



The United Nations Should Continue Cross-Border Aid Delivery Even If Russia Vetoes the Extension of the Security Council Resolution

The UNOCHA's Delivery of Humanitarian and Impartial Aid Shouldn't Be Regarded as Unlawful or a Violation of the Sovereignty of States That Loot Aid

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The Syrian Network for Human Rights (SNHR), founded in June 2011, is a non-governmental, independent group that is considered a primary source for the OHCHR on all death toll-related analyses in Syria.

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I. A Human Rights Background on the Issue of Humanitarian Aid in Syria

The widespread and systematic violations committed by the Syrian regime since the beginnings of the popular uprising in March 2011 have caused the displacement of millions of Syrians. In April 2012, the popular uprising seeking democracy turned into an internal armed conflict, when areas began to fall outside the control of the Syrian regime. These areas were divided into two main types:

The first type: Besieged areas: these are areas surrounded on all sides by areas under the control of Syrian Regime forces.

The second type: Border areas having borders with one or more neighboring countries.

Throughout the past nine years, we have witnessed the most horrific cases in modern history of the Syrian regime blatantly preventing the entry of humanitarian aid into the internally besieged areas. These crimes by the Syrian regime violate customary international humanitarian law, with the regime using a starvation strategy that amounts to a form of collective punishment; we documented these sieges since 2011 in an [extensive series of reports](#). All attempts by the international community to introduce aid and pressure to allow humanitarian organizations to provide a steady flow of aid, particularly medical and food supplies, to these areas have failed. This failure enabled the Syrian regime to do two basic things:

A: Looting as much aid as possible, extorting international organizations, and controlling the entry of aid. We detailed this in depth in the report, [“Sanctions Are Linked to the Syrian Regime’s Continuing Violations and Don’t Include Medical Supplies and Food, Which Shouldn’t Be Delivered Through the Regime”](#)

B: The prices of materials inside the besieged areas for some commodities, including staples, have risen by nearly 100 times compared to prices outside the besieged areas for the same items, enabling Syrian Regime forces to make hundreds of millions of dollars annually from the crossings and checkpoints set up around the besieged areas alone, excluding aid to the border areas.

The international community, particularly the Security Council, was unable to make any progress in terms of delivering aid to the besieged areas as we indicated. However, in July 2014, after failing all these years, the Security Council passed Resolution [No. 2165](#), which allows the United Nations to deliver cross-border aid without the permission of the Syrian regime, with this resolution providing official recognition that the Syrian regime was:

1. Stealing a large part of the aid arriving in Damascus.
2. Controlling the quantities of aid to be sent to the areas outside its control in the north or south of the country.
3. [Deliberately delaying the issuance](#) of permits for aid convoys, with these delays lasting for several months.

Since the implementation period for the resolution is one year, Resolution 2165 has been extended on five consecutive occasions through the following Security Council resolutions: [\(2191\) of 2014](#), [\(2258\) of 2015](#), [\(2332\) of 2016](#), [\(2393\) of 2017](#), [\(2449\) of 2018](#).

When the time came in December 2019 for the resolution's annual renewal, Russia and China opposed this by using their veto powers against the extension of the draft resolution submitted by Germany, Kuwait and Belgium, which called for extending the resolution for a period of six months, followed by an additional six months. Although the draft resolution stated that it would include all crossings except for al Ramtha border crossing, Russia and China refused to extend it.

On January 10, 2020, another draft resolution, [No. 2504](#), which included additional amendments in favor of Russia, was submitted, with the extension being limited to six months, excluding al Ramtha and al Ya'rubiya border crossings, at which time Russia and China abstained and the aid delivery was extended until July 10, 2020.

II. There Is No Need for the Security Council to Interfere in the Humanitarian Aid Delivery into Areas Outside the Control of the Syrian Regime

The UN Security Council seeks to concentrate as much powers as possible in its own hands, which benefits the five permanent members economically and politically, with the model of its authorization of the delivery of humanitarian aid being based on granting permission through a resolution issued unanimously; this provides clear evidence of the extent to which the Security Council dominates international law and changes this legislation in its own favor. Although some argue over this issue, pointing out that the United Nations Charter (Article 2-7) asserts that no states shall "intervene in matters which are essentially within the domestic jurisdiction of any state." international law clearly states in the Additional Protocol I, Articles 64 and 70 that "relief actions shall not be regarded as interference in the armed conflict or as unfriendly acts"(this also applies to internal armed conflict), and that a distinction must therefore be made between "humanitarian intervention", which is not recognized by international law when it is carried out in a unilateral manner, and "aid activities and humanitarian actions" carried out by impartial humanitarian organizations, such as: the International Committee of the Red Cross and the United Nations Office for the Coordination of Humanitarian Affairs.

In 1986, the International Court of Justice clarified¹ the criteria that help in distinguishing between humanitarian action and interference in its report 'Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)', in which it affirmed the principle of non-interference in state affairs, but affirmed that: "the provision of strictly humanitarian aid to persons or forces in another country, whatever their political affiliations or objectives, cannot be regarded as unlawful intervention, or as in any other way contrary to international law."

The International Court of Justice also noted that humanitarian assistance should be limited to: "the purposes hallowed in the practice of the Red Cross, namely to prevent and alleviate human suffering," and "to protect life and health and to ensure respect for the human being; it must also, and above all, be given without discrimination to all in need".²

Turning to the situation in Syria, we in the Syrian Network for Human Rights would like to point out the following additional points:

First: Humanitarian aid passes through Turkey or Iraq, with both countries agreeing to allow the entry of aid to Syria, with aid reaching areas under the control of the Armed Opposition forces or the Syrian Democratic Forces, and the dominant forces welcoming the entry of aid.

Second: The body involved in cross-border aid delivery in Syria is principally the United Nations OCHA, which is a humanitarian, independent, impartial, body, without a military or political agenda, and which provides aid without discrimination; we would like to emphasize here that aid is provided to individuals who have been displaced because of the violations perpetrated by the Syrian regime and its allies, some of which have reached the level of crimes against humanity and war crimes.

Third: As we mentioned earlier, the ruling regime in Syria has looted aid, seized control of it, and humiliated humanitarian organizations, and there is no reason for aid to be delivered through it, with [the Syrian regime's objection](#) on the cross-border aid delivery having no legitimacy or value, but rather being an unjustly arbitrary objection³, which aims to obtain funds for the regime itself at the expense of the suffering of the displaced people who have lost their homes, many of whom are women and children.

¹ The International Court of Justice, Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America), Judgment of 1986, page 14 << <https://www.icj-cij.org/files/case-related/70/070-19860627-JUD-01-00-EN.pdf> >> [July5, 2020]

² The International Court of Justice, Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America), Judgment of 1986, paragraph 243 << <https://www.icj-cij.org/files/case-related/70/070-19860627-JUD-01-00-EN.pdf> >> [July5, 2020]

³ Ethical and legal perspectives on cross-border humanitarian operations (Hugo Slim and Emanuela-Chiara Gillard) <<<https://odihpn.org/magazine/ethical-and-legal-perspectives-on-cross-border-humanitarian-operations/>>> [July5, 2020]

Fourth: The interference of the Security Council in the aid entry process has contributed to enabling Russian and Chinese blackmail, and the controlling authority of the Security Council must be lifted in absolute terms to allow the flow of humanitarian aid without the need for a Security Council resolution.

III. The Past Six Months Revealed That There Is No Reason for the Closure of al Ya'rubiya Crossing Point for Neutral UN Aid

The unnecessary manipulation and control by the United Nations Security Council in the process of delivering neutral international humanitarian aid to Syria has caused horrific additional suffering in three Syrian governorates, namely: Deir Ez-Zour, Hasaka and Raqqa in the Syrian Jazira, which houses hundreds of thousands of displaced people alongside its original residents. Rather than being taken from the al Yarubiya border crossing with Iraq directly to the areas where it's needed, the UN aid is instead first taken to Damascus before being redirected to Deir Ez-Zour or Hasaka hundreds of kilometers away. Not only are the humanitarian convoy forced to make this massive unnecessary detour for no real reason, but worst of all, the Syrian regime's delaying of these aid convoys is a deliberate strategy carried out in a premeditated and carefully planned manner, with the regime controlling the amount of aid, and plundering some quantity of it. This is reminiscent of the system in place before the adoption of cross-border humanitarian aid delivery by the Security Council, that is, from March 2011 until July 2014. In his latest [report](#), the Secretary-General of the United Nations has spoken about the implications of the closure of al Ya'rubiya crossing, the need for more border crossings, and the importance of maintaining the flow of cross-border aid.

In light of the recent outbreak of the coronavirus pandemic in Syria, the lack of medical supplies for al Jazira region has created a great weakness in the area's ability to respond effectively to the Covid-19 pandemic. The World Health Organization revealed in a recent [draft statement](#) that relief organizations working with the United Nations wanted the Security Council to urgently allow the use of al Ya'rubiya Syrian border crossing with Iraq again to deliver aid to tackle the coronavirus pandemic; however, the organization subsequently deleted this appeal, making it apparent that the World Health Organization does not wish to bother Russia.

Human Rights Watch stated in its [report](#) issued on April 28 of this year, quoting aid workers, that, **“This decision has resulted in a US\$40 million shortfall for 2020 for nongovernmental organizations depending on UN support for their operations in northeast Syria, including \$30 million for health care, mostly to prevent and respond to Covid-19.”**

IV. The Humanitarian Situation in Northwest Syria is the Absolute Worst It Has Ever Been

According to the 16th Situation [Report](#) issued by the United Nations Office for the Coordination of Humanitarian Affairs on June 26, 2020, 4.1 million people live in northwest Syria, including an estimated 2.7 million people classified as internally displaced. Some 780,000 of the nearly 1 million people displaced between December 2019 and early March 2020 are projected to remain in displacement.

These people have been displaced due to one major reason, namely the indiscriminate shelling and unlawful attacks by the Russian and Syrian regime on residential neighborhoods in cities and villages in areas outside the control of the Syrian regime, meaning that the Syrian and Russian regime have not only [displaced millions of Syrians](#), but also seek to steal and plunder current and prospective UN aid shipments intended to relieve these suffering people and protect them from disease and death, in a similar pattern to that seen with the same regimes' looting and delay of aid intended for the Syrian Jazira.

In light of the spread of the coronavirus, IDPs are one of the groups most vulnerable to infection with the virus, because the vast majority of these IDPs reside in regular or informal camps, or in shelters that are wholly insufficient for housing due to the high cost of renting homes. IDPs are also the poorest group of society, having been forced to leave their homes, businesses and shops, with many camps generally lacking the most basic sanitation facilities such as toilets, functioning sewage networks and clean water; this means that the water supply necessary to maintain even basic cleanliness for each individual is far less than the normal amount and far smaller than that provided to the other regions in Syria. The homeless IDPs also struggle to obtain adequate tents, and are sometimes forced by lack of any other option to share tents with strangers, which has a particularly negative effect on women due to their special needs.

The United Nations Office for the Coordination of Humanitarian Affairs has stated that the terrible weather conditions, storms and torrential rains that occurred in the Ma'aret Misreen area of Idlib governorate on June 19, caused large floods in about [20 IDP sites](#), destroying or severely damaging hundreds of tents, and directly affecting around 1,300 IDPs.

V. Conclusions and Recommendations

Conclusions:

- UN humanitarian aid can enter northwest and northeast Syria through border crossings without the need for Security Council intervention because it is independent, neutral humanitarian aid, with no political or military agenda.
- The objection of the Syrian regime in coordination with its Russian ally is arbitrary, based on the presence of a permanent member of the Security Council that absolutely supports the Syrian regime at the expense of international law and human rights.
- The past six months have clearly demonstrated how the arbitrary closure of al Ya'rubiya crossing adversely affected the people of al Jazira region and the IDPs there, and how the Syrian regime looted and seized control of UN aid. It is clear that Russia seeks to use the same strategy in Idlib and its surrounding area to enable the Syrian regime to steal more aid.

- For nearly ten years, the Syrian regime has targeted humanitarian aid workers and facilities, including brutally bombing the [humanitarian convoy in Urm al Kubra](#), as well as bombing medical facilities and Civil Defense headquarters, and committing many hundreds of violations that constitute war crimes.

Recommendations:

UN Security Council:

- Stop controlling the entry of cross-border neutral humanitarian aid, which contributes to the assistance of nearly 5 million Syrian citizens.
- Focus on the Security Council's competence to achieve international peace and security in Syria, especially after the Organization for the Prohibition of Chemical Weapons demonstrated the Syrian regime's use of weapons of mass destruction, and after its displacement of nearly 13 million Syrian citizens, either as IDPs or as refugees, and its perpetration of violations, many of which amount to crimes against humanity.
- Put pressure on the Syrian regime and its allies for an acceleration of the political transition process through a specific timetable, which would end the suffering of the displaced and homeless persons, allow them a dignified and voluntary return, and contribute to restoring stability and security.

OCHA and the International Committee of the Red Cross:

- Continue cross-border aid delivery and ignore the Russian veto which is arbitrary and contrary to international law.
- Should not submit to the blackmail of the Syrian regime and must expose the looting and seizing control of aid.
- Return to delivering aid through al Ya'rubiya crossing as soon as possible.
- Coordinate and cooperate more with local humanitarian organizations, especially those that have proven themselves to be highly professional, impartial and independent.

The international community, particularly those states which are nominally 'Friends of the Syrian People':

- Support the United Nations Office of Humanitarian Affairs' cross-border humanitarian aid delivery, regardless of the Security Council resolution, which is seen as a matter beyond its mandate.
- Provide more direct assistance to local Syrian organizations, especially those that have proven themselves to be effective, independent and impartial.
- Work towards finding a coordination mechanism among donor countries in order to avoid or minimize to the greatest possible degree the confiscation and looting operations carried out by the Syrian regime of aid that is delivered through it.



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