

The Weaponization of Humanitarian Aid: The Legal and Political Implications of a Security Council Veto on Cross-Border Aid in Syria

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First: Introduction:

In the midst of armed conflicts, humanitarian aid occupies a pivotal position as a tool to alleviate human suffering and ensure a minimum level of dignity for affected civilians. However, this aid often turns into an arena of legal and political conflict between international and regional parties, where humanitarian necessities intersect with sovereign interests and geopolitical considerations. The Syrian crisis is a stark example of this complexity; more than thirteen years of armed conflict have created an unprecedented humanitarian crisis, with millions displaced and the near-total collapse of infrastructure, making cross-border aid an indispensable necessity to save lives.

The Security Council veto power is the most significant obstacle to the mechanisms for delivering humanitarian aid to Syria. Since the issuance of Security Council Resolution 2165 (2014), which allowed cross-border aid to be delivered without the consent of the Syrian government (here and in all citizens in this paper, what is meant is UN aid, because other aid from local and international organizations can always enter), the use of the veto has emerged as a tool to prevent the renewal of this mechanism. This has led to disastrous humanitarian consequences, most notably restricting aid access to the most vulnerable groups, and opening the way for the Syrian regime to exploit aid for political and military gains.

This study aims to analyze the legal and political dimensions of the use of the veto in the context of cross-border humanitarian assistance in Syria. The paper starts from central questions about the extent to which this use is compatible with the basic principles of international humanitarian law, and its effects on the credibility of the international legal system and the role of the Security Council in protecting international peace and security. It also seeks to review legal alternatives and possible solutions to ensure the continued delivery of aid, including the role of the General Assembly and veto reform mechanisms.

The study is based on an analytical approach that combines the legal framework for humanitarian action, the development of UN resolutions, and the humanitarian and political implications of using the veto. In conclusion, the paper presents recommendations aimed at strengthening mechanisms for delivering humanitarian aid and reducing reliance on Security Council resolutions, in order to ensure the protection of civilians affected by the conflict away from political tensions.

Second: The legal framework for humanitarian aid in armed conflicts:

A. International Humanitarian Law

The Fourth Geneva Convention focuses on the protection of civilians during armed conflict, obligating parties to a conflict to allow the free passage of medical supplies and essential relief for the civilian population, including in occupied territories¹. It also requires occupying powers to provide and facilitate humanitarian relief where local resources are inadequate, while ensuring the protection of relief shipments and personnel².

In the same context, The Additional Protocol I obliges the conflicting parties to allow rapid and unimpeded passage of humanitarian aid to civilians in need, provided that such aid is neutral³. The protocol also emphasizes adherence to the principles of humanity, impartiality, and neutrality, to ensure that aid reaches all those in need without any adverse distinction⁴.

Customary international humanitarian law also supports the principle of non-discrimination in the provision of humanitarian assistance during armed conflicts⁵. This principle stipulates that all affected persons have the right to protection and assistance without discrimination⁶. This right covers all relief operations, from the distribution of aid to the selection of beneficiaries, while ensuring the freedom of movement of humanitarian workers⁷. Furthermore, customary international humanitarian law prohibits the arbitrary withholding of consent to humanitarian relief operations⁸. However, parties to a conflict may impose limited restrictions on aid access for imperative military reasons, provided that such restrictions are temporary and proportionate⁹. Parties to a conflict remain responsible for facilitating the work of humanitarian organizations, including by granting them the freedom of movement necessary to ensure the efficient delivery of aid¹⁰.

Parties to armed conflicts have a primary responsibility to meet the basic needs of the civilian population under their control. If a state is unable or unwilling to fulfil these responsibilities, it is

¹ International Committee of the Red Cross. *Geneva Convention (IV) on Civilians*, 1949, Article 23.

² International Committee of the Red Cross. *Geneva Convention (IV) on Civilians*, 1949, Article 59.

³ International Committee of the Red Cross. *Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I)*, 1977, Article 70.

⁴ International Committee of the Red Cross. *Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I)*, 1977, Article 70.

⁵ International Committee of the Red Cross. *Customary IHL Database*, Rule 88.

⁶ International Committee of the Red Cross. *Customary IHL Database*, Rule 55.

⁷ International Committee of the Red Cross. *Customary IHL Database*, Rule 56.

⁸ International Committee of the Red Cross. *Customary IHL Database*, Rule 88.

⁹ International Committee of the Red Cross. *Customary IHL Database*, Rule 56.

¹⁰ International Committee of the Red Cross. *Customary IHL Database*, Rule 55.

obliged to allow impartial humanitarian organizations to deliver aid. These humanitarian operations must be supervised by the parties in control, to ensure compliance with security standards while upholding fundamental humanitarian principles¹¹.

The core principles of the Geneva Conventions and Additional Protocols are part of customary international law, making them binding on all States regardless of their ratification of these conventions. The International Court of Justice has confirmed this status, emphasizing that these rules embody legal obligations of a universal nature¹².

B. Framework of the United Nations Charter

The UN Charter gives the Security Council comprehensive powers under Chapter VII to maintain international peace and security¹³. These powers allow the Council to take decisive action to address humanitarian crises in conflict areas. The Security Council has used these powers to support humanitarian operations in a variety of ways, including:

1. **Establishing safe zones**¹⁴ to protect civilians from the dangers of conflict.
2. **Imposing no-fly zones**¹⁵ to reduce the targeting of civilians and humanitarian facilities.
3. **Obligating parties to the conflict to allow humanitarian aid**¹⁶ to reach without the need for state approval.

The use of Chapter VII of the Charter raises significant challenges in balancing the principle of national sovereignty with the requirements of humanitarian imperatives. Although these powers enable the international community to intervene quickly and effectively in situations where a state obstructs the delivery of humanitarian assistance, their selectivity often provokes widespread criticism¹⁷.

¹¹ International Committee of the Red Cross. *Geneva Convention (IV) on Civilians, 1949*, Article 23.

¹² International Committee of the Red Cross. *Geneva Convention (IV) on Civilians, 1949*, Article 59.

¹³ United Nations. *Charter of the United Nations*, Chapter VII. Available at: <https://www.un.org/en/about-us/un-charter/chapter-7>.

¹⁴ United Nations Security Council. "Resolution 819 (1993)." Official Document. Available at: <https://undocs.org/S/RES/819> (1993).

¹⁵ United Nations Security Council. "Resolution 1973 (2011)." Official Document. Available at: <https://undocs.org/S/RES/1973> (2011).

¹⁶ United Nations Security Council. "Resolution 794 (1992)." Official Document. Available at: <https://undocs.org/S/RES/794> (1992).

¹⁷ Hehir, Aidan. "The Permanence of Inconsistency: Libya, the Security Council, and the Responsibility to Protect." *International Security*, vol. 38, no. 1, 2013, pp. 137–159. <https://www.jstor.org/stable/24480572>

Third: Cross-border aid in Syria: the development of UN resolutions:

A. Security Council Resolution 2165 (2014):

Security Council Resolution 2165 was adopted on 14 July 2014 in response to the worsening humanitarian crisis in Syria, which has become one of the most complex crises in modern times¹⁸. The resolution was a necessary measure to address the severe deterioration in the humanitarian situation resulting from the ongoing armed conflict, with nearly ten million people in need of humanitarian assistance by mid-year, and only a small percentage of them receiving support¹⁹. The resolution was also linked to the lack of effective commitment to Security Council Resolution 2139 of February 2014, which called for the removal of all obstacles to the delivery of aid, including to besieged areas. However, the Syrian authorities have largely ignored this resolution, leading to the continued suffering of civilians²⁰.

UN reports, including those issued by the UN Secretary-General, confirmed that the Syrian authorities continued to ban the entry of humanitarian aid, preventing the delivery of humanitarian aid to the areas most in need²¹. This was accompanied by reports from Human Rights Watch documenting the deliberate obstruction of aid by the Syrian regime, including the theft of relief supplies or their diversion to areas loyal to the regime, with deliberate neglect of areas under opposition control²².

In response to these challenges, Resolution 2165 allowed the use of four border crossings to facilitate the direct entry of humanitarian aid into areas outside regime control without the need for prior approval from the Syrian authorities. These crossings included Bab al-Salam and Bab al-Hawa from Turkey, al-Yarubiyah from Iraq, and al-Ramtha from Jordan²³. The resolution also provided for the establishment of a monitoring mechanism under UN supervision to ensure that aid is purely humanitarian in nature, without being diverted for military or political purposes²⁴.

What distinguishes this resolution from others is that it is based on Chapter VII of the UN Charter, which gives it a binding character, not limited to urging states to cooperate, but rather imposes clear legal obligations on all parties concerned. The resolution defined the humanitarian crisis in Syria as a threat that extends beyond the country's borders, affecting regional stability as

¹⁸ United Nations Security Council. "Resolution 2165 (2014)." Official Document. Available at: [https://undocs.org/S/RES/2165\(2014\)](https://undocs.org/S/RES/2165(2014)).

¹⁹ United Nations Office for the Coordination of Humanitarian Affairs. "Humanitarian Needs Overview: Syria, 2014."

²⁰ Security Council Report. "The Implementation of Resolution 2139 (2014)." Analysis, 2014.

²¹ United Nations Secretary-General Reports on Syria. Official Documents, 2014.

²² Human Rights Watch. "Syria: Humanitarian Aid Blocked by Government Forces." HRW Report, 2014.

²³ United Nations Security Council. "Resolution 2165 (2014)." Details on Border Crossings.

²⁴ United Nations Security Council. Security Council resolution 2165 (2014) [on authorization for UN humanitarian agencies and their implementing partners to use routes across conflict lines and border crossings in Syria] (S/RES/2165). [https://undocs.org/S/RES/2165\(2014\)](https://undocs.org/S/RES/2165(2014)).

a whole. This link between the humanitarian crisis and international peace and security formed the legal basis for overriding the principle of traditional national sovereignty²⁵.

B. The principle of necessity as a legal framework:

Security Council Resolution 2165 was based on a set of legal and humanitarian principles that form the core of international humanitarian law, while adhering to the fundamental principles of humanitarian action, most notably neutrality and humanity²⁶. The resolution was also based on legal and customary rules that affirm the right of civilians to protection and assistance, particularly in situations of armed conflict, while ensuring that assistance is directed impartially and provided based on need only²⁷.

The resolution was supported by the principle of necessity, a legal tool that allows for overriding some traditional restrictions in emergency situations²⁸. Under international law, the principle of necessity can justify measures that would be illegal under normal circumstances, if these measures are the only means of protecting an essential interest from a grave and imminent danger²⁹. In the Syrian context, this principle was used to justify overriding the principle of state territorial sovereignty, as the resolution justified the legitimacy of the measures taken by the international community to address the humanitarian crisis in Syria³⁰.

The Syrian humanitarian crisis is a clear example of a state of necessity that threatens a fundamental interest, for several reasons:

- 1. The scale of the humanitarian catastrophe:** The crisis was marked by massive displacement, starvation of civilians, and the near-total collapse of basic health care services. These conditions posed a direct threat to the lives and human dignity of millions of displaced people³¹.

²⁵ Bellamy, Alex J. "Humanitarian Intervention and State Sovereignty." *Ethics & International Affairs*, vol. 19, no. 2, 2005, pp. 31–54.

²⁶ United Nations Security Council. "Resolution 2165 (2014)." Official Document. Available at: [https://undocs.org/S/RES/2165\(2014\)](https://undocs.org/S/RES/2165(2014)).

²⁷ International Committee of the Red Cross (ICRC). "Customary International Humanitarian Law: Rule 55 - Access to Humanitarian Relief." 2005.

²⁸ International Law Commission. *Draft Articles on Responsibility of States for Internationally Wrongful Acts*, with Commentaries, 2001, Article 25.

²⁹ Akande, Dapo. "The Legal Framework for Humanitarian Assistance in Armed Conflict." *European Journal of International Law*, vol. 15, no. 3, 2004, pp. 471–503.

³⁰ Fassbender, Bardo. *UN Security Council Reform and the Right of Veto: A Constitutional Perspective*. Cambridge University Press, 1998.

³¹ United Nations Office for the Coordination of Humanitarian Affairs. "Humanitarian Needs Overview: Syria, 2014."

2. **Obstruction of humanitarian aid:** The Syrian authorities' refusal to facilitate the delivery of humanitarian aid made cross-border operations, without their consent, the only option to alleviate the massive human suffering³².

On this basis, Resolution 2165 provided the international community with legal cover to bypass the requirement of state consent, enabling urgent humanitarian assistance to be delivered to affected areas, while minimizing the exposure of civilians to further risks³³. The primary objective of this measure was to protect the population from further humanitarian catastrophe, while adhering to the fundamental principles of international humanitarian law to ensure that aid was delivered effectively and lawfully³⁴.

C. Responsibility to Protect (R2P):

Security Council Resolution 2165 represents a practical application of the evolving concept of the Responsibility to Protect (R2P), which is based on the principle that national sovereignty is not an absolute privilege, but an obligation to assume responsibility for protecting populations from major atrocities, including genocide, war crimes, ethnic cleansing and crimes against humanity³⁵. When a State fails to meet this responsibility, or is itself the source of violations, international intervention becomes a legitimate and justified necessity³⁶.

In the Syrian context, Resolution 2165 demonstrated the failure of the ruling authorities to fulfill their obligations to protect civilians, as evidenced by:

1. **Obstruction of humanitarian aid:** The Syrian Regime has systematically restricted the delivery of aid to affected areas, causing widespread civilian suffering³⁷.
2. **Targeting civilian infrastructure:** Documented violations include persistent and deliberate attacks on health and humanitarian facilities, leading to the deterioration of basic services and increased suffering for the population³⁸.

³² Human Rights Watch. "Syria: Humanitarian Aid Blocked by Government Forces." HRW Report, 2014.

³³ Bellamy, Alex J. "Humanitarian Intervention and State Sovereignty." *Ethics & International Affairs*, vol. 19, no. 2, 2005, pp. 31–54.

³⁴ International Committee of the Red Cross (ICRC). "Fundamental Principles of International Humanitarian Law." Geneva, 2015.

³⁵ United Nations General Assembly. "2005 World Summit Outcome Document." A/RES/60/1, para. 138–139. Available at:

https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_60_1.pdf.

³⁶ Evans, Gareth. *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and for All*. Brookings Institution Press, 2008.

³⁷ Human Rights Watch. "Syria: Humanitarian Aid Blocked by Government Forces." HRW Report, 2014.

³⁸ Physicians for Human Rights. "Syria's Medical Community Under Assault." PHR Report, 2019.

Fourth: The positive impact of cross-border humanitarian aid in Syria:

Security Council Resolution 2165 (2014) marked a major shift in the delivery of humanitarian assistance to affected civilians in Syria. The resolution allowed for the delivery of aid across borders without the need for the approval of the Syrian state, enabling the United Nations and its partners to overcome the political and logistical obstacles that had consistently hampered relief efforts³⁹.

The resolution has significantly improved support for internally displaced persons (IDPs), who represent the largest proportion of the population in need. Most of them live in overcrowded and inadequate camps in northwestern Syria, where military attacks and serious violations committed primarily by the Syrian regime, including indiscriminate shelling, arbitrary arrests, torture, and enforced disappearances, have forced them to flee their homes from Homs, Daraya, Eastern Ghouta, Daraa, Qalamoun and other areas that the Syrian regime has retaken control of⁴⁰. According to reports from the United Nations Office for the Coordination of Humanitarian Affairs, the number of internally displaced persons (IDPs) reached approximately 7.6 million in 2014⁴¹. Although this number has gradually decreased to 5.5 million in 2024, the humanitarian crisis continues, with Syria recording the highest number of internally displaced persons in 2023, at approximately 6.8 million people⁴².

One of the most significant positive effects of the resolution was to improve the effectiveness and efficiency of humanitarian delivery. By the end of 2014, the UN had provided food assistance to over one million people, in addition to providing hundreds of thousands with health

³⁹ United Nations Security Council. "Resolution 2165 (2014)." Official Document. Available at: [https://undocs.org/S/RES/2165\(2014\)](https://undocs.org/S/RES/2165(2014)).

⁴⁰ Syrian Network for Human Rights (SNHR), *Thematic Reports on Forced Displacement*. Available at: <https://snhr.org/blog/category/report/thematic-reports/forced-displacement/>

⁴¹ United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA). "Humanitarian Needs Overview: Syria, 2014."

⁴² United Nations High Commissioner for Refugees (UNHCR). "Global Trends: Forced Displacement in 2023." UNHCR Report, 2024.

supplies and basic relief items through cross-border operations⁴³. The number of beneficiaries of aid also increased significantly, by 2.9 million⁴⁴.

The resolution played a pivotal role in improving the logistics infrastructure for humanitarian action, through the establishment of UN operational hubs in Turkey (Gaziantep) and Jordan (Amman)⁴⁵. These hubs helped organize and ensure the continuity of supply chains, which led to a significant increase in the efficiency of the distribution of humanitarian aid⁴⁶.

At the institutional coordination level, the resolution encouraged enhanced cooperation between UN agencies and international and local NGOs, resulting in a more regular and effective humanitarian response since 2015. A UN monitoring mechanism was also established to ensure transparency and compliance with humanitarian principles, which has contributed to reducing the misuse and diversion of aid for non-humanitarian purposes⁴⁷.

Fifth: Veto against necessary humanitarian aid:

A. Uses of the Russian-Chinese Veto

The armed conflict in Syria has become increasingly complex as the map of control on the ground continues to shift. This has led to repeated waves of displacement and increased pressure on host communities, highlighting the urgent need to ensure the continuity and even increase the flow of humanitarian assistance.

The adoption of Security Council Resolution 2165 in 2014 was a turning point, as it provided a mechanism for cross-border humanitarian assistance without the need for the approval of the Syrian government. The resolution was renewed annually until late 2019, when Russia and China used their veto to prevent the extension of this mechanism. Since then, the veto has become a key political tool to limit cross-border humanitarian access.

⁴³ United Nations Office for the Coordination of Humanitarian Affairs. (2014). 2014 Syria Humanitarian Assistance Response Plan (SHARP) - Sector Achievements. United Nations. <https://www.unocha.org/publications/report/syrian-arab-republic/2014-syria-humanitarian-assistance-response-plan-sharp-sector>.

⁴⁴ United Nations Office for the Coordination of Humanitarian Affairs. (2014). Joint statement on Security Council Resolution 2165 on humanitarian access in Syria. <https://reliefweb.int/report/syrian-arab-republic/joint-statement-security-council-resolution-2165-humanitarian-access-syria>.

⁴⁵ United Nations High Commissioner for Refugees. (2015). *Global report 2015*. https://reporting.unhcr.org/sites/default/files/GR_2015_Eng.pdf

⁴⁶ United Nations Development Programme. (2016). *365 days of resilience: Inside Syria – Annual report 2015*. <https://www.undp.org/syria/publications/365-days-resilience-inside-syria-annual-report-2015>

⁴⁷ United Nations Security Council. "Resolution 2165 (2014)." Official Document. Available at: [https://undocs.org/S/RES/2165\(2014\)](https://undocs.org/S/RES/2165(2014)).

Review of developments in the use of the veto and its effects on the humanitarian aid mechanism:

1. December 20, 2019:

Russia and China vetoed a draft resolution submitted by Belgium, Germany and Kuwait, which aimed to extend aid through four crossings: Bab al-Hawa and Bab al-Salam (Turkey), Al-Yarubiyah (Iraq), and Ramtha (Jordan). The veto ended the cross-border delivery of aid through this expanded mechanism, prompting the Security Council to adopt Resolution 2504 on January 9, 2020. As a result, the number of authorized crossings was reduced to only two (Bab al-Hawa and Bab al-Salam) for a limited period of time.

2. July 7, 2020:

Russia and China repeatedly vetoed a draft resolution seeking to keep the Bab al-Hawa and Bab al-Salama crossings open. After lengthy negotiations, Resolution 2533 was passed on July 9, which was limited to only one crossing, Bab al-Hawa, and for a one-year timeframe.

3. July 9, 2021:

The Security Council adopted Resolution 2585, this time after intense negotiations that saw Russia threaten to use its veto if its demands were not met. The demands included improving cross-line aid delivery, limiting the extension to six months, and including support for early recovery activities for the first time. As a result of these concessions, Russia refrained from using its veto.

4. July 11, 2023:

In a significant development, Russia vetoed a draft resolution (S/2023/506) presented by Brazil and Switzerland to extend the Bab al-Hawa aid mechanism for nine months. This was Russia's 18th veto on Syria, and its fifth targeting the cross-border aid mechanism. The move effectively ended the decade-long UN-led cross-border humanitarian operation since Resolution 2165.

Conditions imposed after the termination of the UN mechanism:

After the UN mechanism ended due to the veto, the Syrian authorities announced on July 13, 2023 that they would allow aid to continue to arrive through the Bab al-Hawa crossing, but under strict arbitrary conditions, including:

- Full cooperation with the Syrian government⁴⁸.
- Supervision of aid distribution by the pro-regime Syrian Arab Red Crescent⁴⁹.

⁴⁸ Al Jazeera. (2023, July 11). Russia vetoes UN vote to extend key Syria aid route. *Al Jazeera*. <https://www.aljazeera.com/news/2023/7/11/russia-vetoes-un-vote-to-extend-key-syria-aid-route>

- Prohibition of contact with groups designated as terrorist by the government⁵⁰.

Following bilateral negotiations between the UN and the Syrian authorities, an agreement was reached to allow continued aid delivery through the crossing, but the conditions imposed raised serious concerns about the independence and integrity of the humanitarian operation. These concerns were heightened by the Syrian authorities' documented history of obstructing and stealing aid, and using it as a tool to achieve political and military objectives⁵¹.

B. Russia and China's Legal and Political Justifications for Veto:

Russia and China position has been firm and categorical when it comes to the use of their veto power to prevent the extension of the cross-border humanitarian aid mechanism to Syria. Their justifications have been based on a set of legal, political and strategic arguments, through which they have justified their continued opposition to UN aid mechanisms, as follows:

1. Syria's sovereignty and territorial integrity

Russia and China have highlighted **state sovereignty** as a central tenet of their opposition. They argue that the cross-border aid mechanism, which allows the UN to deliver aid without the Syrian government's consent, undermines Syria's sovereignty and territorial integrity, in contravention of the principle of sovereignty enshrined in **the UN Charter**⁵².

The two countries' position is that aid should be fully coordinated with the Syrian regime, and that the cross-border mechanism should be replaced by "cross-line" mechanisms, i.e. those that pass from areas controlled by the Syrian regime to areas controlled by the opposition⁵³.

2. Shift to cross-line aid

Russia and China argue that the continuation of the cross-border aid mechanism is no longer justified, especially with the Syrian government set to regain control of **nearly 60% of Syrian territory** by 2024. They call for aid to be diverted exclusively across frontlines, giving the

⁴⁹ Human Rights Watch. (2022). *World Report 2022: Syria*. Human Rights Watch. <https://www.hrw.org/world-report/2022/country-chapters/syria>

⁵⁰ Al Jazeera. (2023, July). *Aid under tight restrictions at Bab al-Hawa crossing*. Al Jazeera. <https://www.aljazeera.com/news/2023/7/11/aid-under-tight-restrictions-at-bab-al-hawa-crossing>

⁵¹ Syrian Network for Human Rights (SNHR). "The Syrian Regime's Exploitation of Humanitarian Aid." SNHR Report, 2023.

⁵² United Nations Charter, Article 2(1).

⁵³ BBC News. (2020, July 9). Russia and China veto UN resolution on Syria aid crossing. BBC News. <https://www.bbc.com/news/world-middle-east-53370890>

Syrian regime greater control over aid distribution and limiting the independence of humanitarian operations in areas outside its control⁵⁴.

3. Concerns about terrorist groups

Russia regularly raises concerns that cross-border aid is being used to support armed opposition groups, in particular **Hayat Tahrir al-Sham**, which controls large areas of northwestern Syria. It claims that aid passing through crossings outside the control of the Syrian government could be diverted for military purposes or to fund terrorist activities⁵⁵.

4. Temporary nature of the mechanism

Russia and China point out that the cross-border aid mechanism was designed as a temporary measure when the humanitarian situation was most dire, but its continuation became unjustified in light of the “improvement of the situation on the ground.”⁵⁶ This argument is part of their argument that the end of the mechanism reflects Syria’s transition to a post-conflict phase.

5. Pushing for early recovery assistance

Supporting early recovery projects was a key focus of Russia’s negotiations on renewing the aid mechanism. These efforts were linked to several strategic objectives:

- **Using aid as a bargaining tool:** Russia has conditioned donor countries’ commitment to funding early recovery projects on extending the aid mechanism, ensuring that resources are diverted to areas controlled by the Syrian regime⁵⁷.
- **Reshaping international discourse:** Russia seeks to shift the focus of the debate from “conflict management” to “reconstruction,” reinforcing the image of Syria as a stable country in need of reconstruction, rather than an arena of ongoing conflict.
- **Strengthening regime control:** Reports indicate that more than 90% of early recovery funding is directed to areas under regime control, strengthening Damascus’ influence over the reconstruction process⁵⁸.

⁵⁴Refugees International. (2023, August 30). UN crossborder aid to Syria requires more than consent. <https://www.refugeesinternational.org/perspectives-and-commentaries/un-crossborder-aid-to-syria-requires-more-than-consent/>.

⁵⁵Security Council Report. (2023, August). *In hindsight: The demise of the Syria cross-border aid mechanism*. Security Council Report. <https://www.securitycouncilreport.org/monthly-forecast/2023-08/in-hindsight-the-demise-of-the-syria-cross-border-aid-mechanism.php>.

⁵⁶ Voice of America. (2023, July 11). *At UN, Russia vetoes aid to millions in northwest Syria*. Voice of America. <https://www.voanews.com/a/at-un-russia-vetoes-aid-to-millions-in-northwest-syria/7176420.html>

⁵⁷ United Nations Security Council. "Resolution 2585 (2021)."

- **Undermining international sanctions:** Early recovery aid is used as a pretext to pressure for the easing of economic sanctions on the Syrian regime, under the pretext of humanitarian needs⁵⁹.

6. Geopolitical aspects of Russia and China's position

Russia and China's support for the principle of national sovereignty and international non-interference is consistent with their overall geopolitical strategies that go beyond the humanitarian framework to broader strategic considerations. **For Russia**, it seeks to maintain its regional influence in Syria by supporting its ally Bashar al-Assad and ensuring the centrality of Damascus as the main channel for the flow of humanitarian aid. Since 2014, Moscow has gradually reduced the number of border crossings, in order to enhance the legitimacy of the Syrian regime and rehabilitate it internationally, thus consolidating its position as a major player in world politics. **As for China**, its opposition to international intervention reflects general policies aimed at preventing any precedents that might threaten its sovereign interests or be used against it in sensitive domestic issues, such as Xinjiang and Hong Kong⁶⁰.

The two countries share a common position that international organizations, including the United Nations, should operate with the consent of the governments concerned and not independently, which limits the effectiveness of UN humanitarian mechanisms and enhances the control of states over humanitarian assistance to achieve their strategic objectives⁶¹.

Sixth: The repercussions of using the veto on humanitarian aid

The use of the veto power against resolutions related to extending the mechanism for delivering humanitarian aid in Syria has had serious humanitarian repercussions, raised serious legal problems, and damaged the credibility of the UN Security Council.

A. Humanitarian Consequence

⁵⁸ Akil, S., & Shaar, K. (2022, February 8). *The politics of early recovery aid in Syria: Is it actually reconstruction aid?* Atlantic Council. <https://www.atlanticcouncil.org/blogs/menasource/the-politics-of-early-recovery-aid-in-syria-is-it-actually-reconstruction-aid>

⁵⁹ Friedrich-Ebert-Stiftung. (2023). *The politics of early recovery aid in Syria: A critical overview*. Friedrich-Ebert-Stiftung. <https://library.fes.de/pdf-files/bueros/beirut/20268.pdf>.

⁶⁰ Xinhua. (2023, July 11). *China urges respect for Syria's sovereignty while delivering aid*. China Daily Hong Kong. <https://www.chinadailyhk.com/hk/article/340386>.

⁶¹ United Nations Security Council. "Geopolitical Implications of Vetoes in Syria." Official Document, 2024.

1- Loss of critical access points

a. Closure of Al-Yarubiyah Crossing (January 2020)

The closure of Al-Yarubiyah Crossing, as a result of Russia's use of its veto power in the Security Council, has had disastrous consequences for the people of northeastern Syria, disrupting vital aid to more than 1.4 million people in an area already suffering from deteriorating infrastructure and worsening humanitarian crises⁶².

i. Disruption of medical assistance

Al Yarubiyah Crossing was a key hub for the provision of essential medical supplies, including medicines, vaccines, and equipment for the treatment of infectious and chronic diseases. The closure of the crossing has paralyzed health services, with 19 out of 50 UN-supported health centers forced to close between 2020 and 2021. Vital health facilities including maternal and childcare, vaccination campaigns, and treatment of chronic diseases such as diabetes have been affected, exacerbating the health situation of the population⁶³.

ii. The COVID-19 response worsened

The lockdown coincided with the onset of the COVID-19 pandemic, making the situation even worse. The region suffered from severe shortages of testing kits, personal protective equipment, oxygen, and vaccines. The only COVID-19 testing laboratory in Qamishli faced repeated delays in obtaining supplies, resulting in a clear failure to conduct large-scale testing. MSF described the situation as "dire," with health facilities operating with barely enough resources to cover basic needs⁶⁴.

iii. Reliance on supplies via Damascus

After the crossing was closed, UN agencies were forced to route aid through Damascus, opening the door to interference from the Syrian regime, which has a history of obstructing and stealing

⁶² United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA). "Humanitarian Needs Overview: Syria, 2020."

⁶³ Human Rights Watch. (2021, June 10). *Syria: Russian veto would shut down last aid lifeline*. Human Rights Watch. <https://www.hrw.org/news/2021/06/10/syria-russian-veto-would-shut-down-last-aid-lifeline>.

⁶⁴ Médecins Sans Frontières. (2021, October 13). *Worst wave yet of COVID-19 in northern Syria overwhelms health system*. Médecins Sans Frontières. <https://www.msf.org/health-system-overwhelmed-northern-syria-most-severe-covid-19-outbreak-yet>.

aid. As a result, only 30% of the supplies needed reached health facilities in northeastern Syria, exacerbating the humanitarian crisis and leaving the population without adequate support⁶⁵.

iv. Funding shortfalls and their impacts

The lockdown has created a significant funding gap, with the region losing around \$40 million in 2020 as usual aid funding mechanisms such as the Syria Cross-Border Humanitarian Fund (SCHF) have stalled. This has forced aid organizations to cut back on essential services, including nutrition and reproductive health programs.

v. Ineffective alternatives to commercial crossings

Humanitarian organizations have tried to rely on commercial crossings with the Kurdistan Region of Iraq as an alternative, but they have encountered bureaucratic obstacles and logistical restrictions imposed by both the KRG and the Syrian authorities. This has caused significant delays that have affected the transportation of sensitive supplies such as medicines, as the cooling chains needed to transport insulin and other similar medications have been disrupted.

b. Closure of Al-Ramtha Crossing (January 2020)

Southern Syria faced significant humanitarian challenges following the closure of the Ramtha crossing, similar to those faced by people in northeastern Syria when Al-Yarubiyah crossing was closed. The closure exacerbated the humanitarian situation of vulnerable communities, who were heavily dependent on cross-border aid to meet their food and health needs⁶⁶.

c. Closure of Bab al-Salam crossing (July 2020)

The closure of the Bab al-Salam crossing had a very serious impact on the humanitarian situation in northwestern Syria, as it led to the cessation of humanitarian aid that was reaching nearly four million people. The following main points can be added:

i. Loss of a vital human lifeline:

⁶⁵Al Jazeera. (2022, July 10). *Concerns over UN aid delivery amid fears Syria crossing may close*. Al Jazeera. <https://aje.io/zczrmn>.

⁶⁶Cross-border operations, from Jordan to Syria – under UN Security Council Resolution 2165 (2014–2018). United Nations Office for the Coordination of Humanitarian Affairs. <https://www.unocha.org/publications/report/syrian-arab-republic/cross-border-operations-jordan-syria-under-un-security-council> .

Prior to the closure, the Bab al-Salam crossing was one of the most important crossing points for essential humanitarian supplies, including food, medicine and shelter. In June 2020, 397 trucks loaded with aid entered through the crossing, the highest monthly number since the border crossing mechanism was established in 2014. With the closure of the crossing, these supplies came to an abrupt halt, cutting off critical aid to areas most in need.

ii. Increased pressure on Bab al-Hawa crossing

After the closure of Bab al-Salam, the Bab al-Hawa crossing became the only available route for the transfer of humanitarian aid to northwestern Syria. This situation caused logistical bottlenecks and great pressure on this single crossing, affecting the ability of humanitarian organizations to meet the needs of more than four million people, especially in northern Aleppo.

iii. Impact on vulnerable populations

The lockdown has had a disproportionate impact on women and children, who are the most vulnerable in overcrowded camps in northern Aleppo and Idlib. The disruption of food and medical supplies has led to escalating rates of malnutrition and the spread of infectious diseases. Health risks have also increased with the outbreak of the COVID-19 pandemic, putting further pressure on an already weak health system⁶⁷.

iv. Healthcare Crisis

The closure of the crossing has disrupted the delivery of essential medicines and medical equipment, causing the deterioration of already under-resourced health facilities. According to Physicians for Human Rights, the closure has significantly contributed to the collapse of health services in northern Syria, leaving a large number of people without adequate health care⁶⁸.

2- Major obstacles to delivering aid across front lines

The Syrian regime relies on systematic strategies to control humanitarian aid directed to the most vulnerable population groups, and to divert it to serve its political and military goals. These practices reflect the significant obstacles facing international relief operations in areas under the control of the Syrian government, which threaten the integrity of the aid and make it ineffective.

The Syrian regime's methods of diverting humanitarian aid:

a. Control over humanitarian organizations:

⁶⁷The Guardian. (2020, March 31). *Fears over hidden Covid-19 outbreak in Lebanon, Iraq and Syria*. The Guardian. <https://www.theguardian.com/world/2020/mar/31/fears-over-hidden-covid-19-outbreak-in-lebanon-iraq-and-syria>.

⁶⁸ Physicians for Human Rights. (2021). Using Evidence to Protect Human Rights: PHR Annual Report 2021. Physicians for Human Rights.

The Syrian government forces international organizations operating in areas under its control to partner with local institutions linked to the security services, such as the Syrian Red Crescent and the Syria Trust for Development. These entities are run by officials close to the regime, ensuring centralized oversight that allows aid to be diverted according to the Syrian regime's goals⁶⁹.

b. Banning independent NGOs:

The Syrian regime imposes severe restrictions on independent civil society organizations, requiring them to operate under the supervision of the Ministry of Interior, refusing to register them, or forcing them to close down completely, thus restricting the independence of humanitarian work⁷⁰.

c. Selective security approval:

All aid distributions are subject to prior security approval, granted based on political and military considerations. This procedure is used to control the distribution of aid and ensure that it is directed to areas favored by the regime.

d. Diversion of aid to loyalists:

Aid is often directed to areas loyal to the regime or to its affiliated militias. In some cases, stolen aid is repackaged and sold in local markets, generating direct profits⁷¹.

e. Confiscation of aid at checkpoints:

Humanitarian supplies are systematically intercepted at checkpoints operated by military or security forces, with parts of them being taken away for military or commercial use⁷².

f. Manipulation of beneficiary data:

Security agencies have the ability to modify beneficiary lists, excluding those who are truly eligible and replacing them with individuals loyal to the regime or with false identities, ensuring that aid is directed in the interests of the government.

g. Redirection of aid to support military operations:

⁶⁹Human Rights Watch. (2019, June 28). Rigging the system: Government policies co-opt aid and reconstruction funding in Syria. <https://www.hrw.org/report/2019/06/28/rigging-system/government-policies-co-opt-aid-and-reconstruction-funding-syria>.

⁷⁰United Nations Office for the Coordination of Humanitarian Affairs. (2021). Syrian Arab Republic: 2021 Humanitarian Response Plan. United Nations. https://www.unocha.org/sites/unocha/files/Syria_Humanitarian_Response_Plan_2021.pdf.

⁷¹ Al Jazeera. "Diversion of Humanitarian Supplies by the Syrian Regime." Published July 2021.

⁷²Physicians for Human Rights. (2020). *Annual Report 2020*. Physicians for Human Rights. https://phr.org/wp-content/uploads/2021/06/PHR_FY2020_Annual_Report.pdf.

Some aid intended for civilians is diverted to military forces and militias, reflecting the use of relief as a tool to support military activity⁷³.

h. Lack of transparency and accountability:

Entities linked to the Syrian regime, such as the Syrian Red Crescent and the Syria Trust for Development, are run with a high degree of secrecy, which weakens the ability to monitor aid distributions. This lack of transparency leads to corruption and misuse of resources, while reducing the ability to verify that aid reaches those who deserve it.

Implications for humanitarian aid

Reliable human rights reports indicate that about 90% of humanitarian aid allocated to displaced and affected people is diverted or stolen through these methods⁷⁴. This situation hinders the effective delivery of aid and leaves the most needy populations without the necessary support, which exacerbates humanitarian crises in the affected areas.

3- The continuing need for humanitarian assistance in Syria: the absence of a resumption of control on the displacement crisis

Despite the Syrian regime regaining control over large areas of the country, this control has not contributed to improving the conditions of the displaced, who remain one of the biggest humanitarian challenges in the world. According to data from the Office for the Coordination of Humanitarian Affairs, the number of internally displaced persons decreased from 7.6 million people in 2014 to 5.5 million people by 2024⁷⁵. However, this decrease does not reflect a tangible improvement in the living conditions of these displaced persons, as 6.8 million internally displaced persons were recorded in 2023, the highest number worldwide during that year⁷⁶. In addition, more than 7.2 million people in late 2024 face harsh living conditions, most of whom live in camps or informal settlements that lack basic services⁷⁷.

Ongoing humanitarian challenges: Shelter crisis

The shelter crisis is one of the most pressing challenges facing internally displaced persons (IDPs) in Syria. More than two million people, mostly women and children, are reported to be

⁷³ Amnesty International. (2022, March 29). *Amnesty International Report 2021/22: The state of the world's human rights*. <https://www.amnesty.org/en/latest/research/2022/03/annual-report-202122/>.

⁷⁴ Syrian Network for Human Rights (SNHR), 2023. *How the Syrian Regime Uses the Humanitarian Organizations SARC and STD to Steal Humanitarian Aid*. 28 December. Available at: <https://snhr.org/?p=62880>

⁷⁵ United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA). "Humanitarian Needs Overview: Syria, 2024."

⁷⁶ UNHCR. "Global Trends: Forced Displacement in 2023." UNHCR Report, 2024.

⁷⁷ Al Jazeera. "Syria's Internally Displaced Population Faces Harsh Living Conditions." Published March 2024.

living in camps or informal settlements, where basic services are severely lacking. Some 85% of IDPs face severe difficulties in meeting their basic needs, such as shelter, food and healthcare, reflecting the limited humanitarian response and weak international support to address this crisis⁷⁸.

Lack of security and barriers to return

Despite the resumption of military control over large parts of the country, the lack of security in the areas of origin of the displaced remains a major barrier to their return. According to reports issued by the Syrian Network for Human Rights and Human Rights Watch, serious violations against returnees continue, including:

- **Arbitrary arrests:** Many returnees risk being detained without trial on spurious suspicions or presumed political affiliations, with most of them being forcibly disappeared⁷⁹.
- **Retaliation:** Numerous reports have documented retaliatory practices against returning refugees and IDPs, such as confiscation of property, torture, and forced conscription⁸⁰.
- **Lack of legal environment:** Syria lacks a legal and judicial system that guarantees the safety of returnees, with security services dominating, increasing the lack of confidence in safe return⁸¹.

B. Legal Consequences

The repeated use of veto power by Russia and China to block the delivery of humanitarian aid to Syria is a pivotal issue that exposes the contradiction between political interests and international legal obligations.

1. Sovereignty as a Pretext for Political Manipulation

Invoking the principle of sovereignty to justify the denial of humanitarian aid in Syria is a political use of this principle, especially since the Syrian regime, with the support of Russia and China, was one of the main parties responsible for creating the humanitarian crisis through practices that included indiscriminate bombing, arbitrary arrests, torture, and targeting vital infrastructure⁸².

According to international legal precedents, such as **the International Court of Justice's ruling in Nicaragua v. United States (1986)**, the provision of humanitarian assistance is not an

⁷⁸ Human Rights Watch. "The Shelter Crisis in Syrian IDP Camps." HRW Report, 2023.

⁷⁹ Syrian Network for Human Rights (SNHR). <https://snhr.org/blog/category/report/monthly-reports/detainees-and-enforced-disappearances-monthly-reports/>

⁸⁰ Human Rights Watch. "Retaliatory Practices Against Syrian Returnees." HRW Report, 2023.

⁸¹ Amnesty International. "Legal Barriers to Safe Return in Syria." AI Report, 2023.

⁸² Human Rights Watch. "Syria: Widespread Violations by Regime Forces." HRW Report, 2023.

unlawful intervention if it is intended solely to alleviate human suffering and is not linked to political or military objectives⁸³. This interpretation is reinforced by the provisions of Additional Protocols I and II to the Geneva Conventions, which oblige parties to a conflict to ensure the unimpeded delivery of humanitarian assistance. Accordingly, the use of sovereignty to block UN assistance in Syria cannot be considered a legitimate legal argument, but rather a form of political manipulation that contributes to the perpetuation of the humanitarian crisis⁸⁴.

2. Humanitarian necessity as a legal exception

The principle of humanitarian necessity is an internationally recognized rule that justifies overriding considerations of sovereignty in emergency crises that require an immediate response to avoid humanitarian disasters. According to the International Law Commission on the Responsibility of States for Internationally Wrongful Acts, wrongful acts may be justified in other contexts if they are the only means of avoiding great suffering⁸⁵. In the case of Syria, where millions are suffering from the lack of basic livelihoods⁸⁶, the provision of cross-border aid without the consent of the Syrian regime is a necessary and indispensable measure, and therefore the use of the veto in the Syrian context clearly violates the principle of necessity.

3. Obstructing aid delivery

Obstructing the delivery of humanitarian aid is a clear violation of international humanitarian law, which requires parties to the conflict to facilitate the unimpeded passage of aid. The Russian-Chinese veto at the Security Council demonstrated how international governance tools can be exploited to obstruct humanitarian obligations⁸⁷. This obstruction has enabled the Syrian regime to implement systematic policies to control, steal, and redirect humanitarian aid to serve its own political and military interests.

⁸³ *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States)*, ICJ, Judgment of 27 June 1986.

⁸⁴ Barber, Rebecca. "The Use of Veto to Block Humanitarian Assistance in Syria: Implications Under International Law." *International Review of the Red Cross*, vol. 92, no. 874, 2010, pp. 1-36. Available at: <https://international-review.icrc.org/sites/default/files/irrc-874-8.pdf>.

⁸⁵ International Law Commission. *Draft Articles on Responsibility of States for Internationally Wrongful Acts*, 2001, Article 25.

⁸⁶ Barber, Rebecca. "The Use of Veto to Block Humanitarian Assistance in Syria: Implications Under International Law." *International Review of the Red Cross*.

⁸⁷ International Committee of the Red Cross (ICRC). "Customary International Humanitarian Law: Rules on Humanitarian Access."

4. Violation of the principles of impartiality and neutrality

Impartiality and neutrality are fundamental principles governing humanitarian operations, as aid should be provided based on need only, without discrimination or political influence. Russia is a direct party to the Syrian conflict after its military intervention in September 2015. The Russian-Chinese veto thus violated this principle because it gave priority to the Syrian regime, ignoring the urgent needs of millions of civilians in areas outside its control⁸⁸. The Syrian regime is stealing humanitarian aid, whether it is intended for areas under its control or outside them.

5. Obstructing aid as a war crime

Under international humanitarian law, obstructing the delivery of humanitarian aid can amount to a war crime if it causes serious harm to civilians. States that contribute to blocking aid delivery, including through the use of veto, bear legal responsibility for harm to civilians. In the case of Syria, the veto has helped exacerbate violations by the Syrian regime, making states that have used their vetoes liable for crimes against civilians⁸⁹.

6. Weakening the Responsibility to Protect (R2P) Principle

Repeated vetoes by Russia and China have paralyzed the Security Council, preventing it from taking decisive action to address mass atrocities in Syria. This paralysis undermines the third pillar of the Responsibility to Protect (R2P) principle, which obliges the international community to take collective action to protect populations at risk⁹⁰. Prioritizing political alliances with the Syrian regime over humanitarian needs shows that geopolitical interests have trumped humanitarian obligations. This approach weakens global commitment to the R2P principle, negatively impacting its strength as a normative system for addressing mass atrocities.

C. Undermining the Role of the United Nations

1. Failure to maintain international peace and security

⁸⁸ Amnesty International. "Russia's Role in Syria and Its Impact on Civilians." AI Report, 2023.

⁸⁹ Barber, Rebecca. "The Use of Veto to Block Humanitarian Assistance in Syria: Implications Under International Law."

⁹⁰ United Nations. "The Responsibility to Protect: Progress and Challenges." UN Report, 2022.

Articles 1 and 24 of the UN Charter state that the primary mission of the Security Council is to maintain international peace and security⁹¹. However, Russia and China's repeated vetoes of resolutions to renew cross-border humanitarian assistance mechanisms in Syria represent a fundamental failure to achieve these goals⁹². This behavior has exacerbated the humanitarian situation, leaving millions of displaced people in dire conditions, without adequate access to food and medical assistance⁹³.

The obstruction of these resolutions not only harms Syrian civilians, but also contributes to regional instability, as the denial of aid exacerbates the refugee crisis and its escalating impact on neighboring countries⁹⁴. Thus, the Security Council's paralysis in taking effective measures to resolve this crisis weakens its primary role as a tool for protecting civilians, and raises questions about its effectiveness in achieving international security⁹⁵.

2. Contradictions with the goals of promoting human rights

The protection and promotion of human rights is one of the core objectives of the United Nations. However, obstructing the delivery of humanitarian aid is a flagrant violation of these obligations⁹⁶. Blocking aid exacerbates violations of civilians' fundamental rights, including the rights to life, food, health care and human dignity, which are guaranteed under international law⁹⁷.

The use of the veto in this context not only reflects a failure to protect human rights, but also demonstrates the Security Council's inability to respond to the Syrian crisis in a way that ensures its members' commitment to the principles of international humanitarian law⁹⁸. This double failure highlights the contradiction between the goals of the United Nations and the behavior of some of its permanent members⁹⁹.

⁹¹ United Nations. *Charter of the United Nations*, Articles 1 and 24. Available at: <https://www.un.org/en/about-us/un-charter>.

⁹² Rebecca Barber. "The Use of Veto to Block Humanitarian Assistance in Syria: Implications Under International Law." *International Review of the Red Cross*, vol. 92, no. 874, 2010, pp. 1–36. Available at: <https://international-review.icrc.org/sites/default/files/irrc-874-8.pdf>.

⁹³ Human Rights Watch. "Syria: The Impact of Security Council Vetoes on Humanitarian Aid." HRW Report, 2023.

⁹⁴ Amnesty International. "Syria: The Regional Refugee Crisis Amid Humanitarian Restrictions." AI Report, 2023.

⁹⁵ Al Jazeera. "The Security Council's Paralysis in the Syrian Crisis." Published May 2023.

⁹⁶ International Committee of the Red Cross (ICRC). "Customary International Humanitarian Law: Principles of Protection."

⁹⁷ Rebecca Barber. "The Use of Veto to Block Humanitarian Assistance in Syria." *International Review of the Red Cross*.

⁹⁸ The Guardian. "UN Failures in Addressing the Syrian Crisis: Humanitarian Implications." Published February 2024.

⁹⁹ The New York Times. "Blocking Aid in Syria: A Crisis of Human Rights." Published August 2023.

3. The erosion of the credibility of the Security Council as a platform for collective action

The repeated use of the veto by Russia and China, particularly over humanitarian aid in Syria, has undermined the credibility of the Security Council as a platform for collective action¹⁰⁰. Instead of being an instrument of international cooperation, the Council has become a battleground for political maneuvering, where geopolitical interests trump legal principles¹⁰¹.

Not only does this approach hamper the humanitarian response, it also encourages other states to ignore their obligations under international humanitarian law, thereby entrenching impunity¹⁰². As a result, the Council's effectiveness and legitimacy in addressing global crises is eroded. This erosion extends to other UN institutions, undermining the international community's confidence in the UN system as a whole.

Seventh: Legal frameworks and solutions to enhance humanitarian assistance:

A. Bypassing the Veto: Continuing Humanitarian Aid Without Security Council or Syrian Regime Permission

In the context of catastrophic humanitarian crises such as the Syrian crisis, the principle of necessity emerges as a legal and moral basis for providing humanitarian assistance without the need for the consent of the state concerned. This principle is based on one of the fundamental principles of international humanitarian law, namely that protecting civilians and saving lives are priorities that override traditional considerations, including state sovereignty¹⁰³. Given that the Syrian regime has been a primary party to the exacerbation of the humanitarian crisis through

¹⁰⁰ BBC. "Geopolitical Maneuvering in the Security Council Over Syria." Published September 2023.

¹⁰¹ Physicians for Human Rights (PHR). "Impunity in Syria: The Impact of Vetoes on Humanitarian Crises." PHR Report, 2023.

¹⁰² United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA). "The Erosion of Confidence in UN Mechanisms Amid the Syrian Crisis." UN Report, 2023.

¹⁰³ Rebecca Barber. "The Use of Veto to Block Humanitarian Assistance in Syria: Implications Under International Law." *International Review of the Red Cross*, vol. 92, no. 874, 2010, pp. 1–36. Available at: <https://international-review.icrc.org/sites/default/files/irrc-874-8.pdf>.

gross and systematic violations, such as indiscriminate bombing, arbitrary arrests, and theft of aid, the application of the principle of necessity becomes even more important and urgent¹⁰⁴.

Although Security Council Resolution 2165 (2014) allowed for cross-border aid delivery without the Syrian regime's consent, a number of international law experts argue that this resolution was not necessary to provide legal legitimacy for these operations¹⁰⁵. According to these experts, there is nothing in international law that prevents cross-border humanitarian aid from being delivered without the consent of the host state, especially in cases where the government has lost control over large parts of its territory, as is the case in Syria¹⁰⁶.

This view suggests that international law itself provides the framework for justifying aid, as delivering relief to areas outside government control is not considered a violation of a state's territorial integrity or sovereignty¹⁰⁷. This argument is reinforced by the International Court of Justice's decision in *Nicaragua v. United States*, which held that the provision of purely humanitarian aid is neither an unlawful intervention nor a violation of international law¹⁰⁸.

Accordingly, protecting civilians by delivering aid across borders without the need for authorization from the Syrian regime or the UN Security Council can be considered a legitimate and essential option to ensure the continuation of relief and saving lives in the most affected areas¹⁰⁹.

B. Role of the UN General Assembly:

1. Political and Moral Impact of the UN General Assembly:

The UN General Assembly plays a pivotal role in shaping international norms and influencing the behavior of states through its decisions¹¹⁰. Although it lacks the legislative and executive powers of the Security Council under the UN Charter, its decisions reflect the consensus of the

¹⁰⁴ Human Rights Watch. "Syria: The Humanitarian Crisis and the Role of State Actors." HRW Report, 2023.

¹⁰⁵ Al Jazeera. "Legal Justifications for Cross-Border Aid Without Host State Consent." Published May 2023.

¹⁰⁶ International Committee of the Red Cross (ICRC). "Customary International Humanitarian Law: Rules on Humanitarian Access."

¹⁰⁷ Amnesty International. "Humanitarian Access and Sovereignty in Crisis Zones." AI Report, 2022.

¹⁰⁸ *Military and Paramilitary Activities in and Against Nicaragua (Nicaragua v. United States)*, ICJ, Judgment of 27 June 1986.

¹⁰⁹ United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA). "Cross-Border Humanitarian Aid in Syria: Legal and Operational Perspectives." UN Report, 2023.

¹¹⁰ Asia Pacific Centre for the Responsibility to Protect (APR2P). "The Role of the UN General Assembly in Addressing Mass Atrocities." APR2P Report, 2021. Available at: <https://www.globalr2p.org/wp-content/uploads/2021/06/2021-Report-APR2P-UNGA-Powers.pdf>

international community on particular issues, giving it significant political and moral influence¹¹¹.

The General Assembly has demonstrated its ability to shape the international legal framework by passing landmark resolutions that have influenced the definition of threats to international peace, the legitimacy of ruling regimes, and the invalidation of certain illegal international actions. Moreover, international courts and tribunals often use General Assembly resolutions as reference guides that enhance the interpretation of international law, increasing their weight in issues related to human rights and world peace¹¹².

2. General Assembly and Humanitarian Aid in Syria:

In October 2020, the Third Committee of the General Assembly adopted a draft resolution highlighting the vital role of the cross-border humanitarian mechanism in Syria¹¹³. The resolution affirmed that this mechanism represents a necessary lifeline to meet the humanitarian needs of millions of Syrians, especially in areas that are difficult to reach through existing operations inside Syria¹¹⁴. The resolution called for the continuation of cross-border humanitarian support, especially as the Security Council's mandate for this mechanism is set to expire in July 2021.

Although the resolution did not explicitly use legal language such as the principle of "necessity" to justify the override of sovereignty, it made clear the international consensus on the need for the cross-border aid mechanism to continue¹¹⁵. Through this resolution, the General Assembly highlighted the importance of overcoming political obstacles to achieve humanitarian objectives consistent with the fundamental principles of international humanitarian law¹¹⁶.

3. Activating the "Uniting for Peace" mechanism as a legal alternative:

The paralysis of the Security Council resulting from the misuse of the veto, particularly in the Syrian crisis, has prompted renewed calls to activate the "Uniting for Peace" mechanism. This mechanism, developed by General Assembly resolution 377 (V) of 1950, gives the General Assembly the power to take collective action when the Security Council is unable to fulfil its responsibilities due to disagreement among its permanent members¹¹⁷.

¹¹¹ United Nations. *Charter of the United Nations*. Available at: <https://www.un.org/en/about-us/un-charter>.

¹¹² Al Jazeera. "General Assembly Resolutions as Legal References in International Law." Published May 2023.

¹¹³ Human Rights Watch. "Syria: Cross-Border Aid Mechanism Vital for Millions." HRW Report, 2020.

¹¹⁴ Amnesty International. "The General Assembly's Role in Supporting Humanitarian Relief." AI Report, 2022.

¹¹⁵ The Guardian. "UN General Assembly Resolutions and Their Impact on Syria." Published October 2020.

¹¹⁶ Rebecca Barber. "The Use of General Assembly Mechanisms to Address Security Council Paralysis."

International Review of the Red Cross, 2021.

¹¹⁷ United Nations General Assembly. Resolution 377 (V), "Uniting for Peace," Adopted 1950.

The "Uniting for Peace" mechanism, first implemented during the Korean War, gives the General Assembly the ability to hold emergency special sessions to make recommendations that are not legally binding, but carry significant political and moral weight¹¹⁸.

Previous examples of Uniting for Peace activation, such as the crises of the Suez (1956), Hungary (1956), and Ukraine (2022), demonstrate the General Assembly's ability to overcome political deadlock in the Security Council by taking strong collective positions that reflect international will, pressuring the parties concerned to adhere to humanitarian principles¹¹⁹.

In the context of the Syrian crisis, the General Assembly could recommend the use of the "Uniting for Peace" mechanism to support cross-border delivery of aid without the need for the consent of the Syrian authorities¹²⁰. Recommendations could also include the establishment of humanitarian corridors or safe zones to protect civilians, based on customary principles of international law that prohibit the use of starvation as a method of warfare¹²¹.

Past experience shows that Uniting for Peace decisions are often consistent with existing legal obligations under international humanitarian law, making them an effective tool for ensuring continued cross-border delivery of UN humanitarian assistance into Syria, without the need for authorization or coordination with the Syrian regime¹²². Such recommendations highlight the international commitment to the principles of international humanitarian law, and reflect the peremptory norms that oblige the international community to ensure the protection of civilians in conflict areas¹²³.

C. Veto reform initiatives

The repeated and arbitrary use of the veto in the Security Council, particularly in critical humanitarian crises such as the Syrian crisis, has led to growing calls for reform of this mechanism. The initiatives proposed aim to limit the ability of permanent members to use the veto in contexts requiring immediate humanitarian response, such as genocide, war crimes and crimes against humanity¹²⁴. These efforts seek to enhance the effectiveness of the Security

¹¹⁸ BBC. "The Uniting for Peace Mechanism: Historical and Contemporary Applications." Published June 2022.

¹¹⁹ New York Times. "The General Assembly's Role in Resolving Global Crises." Published March 2023.

¹²⁰ Physicians for Human Rights (PHR). "Customary International Law and Humanitarian Access." PHR Report, 2023.

¹²¹ International Committee of the Red Cross (ICRC). "The Use of Starvation as a Method of Warfare."

¹²² Asia Pacific Centre for the Responsibility to Protect (APR2P). "Uniting for Peace as a Tool for Humanitarian Action." APR2P Report, 2021.

¹²³ Amnesty International. "Ensuring Humanitarian Assistance Under Peremptory Norms of International Law." AI Report, 2023.

¹²⁴ Barber, Rebecca. "The Use of Veto to Block Humanitarian Assistance in Syria: Implications Under International Law." *International Review of the Red Cross*, 2010, vol. 92, no. 874.

Council in fulfilling its mandate to maintain international peace and security, while ensuring respect for international humanitarian law¹²⁵.

1. French-Mexican initiative on restraint

The French-Mexican initiative, launched in 2013, is one of the most prominent efforts to reform the use of the veto in humanitarian crises. It calls on the five permanent members of the Security Council to voluntarily refrain from using the veto in situations of mass atrocities, such as genocide and war crimes, unless the vital national interests of the state concerned are threatened¹²⁶.

Despite its non-binding nature, the initiative has received broad support, with more than 104 UN member and observer states signing it by 2022¹²⁷. However, France was the only permanent member to officially support the initiative, highlighting a significant gap between the positions of the permanent members and the rest of the international community¹²⁸.

Some criticize the voluntary nature of the initiative, arguing that it limits its effectiveness. However, supporters argue that it could help build normative pressure on permanent members, eventually pushing them to use their veto more responsibly. The initiative could also be expanded to other humanitarian contexts, such as the denial of essential aid during crises¹²⁹.

2. Code of Conduct on Accountability, Coherence and Transparency (ACT)

In 2015, Liechtenstein introduced the Code of Conduct (ACT), which was expanded to include all Security Council members, not just the five permanent members. The Code calls on member states to abstain from voting against draft resolutions aimed at preventing or halting mass atrocities¹³⁰.

This Code is notable for its comprehensiveness, as it includes aspects related to humanitarian access, making it more comprehensive than the French-Mexican initiative. As of 2022, the Code has been supported by 121 Member States, including two permanent members of the Security Council, France and the United Kingdom, reflecting its broad acceptance as a normative framework¹³¹.

Although not legally binding, the Code established a new culture within the Security Council that supported transparency and accountability. By highlighting the behaviour of member states,

¹²⁵ United Nations. *Charter of the United Nations*. Available at: <https://www.un.org/en/about-us/un-charter>.

¹²⁶ United Nations. "The French-Mexican Initiative on the Veto in Mass Atrocity Situations." Published 2013.

¹²⁷ Amnesty International. "Veto Reform in the Security Council: Progress and Challenges." AI Report, 2022.

¹²⁸ Human Rights Watch. "The Role of France in the French-Mexican Veto Initiative." HRW Report, 2022.

¹²⁹ The Guardian. "Building Normative Pressure: The French-Mexican Initiative." Published October 2022.

¹³⁰ Liechtenstein. "Code of Conduct Regarding Security Council Action Against Genocide, Crimes Against Humanity and War Crimes." Submitted 2015.

¹³¹ BBC. "The Growing Support for the ACT Code of Conduct." Published June 2022.

the Code increased political and moral pressure on states opposed to taking humanitarian action¹³².

3. Exempting the "Humanitarian Veto" from the UN Charter

Several legal experts, such as Professor Jennifer Trahan, have proposed a formal amendment to the UN Charter to prevent the use of the veto in cases of genocide, war crimes, and major humanitarian emergencies¹³³.

Although this amendment would create a binding legal obligation, its implementation faces significant obstacles. Amending the Charter requires the approval of two-thirds of the member states of the General Assembly and the ratification of all permanent members, which is difficult to achieve due to the opposition of these states, which view the veto as an essential tool of their influence in the international system¹³⁴.

4. Mandatory discussion in the General Assembly on the use of the veto

In April 2022, the General Assembly adopted a landmark resolution (A/RES/76/262) requiring a debate in the General Assembly whenever a permanent member uses its veto. This resolution aims to enhance transparency and accountability by requiring veto-wielding states to publicly provide their justifications¹³⁵.

Under this resolution, the General Assembly must hold a formal session within 10 working days of the use of a veto. This procedure provides a platform for the international community to scrutinize the decisions of permanent members, increasing the political and moral cost of using the veto in humanitarian crisis contexts¹³⁶. Although the resolution does not directly restrict the use of the veto, it represents an important step towards creating political and moral pressure on states that obstruct efforts to alleviate humanitarian suffering¹³⁷.

Eighth: Conclusion and Recommendations:

Conclusion

¹³² New York Times. "Accountability in the Security Council: The ACT Code of Conduct." Published April 2023.

¹³³ Trahan, Jennifer. *Existing Legal Tools for Veto Reform: The Path Forward*. Cambridge University Press, 2020.

¹³⁴ Al Jazeera. "Legal Challenges to Amending the UN Charter." Published September 2023.

¹³⁵ United Nations General Assembly. *A/RES/76/262: Debate on Veto Use*. Adopted April 2022.

¹³⁶ Asia Pacific Centre for the Responsibility to Protect (APR2P). "The General Assembly's Role in Ensuring Transparency on Veto Use." APR2P Report, 2022.

¹³⁷ Physicians for Human Rights (PHR). "Scrutiny of Security Council Decisions: The General Assembly's New Mandate." PHR Report, 2023.

This analytical paper reviews the legal, political and humanitarian dimensions of the use of the veto in the Security Council and its impact on the delivery of cross-border humanitarian aid in Syria. The paper addresses three main topics: the legal framework for humanitarian aid, the impact of the veto on obstructing humanitarian aid, and possible solutions to overcome obstacles.

The study showed that the basic principles of international humanitarian law provide a legal cover that allows overcoming political obstacles to ensure the protection of civilians. However, the Syrian experience has revealed that international practices hinder the actual implementation of these principles, especially with the repeated use of the veto to block UN resolutions. Despite the positive impact of the cross-border mechanism in improving the delivery of humanitarian aid to the most vulnerable areas, the political and legal repercussions of the Russian-Chinese veto since 2019 have significantly hampered these efforts.

The obstruction of aid through the veto has systematically complicated humanitarian crises, contributing to the perpetuation of violations of basic civilian rights. In addition, the impact of this obstruction has extended to shaking the moral and legal foundations of the international system, reflecting deeper dimensions of these practices. The repeated use of the veto to prevent the entry of UN aid into the Syrian crisis reveals a radical shift in its function, from a tool to ensure international political balances to a means that perpetuates deep moral and legal imbalances in the international system.

The cumulative effect of these practices is not only to weaken humanitarian aid, but also to reproduce crises in more complex and profound forms, undermining the legitimacy of the Security Council itself as the highest international body responsible for maintaining international peace and security.

To address this crisis, sustainable solutions must be adopted, such as bypassing the veto in humanitarian crises through the principle of necessity, and strengthening the role of the UN General Assembly as an alternative in cases of political deadlock. Activating veto reform initiatives is also an urgent necessity to ensure that the international community responds to humanitarian crises away from political considerations.

Taking steps to overcome the political stalemate and ensure the continuity of humanitarian assistance is a moral imperative and a legal requirement to restore respect for the principles of international law and protect human dignity.

Recommendations:

- 1- Ensuring the continued entry of humanitarian aid without the need for the approval of the state concerned or the Security Council**
- Strengthening the independence of humanitarian operations:

The United Nations adopts an approach based on the basic principles of international humanitarian law, which enables humanitarian organizations to deliver aid across borders in major emergencies without the need for the consent of the affected state, especially in cases of arbitrary refusal.

- A sustainable legal framework:

Drafting a permanent international protocol, under the umbrella of the General Assembly, regulating the provision of humanitarian aid in major crises without the consent of the Security Council or the state concerned, based on the rules of customary international law and the principle of humanitarian necessity.

- Collective commitment of Member States:

Calling on Member States of the United Nations to recognize the right of humanitarian organizations to independent access to affected areas, and rejecting any political interference that disrupts relief operations.

2- Strengthening the role of the General Assembly as an alternative to the Security Council in humanitarian crises

- Activating the “Uniting for Peace” mechanism:

Activating this mechanism more regularly, especially in cases where the Security Council is unable to issue binding resolutions due to the use of the veto.

- Issuing resolutions supporting cross-border aid:

The General Assembly recognizing cross-border aid as a basic human right and issuing recommendations calling on States to facilitate these operations.

3- Activating regional and international frameworks to ensure continued aid

- Establishing independent humanitarian corridors:

In cooperation with regional states and international organizations, permanent humanitarian corridors are established under direct UN supervision without the need to coordinate with the conflicting parties.

- Enhancing cooperation with regional organizations:

Enabling regional organizations, such as the European Union and the African Union, to provide independent humanitarian assistance, in partnership with local organizations, while ensuring compliance with international standards.

4- Strengthening legal and international responsibility

- Considering obstructing aid a war crime:

Emphasizing that preventing the delivery of humanitarian aid, whether by the state concerned or through the use of political tools such as the veto, constitutes a flagrant violation of international humanitarian law and may amount to a war crime.

- Prosecuting the obstructing parties:

Bringing individuals and states that obstruct the delivery of aid to account before the International Criminal Court and the competent judicial bodies.

5- Reforming the international humanitarian architecture

- Establishing an independent international humanitarian emergency fund:

Establishing an independent international financing mechanism dedicated to providing rapid support for humanitarian operations, away from the influence of political decisions or veto, and the fund will be managed by an independent agency financed by mandatory donations from member states.

- Enhancing transparency and oversight:

Establishing independent international oversight mechanisms to monitor the distribution of aid and ensure that it reaches those who deserve it without any political bias. Technologies such as blockchain can be used to ensure transparency in the delivery and monitoring of aid.

6- Reform of the veto mechanism

- Controls and standards for the use of the veto:

Support initiatives aimed at restricting the use of the veto in cases related to crimes against humanity and humanitarian emergencies and adopt the French-Mexican initiative as a formal framework, with the inclusion of gradual legal obligations to reduce the use of the veto.

- Enhance transparency and accountability:

Require countries that use the veto to provide clear legal and political justifications before the General Assembly in accordance with resolution (A/RES/76/262) by establishing a specialized UN committee to assess the consistency of the justifications for the veto with international law.

- Debate on the “humanitarian veto”:

Start a long-term consultative process to amend the UN Charter to exempt major humanitarian situations from the scope of the veto and establish a committee of experts under the umbrella of the General Assembly to propose amendments to the Charter.

- Ban the veto on humanitarian aid:

Issuing a UN resolution banning the use of the veto in cases related to the delivery of essential humanitarian aid, by mobilizing international support for a General Assembly resolution that highlights the moral and political cost of using the veto on humanitarian operations.