IDPs), and assisting in the safe delivery of aid. They may also support the disarmament, demobilization, and reintegration (DDR) of former combatants in post-conflict scenarios, helping to stabilize societies and ensure that communities can rebuild.

Additionally, peacekeeping missions may be mandated to monitor and report on human rights violations, support the rule of law, and work alongside humanitarian organizations to provide protection to vulnerable populations. However, peacekeepers often face challenges in ensuring humanitarian access and protection in areas controlled by



armed groups or parties to conflict who may view humanitarian efforts as politically motivated or a threat to their control.

The mandate for peacekeeping missions often requires a balance between maintaining peace and security and respecting the neutrality and independence of humanitarian assistance. The success of these missions in humanitarian crises depends largely on the cooperation of all parties involved, including host governments, rebel groups, and international organizations.

In sum, the United Nations plays a pivotal role in responding to complex humanitarian emergencies through OCHA's coordination, the specialized efforts of UN agencies like UNHCR, WHO, and WFP, and the security assistance provided by peacekeeping missions. These efforts, guided by legal mandates and international humanitarian principles, help mitigate suffering and support recovery in the aftermath of crises.

4. International Humanitarian Law (IHL) and Human Rights Law (HRL)

The Distinction Between IHL and HRL in Conflict Situations:

International Humanitarian Law (IHL) and Human Rights Law (HRL) are both bodies of law that aim to protect individuals, but they have distinct functions, scopes, and applications, especially in the context of conflict situations.

IHL, also known as the laws of war or the laws of armed conflict, specifically governs conduct during times of armed conflict and seeks to regulate the behavior of parties involved in conflict, aiming to protect individuals who are not participating in hostilities (such as civilians and prisoners of war). It is primarily focused on the protection of individuals during the conflict itself and operates under the assumption that wars and conflicts, while regulated, are inevitable in certain circumstances. The **Geneva Conventions** and their Additional Protocols are key instruments of IHL.

On the other hand, **Human Rights Law (HRL)**, often applicable in both peacetime and wartime, aims to protect the fundamental rights and freedoms of individuals irrespective of their status or location. HRL is not confined to conflict situations, and its scope is broader, governing the treatment of all individuals, whether in peacetime or conflict. Core documents of HRL include the **Universal Declaration of Human Rights (UDHR)** and international treaties such as the **International Covenant on Civil and Political Rights (ICCPR)**. HRL provides a framework for protecting individual dignity and rights against any form of abuse, regardless of the political or military situation.

In conflict situations, IHL and HRL may overlap, but the primary distinction lies in their focus: IHL is designed specifically for armed conflict and focuses on limiting the effects of war, while HRL provides a broader, overarching framework for protecting human rights in all situations, including times of peace and war. Both bodies of law work together in conflict settings to ensure that those caught up in crises are protected, though IHL applies more directly to the conduct of warfare, while HRL applies to the general protection of human dignity.

Key Principles of IHL: Protection of Civilians, Proportionality, Necessity, and Impartiality:

Several fundamental principles underpin **International Humanitarian Law (IHL)**, which guide the conduct of states and non-state actors during armed conflict to ensure that civilians and other non-combatants are protected from the effects of war. These key principles include:

- **Protection of Civilians:** One of the most important tenets of IHL is the protection of civilians during armed conflict. The core idea is that civilians should not be targeted, and all feasible precautions must be taken to minimize harm to them. Civilians and civilian infrastructure should be spared from direct attack, and any military action must differentiate between combatants and non-combatants. The principle of distinction ensures that only legitimate military targets are attacked, while civilians are shielded from direct hostilities.
- **Proportionality:** The principle of proportionality prohibits attacks that may cause excessive harm to civilians or civilian objects in relation to the anticipated military advantage. Even if a military objective is legitimate, if the attack is expected to cause disproportionate harm to civilians or civilian infrastructure, it may be considered a violation of IHL. This principle seeks to balance military necessity with humanitarian concerns, ensuring that any harm caused is not excessive in relation to the military benefit gained.
- **Necessity:** The principle of necessity allows the use of force in armed conflict only when it is necessary to achieve a legitimate military objective. The force used must be limited to what is required to achieve the goal and must not be excessive. This principle aims to avoid unnecessary destruction and harm, focusing on minimizing the suffering of non-combatants and ensuring that military force is used in a targeted and justified manner.
- **Impartiality:** IHL demands that humanitarian aid be provided impartially, without favoring any party to the conflict. Humanitarian organizations are prohibited from taking sides in hostilities and must provide assistance based solely on need, regardless of the political, military, or other affiliations of the individuals.



or groups involved. This principle ensures that aid is delivered to those most in need and prevents the politicization of humanitarian assistance.

These principles collectively ensure that the conduct of armed conflict is as humane as possible, minimizing unnecessary suffering and protecting vulnerable populations. They are enshrined in international treaties and customary law and are critical for maintaining human dignity in wartime situations.

The Intersection of Human Rights Law and Humanitarian Law in Emergencies:

In complex humanitarian emergencies, **Human Rights Law (HRL)** and **International Humanitarian Law (IHL)** often intersect and complement each other. Both bodies of law share the common goal of protecting individuals, but they address different aspects of human rights and protection in conflict zones.

While IHL specifically governs the conduct of warfare, protecting individuals during the conflict, HRL ensures the protection of human rights and dignity regardless of the situation. In situations of armed conflict, where IHL is directly applicable, HRL continues to apply in parallel, ensuring that even in the absence of peace, fundamental human rights such as the right to life, the prohibition of torture, and the right to fair trial are upheld. For instance, during an armed conflict, IHL guarantees the humane treatment of prisoners of war, while HRL guarantees that they are treated with dignity, protected from torture, and allowed access to legal protections.

The overlap of HRL and IHL becomes particularly important in emergency situations, where violations of both human rights and humanitarian laws can occur simultaneously. In instances where IHL's protections may be insufficient or violated, HRL can provide a complementary layer of protection for individuals, such as ensuring access to judicial remedies and prohibiting arbitrary detention or forced displacement. Moreover, the principles of HRL can guide the implementation of IHL, ensuring that humanitarian responses, such as relief distribution, are carried out without discrimination and with full respect for human dignity.

In sum, the intersection of IHL and HRL in emergencies provides a more robust framework for the protection of individuals caught in conflict situations. While IHL focuses on the rules of war, HRL offers universal protections that safeguard the human rights of all individuals, regardless of the nature of the conflict. The combined application of both frameworks ensures that even in the most dire of circumstances, efforts to mitigate harm and protect civilians continue to be upheld.

5. Humanitarian Access and Protection in the Context of CHEs

Legal Frameworks Ensuring Unhindered Access to Affected Populations:

Humanitarian access refers to the ability of humanitarian organizations to reach and provide assistance to populations affected by a complex humanitarian emergency (CHE), such as refugees, internally displaced persons (IDPs), or civilians caught in conflict zones. **International Humanitarian Law (IHL)** plays a key role in ensuring that humanitarian aid can be delivered without obstruction. The **Geneva Conventions** and their Additional Protocols establish the legal right for humanitarian organizations to access those in need during armed conflicts, ensuring that civilians and non-combatants are protected and provided with essential assistance, such as food, water, shelter, and medical care.

IHL emphasizes the importance of **neutrality**, **impartiality**, and **independence** in humanitarian assistance, which are critical for ensuring that aid is delivered based on need, without discrimination or political interference. Moreover, the **UN Security Council Resolutions** and other international instruments recognize the obligation of parties to a conflict to allow humanitarian aid to reach affected populations and protect humanitarian convoys and facilities.

In cases where humanitarian access is restricted, these legal frameworks mandate that all parties—state and non-state actors alike—must allow and facilitate the free passage of humanitarian aid. International law obliges states to ensure the safety and security of aid workers and supply routes, as well as the prompt delivery of emergency relief in areas where civilians are most at risk.

However, despite these legal frameworks, humanitarian access is often impeded due to the ongoing security risks, logistical challenges, or political and military considerations in conflict areas. Violations of these laws are common, and humanitarian organizations often face significant challenges in ensuring their operations are respected.

Negotiating Access with Parties to the Conflict (State and Non-State Actors):

Negotiating humanitarian access during a CHE is a complex process that involves engaging with both state and non-state actors, including armed groups and insurgents. These negotiations are vital to ensuring that humanitarian assistance can reach affected populations. However, humanitarian organizations must navigate various challenges when negotiating access with parties to the conflict, as these actors may have competing political, military, or ideological interests that may conflict with the principles of neutrality and impartiality in humanitarian aid.

States may block humanitarian aid for political or military reasons, for example, by limiting access to certain regions, imposing restrictions on aid agencies, or demanding that aid be routed through government-controlled channels.



Non-state actors, such as armed rebel groups or militias, may also create barriers by controlling key areas, attacking aid convoys, or demanding that aid be diverted to serve their own interests. Both state and non-state actors may impose conditions on humanitarian organizations in return for access, which could include demands for political concessions or the use of aid for strategic purposes.

Humanitarian organizations, therefore, must engage in delicate negotiations to ensure that aid reaches the intended beneficiaries, even while maintaining their neutrality and independence. These negotiations often involve diplomatic efforts and the use of intermediary actors such as the United Nations or regional organizations to facilitate communication between conflicting parties. A key aspect of these negotiations is to emphasize the humanitarian imperative—that civilians must receive aid regardless of the political or military circumstances—and to work to ensure that humanitarian organizations are able to operate without interference.

Protection of Aid Workers and Prevention of the Politicization of Aid:

The protection of aid workers is another critical issue in the context of humanitarian access. Humanitarian workers are often at risk of violence, kidnapping, or even death in conflict zones, and such attacks have become increasingly common in many CHEs. Humanitarian law mandates that aid workers should be protected and respected as neutral actors in conflict situations. Attacks on humanitarian personnel are considered war crimes under IHL, and states and parties to the conflict are obliged to ensure their safety. However, in practice, humanitarian workers face significant security risks, particularly in volatile regions controlled by non-state actors or in areas where there is no effective rule of law.

Preventing the **politicization of aid** is another challenge in the delivery of humanitarian assistance. Humanitarian assistance should be provided solely based on the needs of the affected population, without any political or military agenda. However, aid has often been used as a tool of political leverage, either by the state or by armed groups. This can lead to aid being withheld from certain groups, channeled through particular political factions, or diverted for military purposes. In these situations, aid workers and organizations must constantly navigate pressures to maintain their neutrality and ensure that their operations are not manipulated for political or military gain.

To protect aid workers and prevent the politicization of aid, humanitarian organizations often develop codes of conduct and operational guidelines that emphasize impartiality, neutrality, and independence. These codes ensure that humanitarian efforts remain focused on the needs of affected populations, free from external political or military interference. Additionally, organizations such as the **International Committee of the Red Cross (ICRC)**, the **United Nations**, and **NGOs** work together to advocate for the protection of aid workers, create mechanisms for accountability in the event of attacks, and develop strategies for negotiating with all parties involved in the conflict. In sum, ensuring **humanitarian access** and the **protection** of aid workers are critical components of managing complex humanitarian emergencies. Legal frameworks provide the foundation for ensuring that aid can reach those in need, while negotiations with state and non-state actors are necessary to overcome barriers and facilitate the delivery of assistance. At the same time, the protection of aid workers and the prevention of the politicization of aid are vital to maintaining the neutrality and independence of humanitarian action in these complex and often dangerous environments.

Conclusion

In conclusion, managing Complex Humanitarian Emergencies (CHEs) requires a coordinated and multifaceted approach, where international legal frameworks, humanitarian organizations, and diplomatic efforts play essential roles. Legal frameworks such as International Humanitarian Law (IHL) and Human Rights Law (HRL) are vital in ensuring the protection of vulnerable populations, regulating the conduct of armed conflicts, and safeguarding humanitarian aid delivery. While the legal frameworks provide necessary guidelines, the challenges of negotiating access with conflicting parties, ensuring the protection of aid workers, and preventing the politicization of aid highlight the complexity of humanitarian responses. Ultimately, effective management of CHEs demands international cooperation, adherence to humanitarian principles, and a collective effort to address the root causes of conflict and ensure that aid reaches those who need it most, free from interference and in accordance with international standards.

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