

# Strategic Denial? Humanitarian Assistance and the Law of Armed Conflict in the Middle East

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**Abstract:** *No matter who is at fault in a conflict, depriving innocent civilians caught in the crossfire of basic needs like food, water, and medical attention is a grave insult to humanity. In light of International Humanitarian Law (IHL), this paper examines the nuanced moral and legal implications of humanitarian aid limitations, concentrating on the Israel-Palestine conflict. It analyses the strategic use of blockade and siege, specifically Israel's "Red Lines Policy" (2007-2010). Quantifying the absolute minimum calories to avoid starvation for Gaza's population, it was put forward as a security policy and has been widely criticized as collective punishment expressly prohibited under International Humanitarian Law (IHL). Though the International Criminal Court (ICC) has jurisdiction in the Occupied Palestinian Territories under its 2021 ruling, Israel, which is not a signatory to the Rome Statute, is unwilling to acknowledge this jurisdiction. As a result, abuses tracked by international observers go unenforced, and Israel's continued blockade of Gaza. Israel justifies these measures under Article 51 of the UN Charter, arguing that the siege constitutes a military necessity in self-defences and is not aimed at civilians. Nevertheless, this rationale has been globally challenged since the principle of military necessity under IHL does not take precedence over the duty to safeguard civilian populations. The crisis reveals profound ambiguities in the application of "military necessity" as against humanitarian law, and there are pressing questions about the politicization of international law. The international system's paralysis only deepens the crisis. The United Nations Security Council is still practically paralyzed by the persistent exercise of veto power by the United States, which precludes any resolution condemning Israeli conduct. Even non-binding resolutions are seldom enforced, and international legal mechanisms, like the ICC or possible sanctions, are made ineffective in the event of state non-cooperation. Human rights and humanitarian law are therefore often instrumentalized being selectively enforced according to geopolitical convenience and not universal principles. In the wider Middle Eastern context, regional silence is also disturbing. Though public opinion among Arab countries broadly favours Palestine, governments, particularly in the Gulf, have moved towards normalization with Israel. The Abraham Accords, signed by the UAE, Bahrain, Morocco, and Sudan, are an example of strategic reorientation geared towards trade, security, and pushing back against Iranian influence, not Palestinian unity. Saudi Arabia and the UAE, more concerned about Iran as a strategic threat, have subtly sided with Israel, refraining from explicit confrontation or material assistance to Gaza. This paper contends that unless the international legal order is reorganized to apply its own standards consistently, the suffering of civilian populations such as those in Gaza will continue as a result of strategic denial.*

**Keyword:** International Humanitarian Law (IHL), Red Lines Policy, Collective Punishment, Military Necessity, Strategic denial

## 1. Introduction

The Middle East has been a long-standing theatre of intricate armed conflicts, both international and non-international armed conflicts, where humanitarian needs were great and enduring. Nevertheless, in the past decades, there has been a disturbing trend of strategic denial of humanitarian assistance where access to aid is intentionally hindered as a warfare tactic or political bargaining chip<sup>1</sup>. This refusal frequently contravenes settled norms under International Humanitarian Law (IHL), specifically the Geneva Conventions and their Additional Protocols, which bind parties to armed conflict to permit and facilitate speedy and unobstructed passage of humanitarian relief to civilians in distress<sup>2</sup>.

In spite of the obvious legal requirements under International Humanitarian Law (IHL) to enable humanitarian assistance

to civilians in conflict areas, the Middle East continues to see systematic obstruction, manipulation, and denial of such aid. In nations such as Syria, Yemen, and Gaza<sup>3</sup>, humanitarian convoys have been obstructed, aid workers targeted, and civilian access to life-saving supplies restricted frequently as a conscious military or political tactic<sup>4</sup>.

## Significance of this Topic

This research analyzes the confluence of strategic military goals and humanitarian responsibilities under International Humanitarian Law (IHL)<sup>5</sup>, analyzing the practical application of legal standards and current accountability mechanisms. The research explores how state actors and international institutions promote or erode humanitarian values. The study also analyzes whether contemporary law of armed conflict adequately deals with terrorism, asymmetric warfare, and state sovereignty issues in the Middle East<sup>6</sup>. In

<sup>1</sup> G.A. Res. 46/182, U.N. Doc. A/RES/46/182 (Dec. 19, 1991).

<sup>2</sup> Geneva Convention Relative to the Protection of Civilian Persons in Time of War art. 3, Aug. 12, 1949, 75 U.N.T.S. 287

<sup>3</sup> Int'l Comm. of the Red Cross [ICRC], International Humanitarian Law and the Challenges of Contemporary Armed Conflicts, at 13-17 (2019), <https://www.icrc.org/en/document/ihl-challenges-contemporary-armed-conflicts>.

<sup>4</sup> Human Rights Watch, "Yemen: Coalition Blocking Vital Aid", (Sept. 27, 2016), <https://www.hrw.org/news/2016/09/27/yemen-coalition-blocking-vital-aid>.

<sup>5</sup> Elizabeth Ferris, "Politics and Humanitarian Assistance", Brookings Inst. (2005), <https://www.brookings.edu/articles/politics-and-humanitarian-assistance>.

<sup>6</sup> Jelena Pejic, "Accountability for Violations of International Humanitarian Law", 88 Int'l Rev. Red Cross 859 (2006).

so doing, it adds to the wider discussion regarding the efficacy of legal safeguards for civilians and the necessity of institutional or legal reforms<sup>7</sup>.

## Research Objectives

- 1) To examine the legal framework governing humanitarian assistance under International Humanitarian Law, particularly the Geneva Conventions and their Additional Protocols<sup>8</sup>.
- 2) To analyze specific case studies (e.g., Syria, Yemen, Gaza) where humanitarian access has been strategically denied<sup>9</sup>.
- 3) To assess the compliance of state and non-state actors in the Middle East with their obligations under IHL<sup>10</sup>.
- 4) To explore the role of international organizations (e.g., the UN, ICRC) in facilitating humanitarian access and enforcing accountability<sup>11</sup>.
- 5) To identify the legal and practical limitations of existing enforcement mechanisms, and propose potential legal or policy reforms<sup>12</sup>.

## 2. Methodology

Both doctrinal and non-doctrinal (empirical) approaches<sup>13</sup> are combined in this study's qualitative legal research methodology. A thorough examination of primary legal sources, including the Geneva Conventions, Additional Protocols, and pertinent customary international law, is part of the doctrinal section. Secondary sources are also looked at, such as academic papers, case law, and reports from the UN, ICRC, and non-governmental organizations.

In order to comprehend how humanitarian aid has been refused and whether such actions amount to violations of international humanitarian law, the non-doctrinal approach incorporates case studies from Syria, Yemen, and Gaza. International resolutions, reports, and open-source materials are the sources of the data. Compliance and enforcement issues are assessed using legal and comparative analysis<sup>14</sup> tools.

## Definition of Strategic Denial

Strategic denial is a deliberate blocking, withholding, or distortion of humanitarian aid by groups to an armed conflict as a tool to meet military, political<sup>15</sup>, or strategic goals. It is

not an effect of logistics inability but, on the contrary, is deliberately carried out often on civilian populations in order to apply pressure, undermine opposition, or dominate areas under dispute. It can involve interfering with aid convoys, targeting humanitarian infrastructure, or creating bureaucratic obstacles that hamper or stop relief distribution. Thus, strategic denial is a means of coercion and aid weaponization that infringes on the norms of International Humanitarian Law (IHL)<sup>16</sup> which require parties to allow the unhindered provision of neutral humanitarian assistance during warfare.

## Scope of Humanitarian Assistance

The impartial and neutral delivery of necessities to populations impacted by armed conflict, natural disasters, or other humanitarian crises<sup>17</sup>, including food, water, shelter, medical attention, and protection, is known as humanitarian assistance. Its main goals are to preserve human dignity, save lives, and lessen suffering, especially when local or state systems are unable or unwilling to provide for the basic needs of their citizens. Humanitarian aid must be given to all civilians in need, regardless of their location or political affiliation, in accordance with international humanitarian law (IHL)<sup>18</sup>, especially the Geneva Conventions and their Additional Protocols. Beyond just providing material aid, humanitarian assistance also includes efforts to guarantee access to livelihoods and education, legal protection, and psychosocial support.

## Overview of the Law of Armed Conflict (LOAC) and International Humanitarian Law (IHL)

The Law of Armed Conflict (LOAC), also referred to as International Humanitarian Law (IHL), is a specific area of public international law that regulates armed conflicts and aims to lessen their impact, especially on civilians and those who are hors de combat (out of the fight). In addition to regulating the tools and tactics of conflict, IHL requires state and non-state actors to protect non-combatant parties. The 1949 Geneva Conventions, their 1977 and 2005 Additional Protocols, and customary international law are its main sources<sup>19</sup>. While the Hague Conventions and other treaties govern acceptable weapons and military strategies, the Geneva Conventions concentrate on protecting injured

<sup>7</sup> David Forsythe, *The Humanitarians: The International Committee of the Red Cross* (2005).

<sup>8</sup> Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I) art. 70, June 8, 1977, 1125 U.N.T.S. 3.

<sup>9</sup> UN Office for the Coordination of Humanitarian Affairs (UNOCHA), "Under-Secretary-General's Statement on Humanitarian Access in Gaza", (Mar. 2024), <https://www.unocha.org/>.

<sup>10</sup> Marko Milanovic, "The Law of Armed Conflict and the Use of Force", 96 Int'l Rev. Red Cross 1 (2014).

<sup>11</sup> Int'l Comm. of the Red Cross [ICRC], "Humanitarian Access in Situations of Armed Conflict", Legal Factsheet (2014), <https://www.icrc.org/en/document/humanitarian-access-armed-conflict>.

<sup>12</sup> Dapo Akande, "Classification of Armed Conflicts: Relevant Legal Concepts", in *Int'l Law and the Classification of Conflicts* 46-79 (Elizabeth Wilmschurst ed., 2012).

<sup>13</sup> A. Roberts & R. Guelff, *Documents on the Laws of War* 580-84 (3d ed. 2000).

<sup>14</sup> Bruno Demeyere, "Access for Humanitarian Action: Legal and Operational Challenges", 98 Int'l Rev. Red Cross 345 (2016).

<sup>15</sup> United Nations Security Council, Resolution 2417, U.N. Doc. S/RES/2417 (May 24, 2018).

<sup>16</sup> Human Rights Council, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, U.N. Doc. A/HRC/49/77 (2022).

<sup>17</sup> Protocol Additional to the Geneva Conventions of 12 August 1949 (Protocol II), art. 18, June 8, 1977, 1125 U.N.T.S. 609.

<sup>18</sup> ICRC, Customary International Humanitarian Law, Rule 55, [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule55](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule55).

<sup>19</sup> Hague Convention (IV) Respecting the Laws and Customs of War on Land, Oct. 18, 1907, 36 Stat. 2277, T.S. No. 539.

soldiers, shipwrecked naval forces, prisoners of war, and civilians during times of conflict.

### Relevant Provisions of the Geneva Conventions (Especially Common Article 3 and Additional Protocols)

International humanitarian law (IHL) is based on the 1949 Geneva Conventions and their Additional Protocols. During armed conflicts, they impose legally binding duties on both state and non-state actors, especially with regard to protecting civilians and facilitating humanitarian aid.

#### 1.Common Article 3

Common Article 3 is applicable to non-international armed conflicts and is shared by all four Geneva Conventions<sup>20</sup>. It establishes minimal requirements for humane treatment and is frequently referred to as a "mini-convention" within the Conventions. It forbids outrages against personal dignity, cruel treatment, torture, and violence against life and person. It declares that unbiased humanitarian organizations, like the ICRC, may provide their services to the conflicting parties, which is crucial for humanitarian access.

#### 2.Additional Protocol I (1977) - Applicable to International Armed Conflicts

Article 70: Requires that relief efforts "be undertaken" in cases where the civilian population lacks access to basic necessities like food and healthcare<sup>21</sup>.

Subject to their right of control, it mandates that parties to the conflict permit and facilitate the quick and unhindered delivery of humanitarian aid. The Protocol guarantees that aid is provided without discrimination by reaffirming the impartiality principle.

#### 3.Additional Protocol II (1977) - Applicable to Non-International Armed Conflicts

According to Article 18(2), relief measures may be carried out with the consent of the relevant State Party if the civilian population is experiencing excessive hardship as a result of a shortage of necessities<sup>22</sup>.It highlights the need for humanitarian assistance to be provided equitably and without discrimination.

Together, these clauses make it clear that civilians have a legal right to humanitarian aid, and that refusing it could be against international humanitarian law (IHL), especially if it is done as a form of collective punishment or warfare.

#### 4.Customary IHL Principles on Humanitarian Access

The International Committee of the Red Cross (ICRC)<sup>23</sup> has codified and interpreted Customary International Humanitarian Law (IHL), which is essential for controlling humanitarian access, especially when non-state actors are involved or treaty law such as the Geneva Conventions may not be applicable.

The following key customary rules are especially relevant to humanitarian assistance:

##### Rule 55: Providing Humanitarian Aid to Needy Civilians

Parties to an armed conflict must permit and facilitate the quick, unhindered delivery of humanitarian aid to civilians in need, which must be conducted impartially and without discrimination.

##### Rule 56: Humanitarian Relief Workers' Freedom of Movement

Respect, protection, and the freedom of movement necessary to carry out their duties must all be extended to humanitarian relief workers. Only temporary restrictions that are necessary for security reasons may be put in place.

##### Rule 53: It Is Illegal to Starve the Civilian Population in the Name of War

By designating such actions as breaches of both treaty and customary law, this regulation upholds the illegality of denying humanitarian aid in order to starve civilians.

##### Rule 31: Humanitarian Relief for the Sick and Wounded

Without exception, the sick and injured must receive the medical care and attention that their conditions demand as soon as possible and to the greatest extent possible.

##### Rule 144: Ensuring All Parties to a Conflict Respect IHL

Humanitarian access is one of the customary IHL principles that all parties to a conflict, including non-state actors, are required to abide by.

#### Role of the United Nations and International Humanitarian Agencies

The provision of humanitarian aid and the defense of civilians in areas of armed conflict are crucially dependent on the United Nations (UN) and other international humanitarian organizations. Coordinating international humanitarian response, facilitating access, and guaranteeing adherence to humanitarian principles are the main

<sup>20</sup> Geneva Convention Relative to the Protection of Civilian Persons in Time of War art. 3, Aug. 12, 1949, 6 U.S.T. 3516, 75 U.N.T.S. 287.

<sup>21</sup> Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts art. 70, June 8, 1977, 1125 U.N.T.S. 3.

<sup>22</sup> Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts art. 18(2), June 8, 1977, 1125 U.N.T.S. 609.

<sup>23</sup> Int'l Comm. of the Red Cross, Customary International Humanitarian Law Rule 55, *Database on Customary International Humanitarian Law*, <https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1> (last visited May 12, 2025).

responsibilities of the UN Office for the Coordination of Humanitarian Affairs (UNOCHA)<sup>24</sup>. The World Food Programme (WFP), UNHCR, UNICEF, and WHO are also actively involved in providing displaced and vulnerable populations with protection, medical care, and life-saving aid<sup>25</sup>. The International Committee of the Red Cross (ICRC), operating under the Geneva Conventions, functions as a neutral and independent body mandated to protect victims of armed conflict and ensure respect for IHL<sup>26</sup>. To ensure safe, prompt, and unhindered access to impacted areas, these organizations frequently engage in direct negotiations with state and non-state actors. Additionally, they keep an eye out for IHL violations, record instances of aid denial or obstruction, and submit reports to global organizations such as the UN Security Council<sup>27</sup>. Access limitations, security risks, and the politicization of aid frequently impede their efforts in spite of legal mandates<sup>28</sup>. However, their concerted efforts are still necessary to lessen human suffering and hold those who violate international law accountable.

### War Crimes under the Rome Statute

The Rome Statute of the International Criminal Court (ICC), in 1998, enacts a variety of acts that fall under war crimes in international armed conflicts<sup>29</sup> and in non-international armed conflicts. One of the most applicable articles in the context of humanitarian denial is Article 8(2)(b)(xxv), which clearly criminalizes "intentionally using starvation of the civilian population as a method of warfare by depriving them of objects indispensable to their survival, including wilfully preventing supplies reaching them<sup>30</sup>" in international armed conflicts. This addition represents an important step for international criminal law, acknowledging that the intentional impeding of humanitarian aid be it food, water, and medicine—may not only breach International Humanitarian Law but actually constitute a criminally prosecutable war crime. The 2020 Rome Statute amendment continued this ban also to non-state actor<sup>31</sup> and civil war situations in accordance with Article 8(2)(e)(ix), providing for greater accountability by non-state parties and civil war factions. These provisions are especially pertinent in areas of conflict such as Yemen, Syria, and Gaza, where strategic denial of aid has been employed to coerce civilian populations<sup>32</sup>. Therefore, the Rome Statute offers an important legal tool for responding to egregious violations of humanitarian norms and preventing the use of starvation and aid denial as weapons of war.

### Statistical Overview: Humanitarian Access Denial Gaza (2023-2025)

#### Gaza (2023-2025)

**Food Aid Blockage:** In September 2024, 83% of needed food aid was blocked from being brought into Gaza, a rise of 34% from 2023<sup>33</sup>.

**Malnutrition Crisis:** A total of around 50, 000 children aged 6-59 months urgently needed treatment for malnutrition by the end of 2024<sup>34</sup>.

**Healthcare Infrastructure:** As few as 1, 500 hospital beds were available for use in Gaza in January 2024, a decline from around 3, 500 in 2023<sup>35</sup>.

**Aid Convoy Denials:** During October 2024, 43% of humanitarian movement requests were rejected and a further 16% hindered<sup>36</sup>.

**Child Malnutrition:** By March 2024, one in every three children aged under two in northern Gaza was suffering from acute malnutrition<sup>37</sup>.

#### Yemen

**Healthcare Access:** As of 2023<sup>38</sup>, only 45% of healthcare facilities in Yemen were operational and open to the public.

**Humanitarian Needs:** By September 2024<sup>39</sup>, more than 18 million Yemenis were facing food insecurity, and 2.6 million were estimated to be at risk of falling into Emergency (IPC Phase 4) or deeper food insecurity.

**Aid Funding Shortfall:** Aid agencies in 2020 received a mere 24% of the \$3.4 billion needed for the year, thanks partly to obstruction<sup>40</sup> in aid.

### Case Study: Gaza Strip and Israeli-Palestinian Conflict

#### 1.Syria and the Use of Siege Warfare

During the Syrian Civil War, siege warfare became a ruthless means of strategic denial, with the Assad regime, commonly supported by Russia and Hezbollah<sup>41</sup>, methodically surrounding rebel-held territories such as Eastern Ghouta, Aleppo, Homs, and Madaya to starve them of food, medicine,

<sup>24</sup> UNOCHA, *About OCHA*, United Nations Office for the Coordination of Humanitarian Affairs, 2024.

<sup>25</sup> UNHCR, *Global Trends: Forced Displacement in 2024*, UNHCR, 2024.

<sup>26</sup> ICRC, *The Geneva Conventions of 1949 and Their Additional Protocols*, ICRC Legal Fact Sheet, 2023.

<sup>27</sup> UNOCHA, *Humanitarian Access Overview 2023*, UN, 2023

<sup>28</sup> Kaldor, Mary. *New and Old Wars: Organized Violence in a Global Era*, Polity Press, 2022

<sup>29</sup> Rome Statute of the International Criminal Court, Article 8, 1998.

<sup>30</sup> Rome Statute, Article 8(2)(b)(xxv), 1998.

<sup>31</sup> Assembly of States Parties, *Amendments to the Rome Statute*, ICC, 2020.

<sup>32</sup> Human Rights Watch, *Starvation as a Weapon: Accountability in Yemen and Syria*, 2023.

<sup>33</sup> UNOCHA, *Gaza Access Data Report*, September 2024.

<sup>34</sup> UNICEF, *Child Malnutrition in Gaza Crisis*, 2024. □

<sup>35</sup> WHO, *Hospital Capacity Assessment in Gaza*, January 2024.

<sup>36</sup> UNOCHA, *Monthly Humanitarian Access Snapshot - Gaza*, October 2024

<sup>37</sup> Save the Children, *Gaza Nutrition Emergency Bulletin*, March 2024.

<sup>38</sup> Médecins Sans Frontières, *Health Crisis in Yemen: Annual Report*, 2023.

<sup>39</sup> FAO & WFP, *Hunger Hotspots Outlook - Yemen*, September 2024.

<sup>40</sup> UNOCHA Financial Tracking Service, *Yemen Humanitarian Response Plan 2020*.

<sup>41</sup> United Nations Human Rights Council, *Siege Warfare and Human Rights Violations in Syria*, 2023.



electricity, and human aid. These sieges, some of which lasted more than five years, transformed urban cities into open-air prisons, with civilians subjected to starvation, disease, and indiscriminate aerial bombing. The strategy was not only military but psychological intended to wear down by exhaustion and despair, frequently accompanied by coerced evacuations under so-called "reconciliation agreements". Although condemned as war crimes by the United Nations and in breach of the Fourth Geneva Convention (Art. 54), these sieges proved strategically useful to the Assad regime in retaking control of strategic areas. The employment of "surrender or starve" policies, as well as obstructing UN aid convoys even after Security Council resolutions (such as UNSC Res. 2139, 2014<sup>42</sup>), illustrate how strategic denial in Syria functioned beyond battlefield tactics it became a clear state policy of demographic engineering and political control, with lasting consequences for post-war reconciliation and justice.

## 2.Role of Non-State Actors (e.g., Hamas, Hezbollah, ISIS) in Controlling or Blocking Aid

Non-state actors like Hamas, Hezbollah, and ISIS have increasingly manipulated humanitarian aid to consolidate power, obstruct access, and exert political influence. Hamas has been accused of diverting international aid for military purposes<sup>43</sup>, such as tunnel construction, prompting tighter Israeli-Egyptian blockades that restrict basic goods. Hezbollah has strategically limited aid distribution in Shi'a-majority areas to control loyalty and deter external influence. ISIS employed denial of aid, capturing UN food convoys, dominating access to medicine, and levying "taxes" on NGOs, employing famine and medicine deprivation as instruments of terror, population control, and recruitment. Not only do such groups limit access to aid against enemies but also create alternative welfare systems to enhance legitimacy, smudging the line between governance and militancy. Their behavior erodes humanitarian impartiality, complicates relief operations, and call for novel approaches to providing aid in asymmetric conflicts.

## Humanitarian Access and Operational Challenges

In modern armed conflicts, humanitarian aid faces severe access challenges due to bureaucratic restrictions and politically motivated blockades. States often impose layers of permits, security clearances, and coordination demands under the guise of national security, effectively delaying or denying life-saving assistance. In Syria, UN aid agencies must obtain approvals from both the Assad regime and opposition factions, leading to politicized delays. In Yemen, the Saudi-led coalition has blocked or delayed shipments of food and fuel to Hodeidah port, a key lifeline for millions, despite famine conditions. These restrictions violate UN Security Council Resolution 2417 (2018), which condemns the use of starvation as a method of warfare. In Gaza, even basic supplies like cement are scrutinized as potential dual-use items, making reconstruction efforts after Israeli

airstrikes nearly impossible. This bureaucratic manipulation of humanitarian corridors is not merely a logistical issue it becomes a form of strategic deprivation and control, weaponizing access itself.

Equally disturbing is the deliberate targeting of humanitarian convoys and infrastructure, which reflects a growing disregard for the neutrality principle under International Humanitarian Law (IHL). In 2016, the bombing of a UN-Syrian Arab Red Crescent convoy near Aleppo by suspected Russian or Syrian forces killed over 20 aid workers and destroyed crucial medical supplies an act widely condemned as a war crime. In Afghanistan and Mali, aid convoys have been hijacked or ambushed by armed groups, forcing organizations like Médecins Sans Frontières (MSF) to shut down entire missions. Even protected medical facilities have not been spared: the 2015 U.S. airstrike on the MSF hospital in Kunduz, Afghanistan, killed 42 people and raised grave questions about accountability under the Rome Statute of the ICC (Article 8). Such incidents deter international NGOs, disrupt supply chains, and blur the lines between combatants and humanitarians.

Adding complexity are dual-use concerns and security justifications, which are increasingly used to withhold aid under the pretext of anti-terrorism. Items like chlorine (used for water purification) or fuel (used in hospitals) are often restricted because they can also be repurposed for explosives or military logistics. While this concern is not baseless, its overextension leads to indiscriminate civilian suffering. In besieged regions of Syria like Eastern Ghouta, food deliveries were blocked because of "unauthorized" items like baby formula or surgical kits. In Gaza, solar panels donated for powering clinics were rejected as dual-use because they could allegedly assist Hamas infrastructure. The result is catastrophic: water-borne diseases surge, chronic illnesses go untreated, and child malnutrition reaches emergency thresholds. Humanitarian agencies must now balance neutrality with counterterror compliance, risking prosecution under anti-terror financing laws for delivering aid to populations under the control of designated groups

## Ethical and Legal Dilemmas

The moral and legal challenges to humanitarian aid in war-torn areas concern the conflictual interplay between state sovereignty and humanitarian considerations, wherein international players are often confronted by regimes invoking Article 2(7) of the UN Charter<sup>44</sup> to pre-empt aid entry, even amidst massive human rights abuses. Syria is a case in point, where the Assad government cited sovereignty to block UN relief convoys, in the face of UNSC resolutions and irrefutable proof of civilian starvation<sup>45</sup>—raising urgent questions about the enforceability of such doctrines as Responsibility to Protect (R2P) when there is no Security Council consensus<sup>46</sup>. At the same time, humanitarian actors are obligated by principles of neutrality<sup>47</sup> but operate in politically charged contexts where neutrality is manipulated

<sup>42</sup> UNSC Resolution 2139, February 22, 2014.

<sup>43</sup> Amnesty International, *The Weaponization of Aid: Non-State Actor Abuses in Conflict Zones*, 2023.

<sup>44</sup> UN Charter, Article 2(7).

<sup>45</sup> United Nations Security Council, Resolution 2139 (2014).

<sup>46</sup> Bellamy, Alex. *The Responsibility to Protect*. Polity Press, 2009.

<sup>47</sup> ICRC, *The Fundamental Principles of the Red Cross and Red Crescent*, 1986

or misused—like MSF's work in Taliban-occupied Afghanistan<sup>48</sup> or UNRWA's work in Gaza, which is subject to donor criticism and allegations of supporting militant organizations<sup>49</sup>. Provision of aid in these settings runs the risk of inadvertently supporting local power dynamics or provoking sanctions under anti-terror financing regulations<sup>50</sup>, even when the intention is apolitical. Such organizations as the ICRC, based on the Geneva Conventions<sup>51</sup>, practice low-key diplomacy and direct contact with belligerents, whereas MSF takes a *temoignage* (bearing witness) policy<sup>52</sup>, openly revealing atrocities at the expense of being expelled from countries such as Sudan or Myanmar<sup>53</sup>. UNRWA, although vital to more than 5 million Palestinian refugees, has experienced acute funding crises as a result of alleged misconduct by staff and politicization of its mandate<sup>54</sup>. These dilemmas emphasize the precarious balance between legal obligations, ethical duties, and geopolitical imperatives, within which humanitarian agencies have to walk a tightrope continuously between being life-saving actors and inadvertent actors in war's political drama.

### Accountability and International Response

Accountability in times of humanitarian crisis is perhaps international law's most divisive challenge. The ICC, with efforts such as arrest warrants issued for Sudan's Omar al-Bashir and Russia's Vladimir Putin<sup>55</sup>, frequently encounters jurisdictional and political hurdles—e.g., Syria is not a signatory to the Rome Statute<sup>56</sup>, and UNSC referrals are vetoed by the great powers<sup>57</sup>. UN commissions report egregious abuses in Syria and Myanmar<sup>58</sup>, but their findings have no enforcement and are usually criticized as biased. Although the ARSIWA framework assigns state responsibility for wrongful acts<sup>59</sup>, enforcement is uncommon because of geopolitical protection. Non-state actors such as ISIS and Hamas escape conventional accountability<sup>60</sup>, with few remedies available in universal jurisdiction or terrorism legislation. In general, the system is plagued by selective application and political interference, which compromises the worldwide quest for justice in war zones.

### Emerging Trends and Strategic Responses

Due to extended crises and aid restrictions, the humanitarian sector is embracing new approaches and technologies. Humanitarian corridors such as the 2022 Black Sea Grain Initiative<sup>61</sup> and deconfliction mechanisms like the UN's Humanitarian Notification System are designed to make aid

delivery safer, though occurrences such as bombing of deconflicted hospitals in Syria reveal their weaknesses and abuses<sup>62</sup>. Advanced technology is remaking aid: drones carry medical aid into Ukraine and South Sudan, while UNOSAT satellite mapping tracks devastation in real-time. Blockchain systems such as WFP's Building Blocks counter corruption in refugee camps<sup>63</sup>. Additionally, resources such as OSINT, AI image verification, and forensic architecture employed by organizations such as Bellingcat now offer rapid, verifiable war crime proof, frequently ahead of conventional agencies. This change heralds a new age of digital-humanitarian convergence, disrupting traditional power dynamics in conflict response and accountability.

### 3. Conclusion

In summary, contemporary humanitarian crises especially in the Middle East are characterized by intentional obstruction of assistance, politicization of relief, and legal uncertainty regarding both state and non-state actors. Although frameworks such as IHL and institutions like the ICC and UN provide the building blocks, their application is compromised by strategic denial, sovereignty arguments, and power politics. Technological innovations, local engagement, and legal reforms particularly on accountability and deconfliction are crucial to protect humanitarian access. The future of humanitarian protection is in a transition toward smarter, rights-based, and globally coordinated responses that integrate law, ethics, and innovation.

### 4. Literature Review

Scholars universally attest that denial of humanitarian access is now a conflict strategy in contemporary warfare, particularly in the Middle East. Alex de Waal and Siegel & Pospieszna explain how governments such as Assad's in Syria employed siege warfare and starvation as deliberate military strategies. ICRC, UNOCHA, and Human Rights Watch reports chronicle ongoing breaches of International Humanitarian Law (IHL), such as attacks on humanitarian convoys and abuse of deconfliction information. Legal scholars such as Dapo Akande observe the lack of enforcement in spite of the Rome Statute provisions for starvation as a war crime due to political barriers and state non-compliance. Non-state groups such as ISIS and Hamas also hinder access by obstructing or diverting aid. Technological interventions drones, satellites, blockchain are increasingly employed to bypass obstacles, as demonstrated

<sup>48</sup> Médecins Sans Frontières (MSF), *Operational Challenges in Conflict Zones*, 2020

<sup>49</sup> Reuters. "UNRWA Faces Allegations Over Staff Conduct." January 2024

<sup>50</sup> International Crisis Group, *Counter-Terrorism, Aid, and International Law*, 2021.

<sup>51</sup> Geneva Conventions of 1949 and Additional Protocols

<sup>52</sup> Redfield, Peter. *Life in Crisis: The Ethical Journey of Doctors Without Borders*. University of California Press, 2013.

<sup>53</sup> Human Rights Watch, *Sudan: MSF Expelled Over Darfur Report*, 2009.

<sup>54</sup> UNRWA, *Annual Operational Report*, 2023

<sup>55</sup> International Criminal Court (ICC), *Case Information Sheet: Omar al-Bashir*, 2010

<sup>56</sup> Rome Statute of the ICC, Article 12(3).

<sup>57</sup> Security Council Reports, *Vetoed Draft Resolutions on Syria*, 2017-2023.

<sup>58</sup> UN Human Rights Council, *Independent International Commission of Inquiry on the Syrian Arab Republic*, 2023

<sup>59</sup> Articles on Responsibility of States for Internationally Wrongful Acts (ARSIWA), ILC, 2001

<sup>60</sup> Global Centre for the Responsibility to Protect, *Accountability for Non-State Armed Groups*, 2022.

<sup>61</sup> UN OCHA, *Black Sea Grain Initiative Situation Report*, December 2022.

<sup>62</sup> Amnesty International, *Attack on UN Convoy in Syria Was a War Crime*, 2016

<sup>63</sup> WFP Innovation Accelerator, *Blockchain Against Hunger: Building Blocks*, 2021.

in research by Heupel and Johais. At the same time, humanitarian organizations such as MSF and UNRWA are confronted with ethical challenges between neutrality and advocacy. In general, the literature demands immediate legal reform, increased accountability, and creative measures to safeguard aid in conflict areas.

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