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Geopolitical role of the North Atlantic Treaty Organisation (NATO) and International Humanitarian Law

Abstract

The aim of this research is to explain NATO's international responsibility in geopolitical crises from the perspective of international humanitarian law. The research method is descriptive-analytical. The evidence shows that in the field of international relations NATO, on the one hand, leads to the consolidation of international relations, and on the other hand, causes problems and uncertainties in their functioning. Meanwhile, NATO's special character causes further uncertainties in international law, particularly in the area of the application of the rules of international responsibility. NATO's military nature makes the role of its members in the conduct and direction of the organisation's activities more pronounced. Accordingly, the article aims to propose changes in the structure of nations and the articles of the United Nations Charter in order to transform NATO's responsibility from a strategy of dealing with the rights of nations to a strategy of dealing with the rights of individuals.

Keywords: *NATO, Geopolitical Crises, Humanitarian Law, International Law*

Kuzey Atlantik Antlaşması Örgütü (NATO)'nün Jeopolitik rolü ve Uluslararası İnsanlık Hukuku

Öz

Bu araştırmanın amacı, NATO'nun jeopolitik krizlerdeki uluslararası sorumluluğunu uluslararası insanlık hukuk perspektifinden açıklamaktır. Araştırma yöntemi betimleyici-analitiktir. Kanıtlar, NATO'nun uluslararası ilişkiler alanında bir yandan uluslararası ilişkilerin sağlamlaşmasına yol açarken diğer yandan da bunların işleyişinde sorunlara ve belirsizliklere neden olduğunu göstermektedir. Bu arada, NATO'nun özel niteliği uluslararası hukukta, özellikle de uluslararası

sorumluluk kurallarının uygulanması alanında daha fazla belirsizliğe neden olmaktadır. NATO'nun askeri niteliği, örgütün faaliyetlerinin yürütülmesinde ve yönlendirilmesinde üyelerin rolünü daha belirgin hale getirmektedir. Buna göre makalede NATO'nun sorumluluğunun ulusların haklarıyla ilgilenme stratejisinden bireylerin haklarıyla ilgilenme stratejisine dönüştürülmesi için ulusların yapısında ve Birleşmiş Milletler Şartı'nın maddelerinde değişiklik yapılmasına dair önerilerde bulunmak hedeflenmiştir.

Anahtar Kelimeler: *NATO, Jeopolitik Krizler, İnsanlık Hukuku, Uluslararası Hukuk*

Introduction

International humanitarian law[1] is a part of the legal standards governing armed conflicts, which regulates the conduct of war operations and the behavior of belligerents in line with the goal of humanizing armed conflicts that are either global or not confined to a specific nation and its main goal is to reduce the suffering caused by war and It includes basic codes such as the principle of separation between military and civilian, the code of necessity, the principle of proportionality and the code of the prohibition of unnecessary suffering (Patman, 2019). Among the most significant sources of international treaties on the issue of humanitarian rights are the Saint Petersburg Declaration of 1868, the Brussels Conference of 1874 and the Convention The Geneva Quartet pointed out that it has its roots in conscience and human origin (Mouszadeh, 2023), the use of force, violence, intimidation, threats and in order to achieve various goals, sometimes with widespread violation of essential human rights such as the right to life. They come along and cause terrible disasters (Khosravi, 2016), the human conscience, which today is aware of all the events that happen all over the world with the expansion of communication, does not remain calm in front of these disasters and always demands to deal with the violation. The basic and fundamental rights of human beings are in conflict (Begdali & Reza 2016), meanwhile, the role of the North Atlantic Treaty Organization (NATO) as a military organization that includes all the big and powerful Western governments, in carrying out military actions with the same justification. It is very bold. In the post-World War II world, capitalism and communism were the two dominant ideologies on the international relations arena. These two ideologies competed with each other in the form of two superpowers, the United States and the Soviet Union, which were the only countries that survived after the war subsided. The main scene of this competition was the continent of Europe, and with the division of Germany into two countries, East and West Germany, the division of Europe into two camps, East and West, took a practical form. The destroyed Europe was in no way capable of confronting and creating a barrier against the expansionist policies of the Soviet Union.

[1] International Humanitarian Law

NATO has always tried to carry out its desired military actions under the name of so-called humanitarian interventions, so that it can have more legal justifications for its actions.

Two views face each other in this field. The first view based on the importance of sovereignty considers intervention as illegitimate except with the authorization of the Security Council or in the form of a previous agreement, and the second view is based on the importance of protecting human rights. Intervention is considered (Zaei et.al., 2018). Considering the universality of human rights and the series of human rights rules that are considered in the covenants, international and regional conventions and the doctrine of legal scholars, which are called the fundamental rules of human rights and the authoritative rule of international law, governments cannot take refuge in the principle of national sovereignty as one of the components of the rules of law. Humans refuse, but the principle of national sovereignty is still reliable and the responsibility of protecting the rights and well-being of the nation rests with the sovereignty, and if the government does not fulfill this responsibility or does not want to fulfill that obligation, this responsibility is left to the international community. Humanitarian intervention has not found a place in international law, and the countries supporting the intervention are trying to include it in the concept of responsibility for protection. This study aims to explore how NATO's global accountability aligns with principles outlined in international humanitarian law.

1.Theoretical approach

Geopolitical crisis means creating a situation for a government or country based on fixed and variable geopolitical factors and affecting the policy of that country. In other words, neutralizing the national policy and strategy of other countries by using geographical factors and values. Geopolitical crises have many consequences for citizens living in the affected area. Killing of resident people, displacement, lack of development and other negative issues are the consequences of geopolitical crises in crisis areas (Virdizadeh et.al. 2015). There are different definitions for crisis. The simplest definition for crisis: "It is an imbalance between demand and consumption with production." Weiner[2] and Kahn[3] define the crisis in this way, they say that the crisis has the following characteristics:

1. Conditions that create uncertainty.
2. Existence of a serious threat to the targets.
3. Conditions that arise with increasing pressures and urgency for action.

[2] Winer
[3] Kahn

4. The turning point in events and actions that lead to unexpected consequences.

Also, McCarthy[4] also says in the definition of crisis, a crisis is a situation that:

1. The time available for answering or making a decision is limited.
2. It requires decision-making in a critical situation and in a limited time, relying on little information.

The biggest difference of opinion in the definition of crisis is due to the variety of crises and their causes and the difference in their effects and consequences all over the world. A crisis is an occasion that occurs unexpectedly and sometimes increasingly and leads to a dangerous and unstable situation for an individual, group or society. The crisis creates a situation that requires fundamental and extraordinary measures to solve it.

Crises are diverse in terms of type and intensity. A crisis is a big and special pressure that causes conventional ideas to break down and widespread reactions and creates new harms, threats, dangers and needs (Virdizadeh, et.al. 2015), diversity in the phenomena called crisis are still less than the variations that have been presented from this word.

Some categories of crises are as follows:

1. Personal crisis
2. Social crisis
3. Economic crisis
4. Political crisis
5. International crisis
6. Environmental crisis

Crises are divided into two general categories:

1. Man-made crises
2. Natural crises

2. Man-made crises

Man-made crises are crises that are caused by the actions or previous plans and plans of humans and are pervasive. These crises have many types and are much more complicated than natural crises: such as social or economic crises that are caused by improper performance or the plans of enemies that plague the society. Man-made crises are sometimes planned with very specific, strong, hostile and profit-seeking motives, such as "war crisis". The war crisis stands as the most significant and intricate challenge to have ever loomed over the annals of human civilization.

[4] McCarthy

At the core of the war crisis lie interconnected challenges, including economic and security crises, as well as humanitarian crises like water and food shortages, disease proliferation, and other emergent issues (Gholamreza et al., 2013).

3. Natural crises

The source of natural events is God, and the cause of natural events is the laws governing nature. Similar to how an earthquake stems from the shifting of subterranean layers or a flood arises from the displacement of vast quantities of water and mud. What turns natural disasters into crises is people's unpreparedness. In case of preparation and necessary forecasts, natural disasters will happen with the least consequences and with the least damage.

Natural disasters can be contained from the beginning with timely forecasting and specialized and technical measures before the accident (http://tinyurl.com/3u4sstk2), it is said that when the universal capacities of a system such as technology, cultural capacity, human resources, responsible structures, Effective ideology, the degree of flexibility and responsiveness, the capacity of destruction, vulnerability, weak point, the degree of participation of outer variables and the volume of potential crises are less, then we are dealing with a crisis. McCarthy believes that crises are situations that require an immediate response and allocation of extraordinary resources.

Crises occur at micro and macro levels. At the macro level, crises include conflict between governments, and at the micro level, crises include conflict between groups or individual actors. The distinctive features of each crisis are determined by the combination of three elements: threat or opportunity, shortness of available time and the amount of mental pressure. Critical situations endanger the goals of the decision-making unit, limit the time available for responding before changing the decision, and surprise the decision-makers. Davis (1963) views crisis as a sequence.

From his point of view, the crisis occurs in several stages: the stage before the crisis, that is, the stage of stability in which the society lives in a normal state; the stage of warning or threat in which danger symptoms appear, but they are not always dealt with seriously; the effect stage in which the crisis suddenly strikes; A stage after the effect in which the amount of damage is evaluated; And finally, the long-term stage of recovery (Rabiei, et.al. 2014).In relation to the motivations of tension, conflict and war between countries and human structures, geographical factors play an essential role. Factors that are considered as national or collective values and interests of nations and human structures such as land, space, border, mineral resources, water, capital, science and technology. Also, the background factors that cause differentiation and

difference between human structures such as ethnic, religious and racial groups are effective in the occurrence of tension. In addition to this issue, the change, establishment, existence and formation of the political structure of space and the change of the political geography at the levels of locality, region, and globally are mainly determined by the governments as the political goal of the conflict.

There is also the likelihood of natural, psychological and ideological aspects in the occurrence of conflict between countries (Nia and Reza, 2009). The basic factors that produce war are objectively those from which vital and collective values and interests are taken and political and war action is taken to capture, control or remove the threat from them. These fundamental factors and values are located in the fields of geography, politics and ideology.
Usually, governments have a view of some geographical / natural or human factors / outside or inside their territory that is incompatible with the view of their neighbors or intervening powers regionally and globally, and in such a case, disputes between them arise.

The main geographical factors influencing the production of tension and conflict between countries are:

1. Space and land: Stronger countries usually covet the territorial territory of others, especially their neighbors, and try to penetrate the geographical space or even occupy their lands.

2. Communication route: All countries, especially landlocked countries, need communication with the outside world. Some need waterways and straits that are not in their territory for the passage of commercial and warships. Therefore, the efforts of the countries in need to access these areas and the efforts of the owners of land, air and sea crossings to benefit more cause tension (Nia and Reza, 2009).

3- The dividing line of water and the source of rivers: When such phenomena occur on the border of two countries, the erosion of the river bed leads to the displacement of the border, and the result is tension and border differences between the two neighboring countries.

4- Rivers that pass through several countries on their way: they water all or part of the land of the countries along the route and play a role in creating tension between these countries.
Because the citizens of every country claim the right to water, and any manipulation of river water, such as building a dam, more exploitation, changing the route, etc., can fuel disputes.

5- Common maritime border: Although these borders are determined according to the requirements of the 1990 Convention on the Law of the Sea, how to draw the border line and territory, exploitation of the minerals of the continental plateau, aquatic resources and also the way of ownership or occupation of islands can cause tension between countries. be a beneficiary

6- Determining common lake boundaries: which is a problem for regimes between their coastal countries.

7- Common underground resources that have spread on either sides of the border line: if an agreement is not reached between the beneficiary countries on the way to exploit them, it can lead to tension between them (https://tinyurl.com/43rvvwrc).

8- Proximity of the capital or a large and sensitive city of a country with a border: because of the security margin for it.

9- A strategic position: the possession of which changes the balance of military power and its holder can put pressure or threaten the rival country.

10- impressive and rich mineral or fuel reserves: which the neighboring country or the powerful overseas and global countries are eyeing and trying to seize or exploit.

11- Artificial rain-making methods of passing clouds: which may be met with the objection of countries that traditionally and naturally benefited from the moisture storage of these clouds every year.

12- Movement of nomads on either sides of the international border: Nomads who rely on animal husbandry for their survival and their livelihood depends on the grasslands of Yilaq and Qashlaq areas, their movement on either sides of the international border can be a source of tension (https://tinyurl.com/43rvvwrc)

13- Separatist minority group: ethnic or religious minorities who are situated on the edge of the countries, if they have enough geopolitical weight and size and external factors help them, they can be the source of tension with the mother country and on its relations with the stimulating countries or Negatively affect your support.

14-A minority group surrounded by the land of the mother country: which is supported by its sponsoring metropolis.

15-The minority group scattered on either sides of the border: who have spatial, social, economic, cultural, religious, etc. cross-border interactions with each other. In a way, they follow the nation of another country and have similarities with it.

If the mother governments want, they can use them as a pressure lever against their neighbors or encourage them to separate from that country and join them.

16-Minority group spread from one country to another independent country: some minority groups on the edge of countries

17-Cultural and identity differences and contradictions: sometimes, human structures and neighboring nations are not compatible with each other due to different cultural and religious

characteristics, and this phenomenon contributes to the emergence of tension, differences and conflicts between them. Geopolitical crises are a special type of international crises that have a geographical-political origin.This issue is the most important characteristic of geopolitical crises. Unlike international economic or political crises, whose negative consequences and global reflections may be much wider than the specific type of geopolitical crises, however, none of these crises threaten the foundations of the existence of the state-nations like the geopolitical crisis. These crises are formed from the conflict and strife of countries and political-spatial groups and political players over the control and capture of values and geographic factors, both natural and human. Geopolitical crises have relative stability and continuity and cannot be easily resolved.

A key characteristic of such crises is the emergence of a multi-level model and intervention framework, involving diverse actors in addressing the crisis (Virdizadeh et.al. 2015).

4.The concept of international humanitarian law

International humanitarian law serves a dual purpose: it operates as a subset of human rights law while also functioning as a component of the laws governing armed conflict or international hostilities. International humanitarian law, also known as the "law of war[5]", deals with the responsibilities and rights of warring parties and neutral countries, especially in relation to civilians. International humanitarian law can be described as a collection of international legal regulations that govern the conduct of parties involved in armed conflict in addition to determining the rights of human beings and countries in armed conflicts, whether international or non-international, also clarify the duties of countries in those conflicts.

In fact, humanitarian rights are human rights at the time of war (Zakarian, 2010), these mandatory rights at the time of war and armed conflict, on the one hand, have the nature of human rights; Because its observance is required regardless of color, race, language, religion, and nationality, and alternatively, because it is required by concluding contracts and approving conventions between different governments, and efforts are being made to make some of its provisions international customs, the nature of international rights international and can be discussed as a branch of it. It may be said that humanitarian rights are a special type of human rights and briefly defined as "human rights instruments of war" and said; It is a branch of human rights that is used in international armed conflicts and in some specific and limited situations in internal armed conflicts.

[5] War rights

Based on this perspective, humanitarian rights are defined as the principles and regulations that restrict the utilization of violence amid armed conflicts. Their objective is to safeguard individuals who are not directly participating in the conflict or who have ceased involvement that is, the wounded, the sick, the shipwrecked, prisoners and civilians. and limiting the effects of violence in war to achieve the goals of war (that is, avoiding revenge and harassment that does not affect the goals of war) (Mehrpour, 2015). In essence, humanitarian law constitutes a body of international contractual or customary regulations primarily governing the conduct of belligerent forces during both international and non-international armed conflicts.

A part of general international law that governs Humanitarian law pertains to both the application of armed force and the treatment of individuals involved in conflicts during armed conflict (Qorban Nia, 2018), in a general definition, it can be said that international humanitarian law refers to a set of rules that It limits the use of weapons and fighting methods. This set of rules protects those who did not participate in the hostilities or who no longer participate, The overarching objective of international humanitarian law is to uphold human dignity and minimize suffering and anguish during times of war. It is also referred to as the law of war or the law of armed conflict. Observing these rules and paying attention to them is necessary because the emergence of a war situation itself disrupts many laws and regulations. International humanitarian law did not come into being with the establishment of the Red Cross in 1863 or with the approval of the first Geneva Convention in 1864. In fact, there has never been a war that was not governed by any rules, vague or clear; These rules determined the beginning and end of wars as well as the way they were conducted. The foremost international legal instruments concerning humanitarian rights are the four Geneva Conventions of 1949, which aim to ameliorate the situation of wounded and sick members of armed forces, enhance protections for wounded, sick, and shipwrecked military personnel at sea, regulate the treatment of prisoners of war, and provide assistance to civilians during times of war. Nearly all countries worldwide have ratified these conventions. International humanitarian law is a part of international law that determines the rules governing relations between countries. International law is found in agreements between governments - treaties or conventions in customary law, which include the set of actions of governments that they believe to be binding, and in the general principles of international law. International humanitarian law applies only in armed conflicts. These pressures do not cover internal tensions or disturbances such as domestic violence. This law applies only when hostilities begin, and then it is equally binding on all

parties, regardless of who started the hostilities. International humanitarian law draws a distinction between international and non-international armed conflicts. International armed conflicts involve at least two nations and are governed by comprehensive regulations, including those outlined in the four Geneva Conventions and their Additional Protocols. Non-international armed conflicts or internal armed conflicts are cases limited to the territory of a single country, which include regular armed forces and armed opposition groups with conflicts between armed groups. Internal armed conflicts are subject to a more confined legal framework, as articulated in Article 3 common to the four Geneva Conventions, along with provisions outlined in the Second Additional Protocol.

5.The concept of international responsibility

International responsibility[6] can be seen as a guarantee of authority in international law. The existential logic of responsibility stems from the general belief that power does not exist without responsibility. The characteristic of international responsibility is based on the relationship between countries. International organizations should be subject to liability laws as required by the international legal personality they have.

The subject of international responsibility of international organizations has always been raised in the International Law Commission (Kasse, 2001), the basis and origin of this responsibility can be found in the form of two risk theories, subjective responsibility and risk theory (objective responsibility). In this way, doing any act or refraining from acting contrary to international regulations alone is not enough to establish international responsibility, but there must also be an error or negligence in order to realize the responsibility. The theory of error was first expressed by Grosius, who himself adapted this theory from Roman law. Considering the willingness of countries to accept the code of "non-intervention", the classic theory of error cannot be accepted in international law, like domestic law. The theory of risk or objective responsibility says that according to it, any violation and negligence towards an international legal rule causes international responsibility.

According to this theory, international responsibility has a completely objective and impersonal character, which is based on the theory of guarantee, and it is enough that the act committed is contrary to international regulations and obligations in order to establish responsibility (Karmi, 2015).

[6] International responsibility

6.NATO's international responsibility

NATO, as an international organization, has an international legal personality, and as a result, in addition to rights, it also has obligations, and if international regulations are violated due to NATO's actions, its international responsibility must be examined from two aspects: first, NATO is directly responsible as an international organization according to the law of international responsibility and must bear the damages.

Second, NATO member states also have individual responsibility due to the performance of that organization, and if the actions of NATO officials are described as international crimes, their personal criminal responsibility is also raised in international law. (Mohammadi and Asgarkhani, 2016). In this regard, to determine the level of international responsibility of NATO, it is essential to look at the foundations of the international responsibility of governments and, accordingly, international organizations. Although usually in general international law, the international responsibility of NATO in international conflicts is directed towards the states, but since international organizations such as NATO are also made up of states, therefore the issues of international responsibility include such international organizations as well. In addition, the UN Charter deals with the principle of legitimate defense in Article 51, and with a narrow interpretation of this article, many of NATO's cross-border actions cannot be justified as legitimate defense. However, in the review of NATO's developments and missions in compliance with international law, it can be seen that this organization has caused violations of international law beyond its primary goals.

Alternatively, the present composition of the United Nations and the Security Council does not have the necessary legal capacity to punish the perpetrators of international crimes and violators of international law at the NATO level, therefore, amending the Charter and the composition of the United Nations can be considered one of the important solutions in this field.

7.NATO's international responsibility in covering humanitarian interventions

The explanation of NATO's performance and its role in international developments is influenced by bilateral attitudes, which are influenced by political attitudes before being based on legal viewpoints. The evaluation of NATO's effectiveness post-Cold War, alongside the evolution of the notion of international peace and security, has prompted a broader interpretation of the United Nations Security Council's role, drawing from Chapters VI and VII of the UN Charter, as well as the concept of international peace and security. In this regard, what proves NATO's conflicting approaches is NATO's performance in international crises, a clear example of which is the political work of this institution in interpreting and explaining the

idea of international peace and security in the international system. According to the requirements of paragraph 1 of Article 53 of the United Nations Charter, the Security Council will use such contracts or logical institutions for executive operations under its authority in appropriate cases. However, no executive operations will be carried out according to local agreements or by local institutions without the consent of the Security Council. Actions taken in the implementation of Article 107 or under regional agreements against any hostile country as defined in the second paragraph of this article or against the renewal of an aggressive policy by such a country, until the United Nations, at the request of the interested countries, takes responsibility. Preventing such a country from further aggression is an exception to this rule; Therefore, NATO, as an international organization, is required to obtain open approval from the Security Council for its interventions, and the custom governing international law never infers any statement based on granting such authorization to NATO from any of the two resolutions cited by NATO (Qorban Nia, 2018). According to the principle of the "Pacta Sunt Servanda" rule, which aims to prohibit the use of force against the territorial integrity or political independence of a state, respect for territorial sovereignty among independent states is a fundamental cornerstone of international law and cannot be infringed upon under any circumstance (Mouszadeh, 2023). Hence, the international responsibility of NATO is rendered ineffective when it relies on Security Council resolutions, as governments cannot justify breaching international law by citing the implementation of treaty obligations. Consequently, although the member states of NATO are obliged to prevent the occurrence of mass killings according to the Convention of 1948 they are human disasters, furthermore, Security Council resolutions take into account the circumstances of nations with either no central government or a fragile one teetering on the brink of collapse, but the subsistence of such an requirement on these countries can never cause the sovereignty of independent governments to be violated, and the above-mentioned rule of thumb violate.

In other words, the scope of the countries' commitment to their contractual obligations is only to the degree that the implementation of these obligations does not violate the political and territorial sovereignty of independent states (Karmi, 2015). With the expanded interpretation, NATO tries to remove the following two legal justifications from the heart of the Charter: First, legitimate defense has a broader concept than confronting military violence against the territory of the territory, and it can also be considered in the position of confronting the threat or violation of the common values of the international community. Therefore, the use of military forces to prevent the violation of human rights is also considered a form of legitimate defense and is allowed based on the United Nations Charter, and secondly, the provisions

contained in Article 2, Clause 4 of the Charter prohibits resorting to the threat or use of force against the territorial integrity of a country with political independence. Legitimate defense is limited only to the case of military attack. Based on the International Court of Justice, in today's common international law, which is customary international law or the law of the United Nations system, governments never have the right to react collectively in cases that are not considered military aggression. As a result, resorting to the broad understanding of the requirements of the Charter to justify NATO's military action cannot help much in this matter; Therefore, NATO's humanitarian interventions cannot be included and justified in today's international law under the title of legitimate defense. In another argument, the appeal to the expanded interpretation of the charter by NATO also seems unclear from the perspective of international law, because, firstly, the fact that the member states of NATO made a decision to undermine the autonomy and territorial integrity of each country before starting the attack they did not have the pertinent declarations of the Security Council, it cannot make their actions legal, because these governments, in practice, by violating these promises and agreements, exactly fulfilled the concept of violating the sovereignty of the land of these countries.

Some professors of international law have argued that how can a state tolerate military intervention from a foreign force and that this resort to force does not harm its political independence and territorial integrity (Faqih Habibi, 2016). In order to reject this justification of NATO, the international community has referred to the background and preparation of the charter, the drafting of the charter specifically includes the phrase "against the territorial integrity or political independence of any state" to reject any interventions justified by special motives. This phrase was added based on the request of small states that were concerned about guaranteeing themselves against the wishes of big powers; Therefore, NATO cannot interpret the charter to such an extent and conclude from it the legitimacy of using force and violating the territorial or political sovereignty of an independent state, which is explicitly prohibited in the charter.

Also, NATO, in the position of justifying its humanitarian interventions, also presents this new criterion for prescribing the use of force that the safeguarding of human rights as the highest common value of the world community governs all the common international values, and even the imperative rule of preventing the use of force can be used to maintain it. also violated (Mumtaz, 2018), in fact, NATO believes that its humanitarian actions in the territory of other countries were not taken with the aim of violating the territorial sovereignty of countries and harming their territorial integrity, but with the aim of defending human rights,

and such resorting to illegitimate force It is not considered (Kuperman, 2018) until the end of the Cold War and the beginning of the new era of globalization of human rights, basically such an argument was not accepted by international law and there was not much doubt about its rejection, in other words, the possibility of legal justification of such interventions with the appeal to the necessity to defend human rights as a universal value has been very limited and exceptional humanitarian intervention according to the code of non-intervention has not been accepted.

Nevertheless, following the conclusion of the Cold War and the establishment of a new atmosphere in the realm of international relations, although many international lawyers still strongly criticize this argument of NATO, some of these lawyers also justify a more lenient approach in relation to this method. have undertaken humanitarian interventions and do not reject the possibility of accepting such interventions in certain frameworks (Bellamy, 2018).

The desire of some jurists to accept the possibility of humanitarian intervention in order to prevent gross violations of human rights is such that they have proposed the theory of "new interventionism".

According to this theory, which is based on the theory of "modern justice", today the major and main threats against international stability and peace are rooted in internal aggression, and when the humanitarian cost of refraining from intervention is very high, deep intervention is appropriate and necessary; Therefore, nowadays, new legal theories have been presented in support of the prescription of humanitarian interventions, and it should not be assumed that this argument of NATO is not neutral among jurists.

However, there are still many opponents of such arguments to justify humanitarian interventions, and many international lawyers strongly criticize such theories (Deng, 2006).

From the grounding of the United Nations Charter, it can be deduced that the enclosure of the phrase against territorial integrity with political independence of each state in Article 2, Clause 4 of this international document also rejects all interference justified by special motives, and this perception is proven according to this fact. that these phrases were added at the insistence of smaller states who were worried about guaranteeing their sovereignty against the wishes of great powers (Khosravi, 2016). In Article 53 of the 1969 Vienna Convention on the Law of Treaties, the mandatory rules are those rules that are adopted by society. The international laws of governments are recognized as rules and standards that no deviation from them is allowed and can be changed only by another standard of international law that has the same characteristics.

It changed the employ of force under the pretext of defending human rights, so that the latter case has the same characteristic that the rule against resorting to force uses, that is, the need to defend human rights by the international community as a rule from which no deviation is allowed to be recognized (Mouszadeh,2023). In this regard, some professors (Stoltenberg, 2015) believe that the necessity of observing some fundamental examples of human rights has become the mandatory rules of international law and must be observed by all governments. The International Court of Justice has also stated in its advisory theory in the case related to the "right to bet on the Genocide Convention" that this convention has become part of the mandatory rules of traditional international law and is a must for all governments.

Assuming the acceptance of this opinion, which has been widely supported by many international institutions, it should be noted that the necessity of observing some fundamental examples of human rights and the necessity of defending them are two different things, and the first requirement is the assumption of no contradiction with the code of non-use of force, and as a result, it cannot be used to justify humanitarian interventions.

Also, this criticism has been made to the theory of modern interventionism that the acceptance of this theory leads to the formation of a more dangerous atmosphere in international relations because it allows stronger countries to attack weaker countries collectively. It seems that, although interventions are done to achieve justice, the justice of success also requires legitimacy.

As a result, the theory of new interventionism cannot be considered as a new basis for justifying humanitarian interventions because this theory is not only not new, but many countries in the world, including weaker countries or even powers such as China and Russia, will not accept it (Bruno, 2016). Therefore, it can be seen that NATO's second argument is also distorted and not accepted from the perspective of many international jurists, because still from the perspective of international law, the rule against resorting to force is never excluded by humanitarian intervention, and most jurists have refused to accept this exception. .

However, it seems that some jurists, in the legal analysis of NATO's humanitarian intervention, have neither rejected this intervention nor evaluated it in harmony with the requirements of international law (Bellamy, 2018). NATO considers it necessary and inevitable in crisis-stricken countries, and alternatively, they have shown no desire to change the rules of international law in order to introduce a humanitarian exception to the rule against the use of force. It appears that these jurists do not accept the principle of humanitarian intervention and

cannot accept that a humanitarian exception has been imposed on the code of prevention of resorting to force.

Conclusion

International responsibility can be seen as a guarantee of authority in international law. The existential logic of responsibility stems from the general belief that there is no power without responsibility. In this way, performing any action or refraining from acting contrary to international regulations alone is not enough to establish international responsibility, but there must also be an error or negligence in order for the responsibility to be realized. In the complex conditions of the world today, to get out of the existing conditions and create a positive global balance, NATO can take part of this responsibility. Many jurists, citing paragraph 4 of Article 2 of the United Nations Charter, consider humanitarian intervention to be in clear disagreement with the requirements of the Charter. Alternatively, while rejecting any tyranny between the above paragraph and humanitarian intervention, and with the expanded understanding of Article 51 of the Charter, some have helped to form, strengthen and consolidate the right of humanitarian intervention in the literature of customary international law. Some believe that the right to legitimate defense does not necessarily arise in the event of an anti-state attack, and Article 23 has not created such a restriction. In the resolution adopted in November 1998, the NATO General Assembly appealed to the expanded understanding of Article 51 of the Charter as the legal basis for humanitarian interference. Alternatively, based on the general interpretation of paragraph 4 of Article 2 of the charter, since the late 1960s, certain American lawyers have argued that the provisions within the aforementioned article are limited to addressing the threat or use of force aimed specifically at the territorial integrity or political independence of a country. The government has banned. Proponents of intervention say that the action is based on Security Council resolutions 3391 and 3391. The opponents give an opinion; First, there is no single definition of people's rights around the world, and the code of humanitarian intervention is a western idea and at the same time subordinate to power politics, and secondly, the proponents of humanitarian intervention exaggerate the global agreement on the use of force to defend people. Third, humanitarian intervention leaves the way for governments to use for their national interests. In the end, it not only does not create stability, but also endangers international peace and security. The intervention and use of force in crisis-stricken countries is opposed by some governments and various groups. Another point regarding humanitarian intervention is the application of double standards by the great powers and the Security Council in dealing with cases of human rights violations. According to some jurists, resorting to legal force is not always legitimate. Alternatively, a correct understanding

of international law always requires a correct analysis of international politics. In this regard, it is possible to define the new Kurdish work under the title of crisis management for NATO's international responsibility. In this way, NATO has tried to not only prevent the weakening of its existential philosophy, but also to be able to play a role and fulfill its international responsibilities as a reliable military security organization in the world.

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