



Armed Conflicts Are the Right to Establishment History of Arrival and Development

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ABSTRACT

In this article, a number of manifestations of armed conflict today are manifested here and there on the globe. Even today, international arms conflicts, internal armed conflicts, as well as cases of armed violence have to be taken into account. It is highlighted based on historical experience that such cases require a high level of professionalism and a thorough knowledge of certain standards that must be followed even in emergencies caused by armed conflict.

Keywords:

Convention, ratification, humanitarian law, humanity, ancestors, indigenous people, project, war, peace, red cross, Geneva society.

The concept of "right to armed conflict" is variously referred to in the literature. These include "international humanitarian law", "international humanitarian law applicable to armed conflict", "international law of armed conflict" and others. The text of the Geneva Conventions uses the term "international humanitarian law."

The science of law has not yet developed a single concept that defines the field of international law in the field of norms governing the conduct of armed conflict. There is also no consensus among scholars on its content. The most common terms are "law of war" (F. Berber), "legal restrictions imposed on warring parties by international law on the use of means of repression", "international military law" (E. Bart), "prisoners of war, wounded and civilians" a law that minimizes the suffering of the population, L. Oppenheim understands it as "norms of international law relating to the conduct of war". D. According to Bindshedler-Rober, it is possible to continue to use the term "laws of war in a fully justified way to describe this system of legal norms in general". I. Starke, on the other hand, understands the term

"restrictions set by international law and defining the scope of the possibility of using force to defeat the enemy".

J. The term "international humanitarian law" proposed by Pikte is currently the most widely used term. According to the International Committee of the Red Cross, "international humanitarian law is a norm of international law established in treaties or based on customs. These norms will be specifically aimed at resolving humanitarian issues arising directly from international and non-international armed conflicts, and will regulate the methods and means of warfare of the parties to the conflict based on humanitarian considerations, restricting their right to choose and protecting people and property. protects property.

International humanitarian law (IHH) emerged as a consolidated branch of international public law in the 1960s and is a legitimate product of the customs and rules of war that have been shaped and refined over the centuries. It embodies the best achievements of human thinking. The ideas of humanity that influenced the conduct of warfare have traversed a path of development that has lasted for hundreds of

years. Evidence has been preserved that confirms the age-old aspirations of the people to limit violence, to show compassion, to help wounded warriors, to alleviate the fate of captives, and to honor those who perished in battle.

To illustrate the whole complexity of the emergence of ideas of humanity and the formation of international humanitarian law, we turn to some historical examples. It is necessary to study the past in order to understand the essence of international law, including international humanitarian law, to identify opportunities, increase its effectiveness and prospects. The roots of humanitarian law go back a long way. The rules of war are as old as war itself, and war is as old as the appearance of man on earth. In ancient times, when the goal of inter-tribal struggle was not to wipe out the enemy completely, rules would emerge to minimize the consequences of violence, albeit often randomly. Such rules are the first signs of modern international humanitarian law and can be found in the culture of all peoples. Information about such rules can be found in epics and legends (e.g., the Indian epic Mahabharata), holy books (Avesto, Qur'an, Bible), or exhortation books (Manu's Laws, a collection of ancient Indian exhortations). It is worth mentioning the laws of the famous king of Babylon Hammurabi (who ruled from 1792 to 1750 BC). The military of these laws was directly related to war. They begin with the words, "I am setting these laws so that the strong may not subdue the weak."

Despite the brutality of the principles of the time, the accumulated experience was significant. Gradually the practice of compromise became widespread. The Treaty of Peace and Alliance, signed between the Egyptian pharaoh and the Hittite king in 1269 BC, provided for mutual assistance not only in war but also in the suppression of rebellious slaves. The collection of political wisdom of ancient India says of the peace treaties of the semi-legendary Cautilus (IV-III centuries BC) in Arthashastra: these treaties are made with rulers who are equal or stronger, and the weak must be attacked.

The importance of contracts as a source of regulation of social relations is emphasized, for example, in the sacred book of Zoroastrianism, the Avesto. A special mention of the covenants in the Avesto seems to have been made by various tribes of the time for the development of sedentary cattle-breeding and agriculture.

explained by the demand of the unions to ensure a peaceful coexistence. In Zoroastrianism, the god of war, Veretragna (Varhran, Bahrom), was worshiped, as well as the god of peace, Mitra. While condemning the horrors of war, the Avesto embodied a certain degree of humanity towards those who engaged in peaceful labor, that is, the civilian population.

In the first millennium BC, it was believed in Buddhism in Asia that compassion leads to mutual aid, and it was adopted as its motto. Lao Tzu believed that the only value of man was in serving the people, while Confucius promoted true altruism based on consensus and science. Mehti introduced the concept of universal love as a source of mutual benefit. It is probable that in ancient times there were no rules of war other than the law of the rights of the powerful and the principle of "woe to the defeated." In ancient times, wars were often of a mass nature, whether between clans, tribes, cities, or nations. The defeated population was exterminated, at least, enslaved.

Let us turn to other historical examples. During the early period of the rule of the Achaemenid Empire (558-330 BC) there were many wars in Central Asia, in which thousands of people were killed. According to the Babylonian texts in the famous Behistun inscriptions of Darius I, only 52,243 "rebels" were killed and 6,572 captured during the suppression of the uprising in Margiana in 522 BC. These figures are far greater than the number of casualties inflicted on Dori by the "rebels" who stood up in other parts of his vast kingdom.

It is also surprising that the number of people killed in Margiana is much higher than the number of captives. This can be partly explained by the fact that Darius' satrap Dadarshish ordered his troops not to be taken prisoner. There is also interesting information about Alexander the Great's travels to Central Asia. Curtius testifies that after crossing the Amu

Darya, Alexander of Macedon reached a small town inhabited by branchids, who had once migrated the ancestors of Xerxes from Miletus. The Branchids followed Greek customs, but spoke two languages and distorted the Greek language used in everyday life. They welcome their compatriots with joy. But Alexander the Great ordered the destruction of the city and the complete annihilation of its inhabitants. Curtius concludes: "Generations who had never seen Miletus washed away the sins of their ancestors in this way."

Even at the height of the brutality, there were occasional voices calling for humanity to be shown to the defeated. The development of social thought, the realization of the need to save the lives of their own people, the irrationality, futility and even economic harm of mass extermination, as well as the fear of revenge, gradually changed people's attitudes towards defeat. Of course, horrific and devastating wars continued, but the presence of everything in the house and voices in support of humanity also began to sound. Thus humanistic thought continued to develop, but such changes in it did not take place at the same time and only in Europe.

In India, Manu's laws required the victor to have mercy on the defeated, to keep the wounded and surrendered alive, and to respect the laws of the subjugated peoples. Manu's laws also prohibit the use of trio of poisoned or incendiary and notched bullets. These rules are reminiscent of the norms of the 1907 Hague Convention on the Laws and Customs of Land War. Wounded prisoners of war had to be sent home after they recovered. Such instructions are also found in other religious, legal, and political texts, such as the Dharma-Shastri, the Puranas, the Upanishads, and in epic and mythological stories such as the Ramayana (300 BC) or the Mahabharata (200 BC). The Emperor of India, Ashoka (reigned 268-232 BC), known as "the Noble One," was kind to his enemies. He commanded his soldiers to treat wounded enemies and the nuns who cared for them with respect.

Kaikous's Nightmare states: "It is necessary to be merciful to the captives, for the killing of the captive is not commendable and even

reprehensible." Naturally, one should not give in to the crude notion that the ideas of humanity are constantly evolving: it is only a question of gradual development in the form of broken lines, rising and falling. At the same time, the implementation of the most noble ideas was replaced by arrogant orders and disgusting ignorance.

It is self-evident that society has not remained indifferent to such a situation. However, it was not until the middle of the 19th century that the practical action against him began was given. Real efforts to enforce the rules of humanity in war began with the emergence of the Red Cross and the establishment of conventions of a universal nature for the first time in the history of humanitarian law. The foundation of these humanitarian initiatives was no longer associated with economics or commerce, but was imbued with a spirit of compassion, nobility, and an active condemnation of the futile horrors of war.

Dunan's book, translated into several languages, spread throughout Europe, awakening social consciousness and making a real revolution in people's minds. It was also an important achievement that a number of prominent members of the Geneva city community realized the need to change the current situation. In this case, a lawyer, a member of the government and chairman of the Geneva Society for the Promotion of Social Interests G. Muane nodded. As a result of his organizational skills, he gave life to Dunan's ideas. The Geneva Society set up the Commission. In addition to Muane and Dunan, it included three other Swiss citizens. In February 1863, this commission declared itself the "International and Permanent Committee for Assistance to Wounded Fighters." The same year, an international conference convened in Geneva was a success: 62 delegates from 16 countries, including military doctors, adopted the following resolutions, which form the basis of the Red Cross movement:

- to establish in each country a committee for the assistance of the wounded, recognized by the government of that country;
- Recognition of the central position of Geneva;
- Recognition and acceptance of the distinctive emblem of the Red Cross.

Founded in 1863 by the Red Cross, the United States, in the midst of a terrible civil war, adopted a set of "Instructions for Commanding the United States Army on the Battlefield" of a humanitarian nature. The draft guideline was developed by Columbia University Professor in the United States, legal scholar F.J. Liber developed it at the request of President Abraham Lincoln (1809-1865), who suffered from the brutality of the early wars. This document, later called the Liberian Code, was imbued with the ideas of eighteenth-century thinkers, based on the idea that methods of warfare could only be legitimate if they followed certain rules. Although this document is unique to one country, it has had an impact on the development of international legal norms governing armed conflicts.

Thus, the law on armed conflicts has an international basis. It has since become not only a product of common customs and bilateral agreements concluded between the warring parties in almost field conditions, but also a right enshrined in multilateral conventions that apply to any conflict. Later, other conventions were adopted to protect certain categories of sponsored persons, as well as to restrict the use of certain types of weapons.

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