

## AMNESTY INTERNATIONAL PUBLIC STATEMENT

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# UN MUST CONTINUE CROSS-BORDER AID REGARDLESS OF UN SECURITY COUNCIL OR SYRIAN GOVERNMENT APPROVAL

The humanitarian response to the February 2023 devastating earthquakes exposed the extent to which the system for aid delivery into north-west Syria has been subjected to cruel political considerations that denies civilians access to essential aid. With the delivery of critical humanitarian aid to millions being held hostage to the arbitrary restrictions of the Syrian government and UN Security Council (UNSC) politicization, Amnesty International is calling on the UN to continue the cross-border delivery of aid through all available border crossings, regardless of whether the Syrian government consents or whether the UNSC renews the cross-border resolution. Amnesty International further calls on the UN General Assembly (UNGA) to affirm the necessity of providing humanitarian aid across Syrian borders.

Amnesty International's legal analysis, presented below, concludes that such measures do not violate international law and are necessary given that no other alternatives exist to prevent severe suffering of the civilian population in north-west Syria.

On 6 February, two powerful earthquakes hit northern Syria and south-eastern Türkiye, causing massive destruction and rendering millions homeless. In Syria, at least 6,000 people died and 11,000 were injured, of whom the vast majority were living in north-west Syria. At least 4.5 million people live in north-west Syria, which comprises parts of Idlib governorate and the northern parts of Aleppo governorate.<sup>1</sup> For the past nine years, the area has been outside of the Syrian government's control and under the control of various armed opposition groups.

According to the UN, 4.1 million people living in north-west Syria need humanitarian aid for survival, including food, water, shelter, and health.<sup>2</sup> Since 2014, given the Syrian government's obstruction of aid to the area, they have received UN aid through a cross-border aid mechanism authorized by the UNSC, which in the past three years been reduced to a single border crossing from Türkiye. More than one week after the earthquakes, on 13 February, the Syrian government authorized two additional border crossings from Türkiye for a period of three months.

However, the UN's humanitarian response in the aftermath of the earthquakes was insufficient, and the first shipment of aid arrived three days after the earthquakes. This delay, combined with the inability of the UN to scale up the aid response due to logistical and political challenges, further exacerbated the humanitarian needs and deepened civilians' suffering in north-west Syria.

Even prior the earthquakes, the humanitarian assistance was largely inadequate to cover the needs of millions in north-west Syria due to insufficient international aid as well as the UN's inability to plan a robust and sustainable humanitarian relief operation given that its whole operation was dependent on yearly or bi-yearly UNSC authorization. However, the earthquakes further highlighted that such a system for the delivery of aid into north-west Syria was untenable.

Based on Amnesty International's review of principles of international human rights law and international humanitarian law as well as decade-long documentation of aid obstruction and arbitrary interferences by the Syrian government and other parties to the conflict, our organization reiterates that neither Security Council authorization nor Syrian government's consent are not required to deliver impartial humanitarian aid to civilians in urgent need.

Furthermore, Amnesty International is calling on the UNGA to reiterate its condemnation of Syria's arbitrary refusal of impartial relief and affirm the necessity of providing humanitarian aid across Syrian borders to prevent severe suffering of the civilian population.

The following Q&A explains how and why the UN cross-border aid mechanism was set up, the human rights risks associated with relying on UNSC or Syrian government approval for the delivery of humanitarian aid, and why a sustainable and rights-respecting cross-border relief operation, regardless of Security Council authorisation, is essential for the survival of civilians in north-west Syria and therefore does not violate international law.

<sup>1</sup> UN Office for the Coordination of Humanitarian Affairs (OCHA), "North-west Syria: Situation report (15 Mar 2023)", 15 March 2023, [bit.ly/4ot5gid](https://bit.ly/4ot5gid), pp.1.

<sup>2</sup> OCHA, "North-west Syria: Situation report (15 Mar 2023)" (previously cited).

## 1. WHY DID THE UN SECURITY COUNCIL ESTABLISH THE UN CROSS-BORDER AID MECHANISM?

Since the outbreak of the Syrian conflict, the Syrian government has arbitrarily restricted access to aid in civilian areas outside of its control.<sup>3</sup> It also enforced sieges, coupled with unlawful bombardment, on densely populated areas and used starvation of civilians as a method of warfare by depriving civilians of food, medicine, and other necessities indispensable for their survival.<sup>4</sup> Aid restrictions and sieges had a devastating impact on civilians, with some resorting to eating grass and rotten food in order to survive.<sup>5</sup> Additionally, the lack of medical supplies prevented the injured and ill from receiving adequate medical assistance leading to deaths or permanent health problems or disabilities.<sup>6</sup>

By 2014, it had become evident that the Syrian authorities had no intention of providing humanitarian organizations with adequate access to meet civilians' essential needs in areas outside of its control, including the north-west of the country. Therefore, in July 2014, the UNSC unanimously adopted resolution 2165 allowing the UN to deliver aid across the border from Türkiye, Iraq and Jordan to Syria without the Syrian government's authorization.<sup>7</sup> The Security Council's decision significantly alleviated the suffering of civilians in opposition-held areas in Syria, as the UN and its implementing partners were able to deliver aid to areas that were completely cut off from aid otherwise.

## 2. HOW DID THE UN SECURITY COUNCIL'S POLITICIZATION OF THE HUMANITARIAN RESPONSE IMPACT HUMANITARIAN OPERATIONS?

While the UNSC decision allowed aid to flow into areas of Syria under opposition control, it also inadvertently politicized the delivery of humanitarian aid, with Security Council members, particularly Russia and China, weaponizing the cross-border aid mechanism resolutions to advance their political agendas. In doing so, the UN could not ensure a reliable and sustainable humanitarian response that adequately meets the needs of the population.

In July 2014, the cross-border resolution authorized four border crossings into north-west and north-east Syria from Türkiye and Iraq, respectively, and into south Syria from Jordan for six months. The resolution was subsequently renewed every year for 12 months, until December 2019, when Russia and China vetoed the re-authorization of two border crossings, ending the cross-border aid delivery from Iraq to north-east Syria through the Al-Yarubiya crossing, effectively cutting off aid to 1.8 million people in need, and from Jordan to the southern part of Syria through the Al-Ramtha crossing.<sup>8</sup>

After further deliberations, the UNSC adopted resolution 2504 in January 2020, authorizing cross-border aid into north-west Syria only through two border crossings from Türkiye, Bab al-Salam and Bab al-Hawa, and only for six months instead of one year.<sup>9</sup> In July 2020, with the start of the Covid-19 pandemic in Syria, Russia and China pressured the UNSC to further reduce the geographic scope of the resolution allowing the UN to deliver aid through only one border crossing, Bab al-Hawa, to north-west Syria for 12 months.<sup>10</sup> In July 2021, the UNSC extended the authorization of the Bab al-Hawa border crossing for the delivery of UN aid for six months, which was subsequently followed by another renewal for six months, until 10 July 2022.<sup>11</sup> In July 2022, the UNSC renewed the cross-border aid mechanism for six months after Russia vetoed a 12-month extension.<sup>12</sup> In

<sup>3</sup> Amnesty International, "Syria: Humanitarian access urged in Homs", 24 February 2012, [amnesty.org/en/latest/news/2012/02/syria-humanitarian-access-urged-homs-2/](https://www.amnesty.org/en/latest/news/2012/02/syria-humanitarian-access-urged-homs-2/); Human Rights Watch, "Syria: Aid to Besieged Areas Being Blocked", 3 December 2013, [hrw.org/news/2013/12/03/syria-aid-besieged-areas-being-blocked](https://www.hrw.org/news/2013/12/03/syria-aid-besieged-areas-being-blocked)

<sup>4</sup> Amnesty International, *'We leave, or we die': Forced displacement under Syria's 'reconciliation' agreements (Index: MDE 24/7309/2017)*, 13 November 2017, [amnesty.org/en/documents/mde24/7309/2017/en/](https://www.amnesty.org/en/documents/mde24/7309/2017/en/)

<sup>5</sup> OHCHR, *Living Under Siege*, 19 February 2014, [ohchr.org/en/press-releases/2014/02/living-under-siege](https://www.ohchr.org/en/press-releases/2014/02/living-under-siege); Amnesty International, "UN Security Council must not fail Syria's besieged civilians again", 13 February 2014, [amnesty.org/en/latest/press-release/2014/02/un-security-council-must-not-fail-syria-s-besieged-civilians-again/](https://www.amnesty.org/en/latest/press-release/2014/02/un-security-council-must-not-fail-syria-s-besieged-civilians-again/); Amnesty International, *'We leave, or we die': Forced displacement under Syria's 'reconciliation' agreements* (previously cited).

<sup>6</sup> OHCHR, *Living Under Siege* (previously cited).

<sup>7</sup> UN Security Council, Resolution 2165 (2014), adopted on 14 July 2014, UN Doc. S/RES/2165 (2014).

<sup>8</sup> UN, "Security Council rejects 2 draft resolutions authorizing cross-border, cross-line humanitarian access in Syria", 20 December 2019, [press.un.org/en/2019/sc14066.doc.htm](https://press.un.org/en/2019/sc14066.doc.htm)

<sup>9</sup> UN Security Council, Resolution 2504 (2020), adopted on 10 January 2020, UN Doc. S/RES/2504 (2020).

<sup>10</sup> UN Security Council, Resolution 2533 (2020), adopted on 13 July 2020, UN Doc. S/RES/2533 (2020).

<sup>11</sup> UN Security Council, Resolution 2585 (2021), adopted on 9 July 2021, UN Doc. S/RES/2585 (2021).

<sup>12</sup> UN, "Security Council Rejects Two Draft Resolutions Aimed at Renewing Cross-Border Humanitarian Operations in Syria's North-West", 8 July 2022,

January 2023, the UNSC renewed the authorization for cross-border aid through Bab al-Hawa for another six months, which expires on 10 July 2023.

Russia's vetoes were not based on humanitarian assessment needs provided by the UN on a weekly or monthly basis, but rather on political considerations and claims of violating territorial integrity. Russia's abuse of veto power to whittle down the resolution's scope to a single crossing meant that less aid entered north-west Syria. However, this was not the only impact it had on the humanitarian relief operation. The uncertainty around the voting outcome and the continued short-term authorizations of the cross-border relief operations have impacted the ability of the UN to adequately and effectively plan its operations and contributed to an unsustainable humanitarian relief operation that is failing to ensure civilians' access to economic and social rights.<sup>13</sup> It specifically caused logistical and operational challenges, increased operational costs and hindered efficient implementation of relief projects which impacted their ability to provide sustainable aid to civilians in need.<sup>14</sup> For example, the UN and its implementing partners have had to focus on life-saving and urgent assistance rather than on developing sustainable solutions that address the underlying factors contributing to the dire conditions in displacement camps because they are being forced to do contingency – rather than long-term– planning, further exacerbated by insufficient funding.<sup>15</sup> Humanitarian organizations have told Amnesty International that longer term projects such as establishing a water and sanitation system -rather than providing portable latrines - or transferring civilians from tents to dignified shelters require both adequate funding and more than six months for implementation.<sup>16</sup>

### **3. WHY ARE THERE NO ALTERNATIVES TO CROSS-BORDER AID ESPECIALLY IN NORTH-WEST SYRIA, SUCH AS CROSS-LINE AID THROUGH DAMASCUS?**

Nine years have passed since the UNSC established the cross-border aid mechanism, and there continues to be no alternative method of aid delivery, as the core reasons for its establishment persist. Since 2014, Amnesty International, the UN Commission of Inquiry on Syria and other international and local human rights organizations have documented repeated incidents of aid obstructions and arbitrary restrictions of aid committed by the Syrian government, even after it regained control of opposition-held areas, sometimes as a punitive measure against civilians living there.<sup>17</sup>

In January 2023, Amnesty International documented a brutal blockade imposed by Syrian government forces against civilians in Sheikh Maqsood and Ashrafiyah, two predominantly Kurdish neighbourhoods in Aleppo city.<sup>18</sup> Tens of thousands of civilians were deprived of fuel, food, medical supplies, and other essential aid between August 2022 and March 2023. Even after the earthquakes, Amnesty International documented how the Syrian government between 9 February and 22 February blocked 100 trucks of fuel, tents, food and medical supplies and equipment provided by the Kurdish authorities in north-east Syria and a local organization from entering Sheikh Maqsood and Ashrafiyah in Aleppo city.<sup>19</sup>

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[press.un.org/en/2022/sc14963.doc.htm](https://press.un.org/en/2022/sc14963.doc.htm); UN Security Council, Resolution 2642 (2022), adopted on 12 July 2022, UN Doc. S/RES/2642 (2022).

<sup>13</sup> UN Security Council, Resolution 2672 (2023), adopted on 9 January 2023, UN Doc. S/RES/2672 (2023).

<sup>14</sup> Amnesty International, 'Unbearable living conditions': Inadequate access to economic and social rights in displacement camps in north-west Syria (Index: MDE 25/5770/2022), 5 July 2022, [amnesty.org/en/documents/mde24/5770/2022/en/](https://www.amnesty.org/en/documents/mde24/5770/2022/en/); Amnesty International, "Syria: Russian threat to veto renewal of last aid corridor leaves millions at risk of humanitarian catastrophe", 25 June 2021, [amnesty.org/en/latest/press-release/2021/06/syria-russian-threat-to-veto-renewal-of-last-aid-corridor-leaves-millions-at-risk-of-humanitarian-catastrophe/](https://www.amnesty.org/en/latest/press-release/2021/06/syria-russian-threat-to-veto-renewal-of-last-aid-corridor-leaves-millions-at-risk-of-humanitarian-catastrophe/); Amnesty International, 'Nowhere is safe for us': Unlawful attacks and mass displacement in north-west Syria (Index: MDE 24/2089/2020), 11 May 2020, <https://www.amnesty.org/en/documents/mde24/2089/2020/en/>; United Nations Children's Fund (UNICEF), "UN humanitarian leaders urge Security Council to preserve cross-border aid lifeline to north-west Syria", 2 January 2023, [bit.ly/3z4v8Wd](https://bit.ly/3z4v8Wd)

<sup>15</sup> On file with Amnesty International

<sup>16</sup> Amnesty International, 'Unbearable living conditions': Inadequate access to economic and social rights in displacement camps in north-west Syria (previously cited).

<sup>17</sup> Amnesty International, 'Unbearable living conditions': Inadequate access to economic and social rights in displacement camps in north-west Syria (previously cited); See Independent International Commission of Inquiry on the Syrian Arab Republic, [ohchr.org/en/hr-bodies/hrc/iici-syria/independent-international-commission](https://www.ohchr.org/en/hr-bodies/hrc/iici-syria/independent-international-commission); Human Rights Watch, *Rigging the System Government Policies Co-Opt Aid and Reconstruction Funding in Syria*, 28 June 2019, <https://www.hrw.org/report/2019/06/28/rigging-system/government-policies-co-opt-aid-and-reconstruction-funding-syria>

<sup>18</sup> Amnesty International, "Syria: Government forces must lift siege on civilians in predominantly Kurdish areas in Aleppo", 24 January 2023, [amnesty.org/en/latest/news/2023/01/syria-government-forces-must-lift-siege-on-civilians-in-predominantly-kurdish-areas-in-aleppo/](https://www.amnesty.org/en/latest/news/2023/01/syria-government-forces-must-lift-siege-on-civilians-in-predominantly-kurdish-areas-in-aleppo/)

<sup>19</sup> Amnesty International, "Syria: Vital earthquake aid blocked or diverted in Aleppo's desperate hour of need", 6 March 2023, [amnesty.org/en/latest/news/2023/03/syria-vital-earthquake-aid-blocked-or-diverted-in-aleppo-desperate-hour-of-need/](https://www.amnesty.org/en/latest/news/2023/03/syria-vital-earthquake-aid-blocked-or-diverted-in-aleppo-desperate-hour-of-need/)

The government has also interfered with the UN's humanitarian relief operation in areas under its control. Human Rights Watch has documented how Syrian government policies have allowed the authorities to abuse its regulation of the humanitarian response, empowering the government to "divert aid, development, and reconstruction assistance in a way that creates significant (and in many cases realized) risk of discriminating against residents who are not aligned with the government's political agenda, and fails to allow for aid to be distributed in a manner that respects the rights of the population."<sup>20</sup> The report adds that the UN and other international organizations can conduct their work only if they partner with a local humanitarian organization, including the Syrian Arab Red Crescent (SARC), which is affiliated to the Syrian government and has close relations to Syria's security apparatus. That restriction, as well as interference by security forces in the delivery of aid, the overreliance on SARC and the inability to choose other local partners, has hindered the work of international humanitarian organizations in areas under the Syrian government's control.<sup>21</sup>

Both the Russian government and the Syrian government claim that the UN should only deliver aid channelled through the capital Damascus to opposition-controlled areas, or what is known as cross-line aid, and that the UNSC should protect Syria's sovereignty and integrity.<sup>22</sup> However, the UN and other international organizations have argued that cross-line aid delivery alone is not viable – especially due to the Syrian government's continued obstruction of delivery of aid to areas outside its control – nor is it sufficient to match the volume or scale of aid delivered cross-border.<sup>23</sup>

UN operations through the Al-Yarubiya crossing, which used to provide aid to civilians in north-east Syria until Russia vetoed the resolution in December 2019, were supposed to be replaced by deliveries via Damascus. But the volume of aid, especially medical aid, reaching the area declined sharply, due to the Syrian government's bureaucratic impediments and restrictions on access.<sup>24</sup> For instance, only limited UN aid has reached the towns of Kobani and Manbij since the closure of Al-Yarubiya due to government restrictions. These towns, with a combined population of around 350,000 people, rely mainly on support from international humanitarian organizations and the Syria Kurdish Autonomous Administration, which are insufficient to meet the needs of the population. Further, humanitarian organizations in north-east Syria lost access to UN funding, leaving them struggling to maintain their operations.<sup>25</sup>

In January 2023, the UN said that in 2022 only nine cross-line aid convoys, with each consisting of around 10 trucks, crossed to north-west Syria from Damascus while on average around 600 - 1000 trucks entered per month from Türkiye, containing lifesaving aid including food, water, hygiene kits, tents, medicine and medical supplies.<sup>26</sup> In 2022, around 2.7 million civilians received UN aid every month delivered through the cross-border aid mechanism.<sup>27</sup> In addition, the UN funds critical projects such as livelihood, education, protection and health services.<sup>28</sup> For example, international aid to the health sector has funded health facilities, including hospitals and medical clinics, and paramedic networks and provided healthcare free of cost to around 2.3 million people under this system.<sup>29</sup>

#### 4. WHY IS THE UN CROSS-BORDER AID MECHANISM NEEDED IN NORTH-WEST SYRIA?

<sup>20</sup> Human Rights Watch, *Rigging the System Government Policies Co-Opt Aid and Reconstruction Funding in Syria* (previously cited).

<sup>21</sup> Human Rights Watch, *Rigging the System Government Policies Co-Opt Aid and Reconstruction Funding in Syria* (previously cited).

<sup>22</sup> UN, "Security Council rejects 2 draft resolutions authorizing cross-border, cross-line humanitarian access in Syria", 20 December 2019, [press.un.org/en/2019/sc14066.doc.htm](https://press.un.org/en/2019/sc14066.doc.htm)

<sup>23</sup> UN, "Syria: UN experts urge Security Council to extend life-saving aid delivery into northwest Syria", 4 January 2023, [ohchr.org/en/statements/2023/01/syria-un-experts-urge-security-council-extend-life-saving-aid-delivery-northwest](https://ohchr.org/en/statements/2023/01/syria-un-experts-urge-security-council-extend-life-saving-aid-delivery-northwest); UN, "Security Council unanimously agrees to extend Syria cross-border aid lifeline", 9 January 2023, [news.un.org/en/story/2023/01/1132282](https://news.un.org/en/story/2023/01/1132282)

<sup>24</sup> Amnesty International, "Syria: Russian threat to veto renewal of last aid corridor leaves millions at risk of humanitarian catastrophe" (previously cited).

<sup>25</sup> Amnesty International, "Syria: Russian threat to veto renewal of last aid corridor leaves millions at risk of humanitarian catastrophe" (previously cited).

<sup>26</sup> Refugee International, *What's at Stake in Northwest Syria Ahead of the UN Vote on Cross-Border Aid?*, 14 June 2022, [refugeesinternational.org/reports/2022/6/10/whats-at-stake-in-northwest-syria-ahead-of-the-un-vote-on-cross-border-aid](https://refugeesinternational.org/reports/2022/6/10/whats-at-stake-in-northwest-syria-ahead-of-the-un-vote-on-cross-border-aid); UN, Security Council unanimously agrees to extend Syria cross-border aid lifeline (previously cited). DW, "Is UN aid into Syria being used as a political football?", 7 January 2023, [dw.com/en/is-un-aid-into-syria-being-used-as-a-political-football/a-64309561](https://www.dw.com/en/is-un-aid-into-syria-being-used-as-a-political-football/a-64309561)

<sup>27</sup> United Nations Children's Fund, "UN humanitarian leaders urge Security Council to preserve cross-border aid lifeline to north-west Syria" (previously cited).

<sup>28</sup> OCHA, "North-west Syria: Situation report (15 Mar 2023)" (previously cited).

<sup>29</sup> OCHA, "Northwest Syria: Funding gap analysis", 24 October 2022, [reliefweb.int/report/syrian-arab-republic/northwest-syria-funding-gap-analysis-october-december-2022](https://reliefweb.int/report/syrian-arab-republic/northwest-syria-funding-gap-analysis-october-december-2022)

Since the Syrian government lost control of north-west Syria during the armed conflict, it stopped providing essential services to millions of people living in the area needed to uphold residents' economic and social rights, including their rights to health, education, work, social security and an adequate standard of living, including food, water, clothing and housing and stopped paying salaries of public workers or discharged them without pay.<sup>30</sup> Hay'at Tahrir al-Sham, the al-Qaeda affiliate armed group that is in control of north-west Syria, has not provided these services as it lacked the needed financial and human resources.<sup>31</sup>

Further, Syria has been experiencing a devastating economic crisis in the past two years driven by the Covid-19 pandemic and the economic collapse in neighbouring Lebanon, which has contributed to all-time high levels of food insecurity due to both the decrease of purchasing power and inflation of food prices.<sup>32</sup> As the Syrian pound significantly depreciated, it was replaced by Turkish lira in north-west Syria in 2020 in order to protect people's purchasing power.<sup>33</sup> However, their purchasing power has been significantly deteriorating since 2021 as the Turkish lira rapidly depreciated increasing the price of basic commodities and transportation costs which was further exacerbated by the limited access to livelihood opportunities and low daily wages [around \$2].<sup>34</sup>

As a result, civilians in north-west Syria have been increasingly relying on aid for survival. Despite the UN cross-border aid mechanism being virtually the only lifeline for millions of Syrians in the north-west for many years, the mechanism is grossly underfunded, with catastrophic results for the population. Further, the displacement crisis, which saw 2.8 million people fleeing to north-west Syria from different areas retaken by the government, including one million displaced between 2019 and 2020, overwhelmed the humanitarian response.

The UN's cross-border aid mechanism is funded through the Syria Cross-border Humanitarian Fund (SCHF), which is a multi-donor country pool fund, established in 2014, run by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA). The SCHF funds projects and activities of UN agencies and Syrian and international humanitarian organizations providing assistance in north-west Syria.<sup>35</sup> If the cross-border aid mechanism is not renewed, the UN will not be able to fund organizations in north-west Syria as they are not registered with the Syrian government, and the Syrian government will not allow the UN in Damascus to work with local organizations located in opposition-controlled areas.<sup>36</sup>

Donors have failed to honour the pledges that they made to fund the humanitarian operation. By December 2022, the UN-led humanitarian response plan was only funded at 36% while the one for 2023 is only 7.8% funded, as of 28 April 2023.<sup>37</sup>

As a result, most civilians living in north-west Syria have been unable to secure their economic and social rights, including their rights to health, education, work, social security and an adequate standard of living, including food, water, sanitation, clothing and housing.<sup>38</sup> The number of people in need of humanitarian assistance in north-west Syria has steadily climbed over the

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<sup>30</sup> Amnesty International, 'Unbearable living conditions': Inadequate access to economic and social rights in displacement camps in north-west Syria (previously cited).

<sup>31</sup> Amnesty International, 'Unbearable living conditions': Inadequate access to economic and social rights in displacement camps in north-west Syria (previously cited).

<sup>32</sup> Amnesty International, 'Unbearable living conditions': Inadequate access to economic and social rights in displacement camps in north-west Syria (previously cited).

<sup>33</sup> AFP, "Syria's Idlib adopts Turkish lira in place of plummeting pound", 15 June 2020, [france24.com/en/20200615-syria-s-idlib-adopts-turkish-lira-in-place-of-plummeting-pound](https://france24.com/en/20200615-syria-s-idlib-adopts-turkish-lira-in-place-of-plummeting-pound)

<sup>34</sup> Amnesty International, 'Unbearable living conditions': Inadequate access to economic and social rights in displacement camps in north-west Syria (previously cited).

<sup>35</sup> OCHA, "Syria Cross-border Humanitarian Fund", [unocha.org/syrian-arab-republic/syria-cross-border-humanitarian-fund](https://unocha.org/syrian-arab-republic/syria-cross-border-humanitarian-fund)

<sup>36</sup> Amnesty International, 'Nowhere is safe for us': *Unlawful attacks and mass displacement in north-west Syria* (previously cited).

<sup>37</sup> UN, Briefing Security Council, United Nations Officials Describe Syria's Astounding Physical Destruction, Massive Humanitarian Needs following Earthquake, 23 March 2023, [press.un.org/en/2023/sc15239.doc.htm](https://press.un.org/en/2023/sc15239.doc.htm); OCHA, "North-west Syria: Situation report (28 Apr 2023)", [reliefweb.int/report/syrian-arab-republic/north-west-syria-situation-report-28-april-2023](https://reliefweb.int/report/syrian-arab-republic/north-west-syria-situation-report-28-april-2023)

<sup>38</sup> Amnesty International, 'Unbearable living conditions': Inadequate access to economic and social rights in displacement camps in north-west Syria (previously cited).

years, with an alarming increase of 20% [from 3.4 million to 4.1 million] within a year, from 2021 to 2022, with 3.3 million food insecure, according to the UN.<sup>39</sup>

In July 2022, Amnesty International examined the inadequate access to shelter, water and sanitation and health for internally displaced people living in camps—a population considered as the most vulnerable within the displaced community in north-west Syria.<sup>40</sup> Out of the 2.8 million internally displaced, around 1.9 million live in camps, 55% of whom are children and 22% are women.<sup>41</sup> The overwhelming majority live in tents that offer minimal privacy or protection from extreme heat, cold or rain, and have limited or no access to water, sanitation and healthcare. 79% of camp residents are in need of urgent access to functioning latrines.<sup>42</sup> Camp residents rely on humanitarian organizations to fill water tanks used for cooking, drinking, and maintaining personal hygiene.

### WHO IS IN CONTROL OF NORTH-WEST SYRIA?<sup>43</sup>

Since 2012, Idlib and western Aleppo governorates have been under the control of various armed groups and by 2019 Hay'at Tahrir al-Sham, a coalition of armed opposition groups, consolidated its control over the area. Thereafter, the Syrian government, with the support of Russia, have increasingly subjected civilians in north-west Syria, particularly Idlib, to a barrage of unlawful air and ground attacks which killed hundreds of civilians and obliterated the region's infrastructure. Between April 2019 and March 2020, the Syrian government retook control of north-western Hama governorate and several villages in the southern part of Idlib governorate through a brutal military offensive which displaced within the area close to one million civilians, the majority of whom were women and children. Amnesty International documented 18 attacks on medical facilities and schools that happened between 5 May 2019 and 25 February 2020 in Idlib, north-western Hama and western Aleppo. On 5 March 2020, Russia and Türkiye agreed to a ceasefire deal requiring the Syrian government and Hay'at Tahrir al-Sham to halt armed clashes. Since then, lines of control between the Syrian government and armed opposition groups have ossified with sporadic unlawful attacks conducted by parties to the conflict.

In northern Aleppo, namely Afrin province and neighbouring areas, Türkiye and allied armed opposition groups have been in control since 2018 after taking over the area from the Kurdish-led Syrian Democratic Forces. As a result, tens of thousands of civilians, pre-dominantly Kurdish, were displaced to other parts of Syria out of fear of retaliatory attacks. Amnesty International documented an array of violations, including unlawful killings, indiscriminate attacks, confiscation of property and aid obstruction and diversion, committed by Türkiye and allied armed groups since 2018 in northern Aleppo.

## 5. HOW DID THE UN RESPOND TO THE EARTHQUAKES IN NORTH-WEST SYRIA?

In the aftermath of the earthquakes, the humanitarian needs increased in severity amid the destruction wrought by the earthquakes which killed more than 4,500 people and injured 8,000 in north-west Syria alone. More than 103,000 people have been displaced, many of whom have been rendered homeless as at least 10,500 buildings have collapsed in Idlib and northern Aleppo, according to the UN.<sup>44</sup> A survey published by Action for Humanity (AFH) in March 2023 found that nine out of 10 people living in IDP camps in north-west Syria have been made homeless multiple times since the armed conflict began.<sup>45</sup>

<sup>39</sup> OCHA, "North-west Syria: Situation report (15 Mar 2023)" (previously cited).

<sup>40</sup> Amnesty International, *'Unbearable living conditions': Inadequate access to economic and social rights in displacement camps in north-west Syria* (previously cited).

<sup>41</sup> Camp Coordination and Camp Management cluster (CCCM), IDP Sites Integrated Monitoring Matrix (ISIMM), [bit.ly/38rFdCY](https://bit.ly/38rFdCY)

<sup>42</sup> CCCM cluster, IDP Sites Integrated Monitoring Matrix Plus, August 2022, [bit.ly/37QWPaS](https://bit.ly/37QWPaS)

<sup>43</sup> Amnesty International, *'Nowhere is safe for us': Unlawful attacks and mass displacement in north-west Syria* (previously cited).

<sup>44</sup> OCHA, "North-west Syria: Situation report (15 Mar 2023)" (previously cited).

<sup>45</sup> AFH, *No Place But Displacement: A report into multiple displacement of IDPs in Northwest Syria due to 12 years of conflict and February 6th's earthquakes*, 16 March 2023, [reliefweb.int/report/syrian-arab-republic/no-place-displacement-report-multiple-displacement-idps-northwest-syria-due-12-years-conflict-and-february-6ths-earthquakes](https://reliefweb.int/report/syrian-arab-republic/no-place-displacement-report-multiple-displacement-idps-northwest-syria-due-12-years-conflict-and-february-6ths-earthquakes)



The first UN aid convoy to north-west Syria, travelling from Türkiye through the Bab al-Hawa border crossing, arrived three days after the earthquakes.<sup>46</sup> However, the convoys that first entered had been scheduled to arrive prior to the earthquakes when only the Bab al-Hawa crossing was open and did not include fuel or search and rescue equipment which were desperately needed.<sup>47</sup> The White Helmets, a group of Syrian rescue volunteers also known as the Syria Civil Defence in north-west Syria, said that calls to the UN for equipment to support volunteers in the search and rescue efforts had gone unheeded.<sup>48</sup> They had to rely on available equipment and whatever else was supplied by residents which impeded their ability to rescue people.<sup>49</sup>

The media, humanitarian workers and others blamed the delay for the provision of UN assistance to northern Syria to the insufficient number of border crossings and coordination-related challenges. On 12 February, Under Secretary General for Humanitarian Affairs and Emergency Relief Coordinator at the United Nations, Martin Griffiths, said "We have so far failed the people in north-west Syria. They rightly feel abandoned. Looking for international help that hasn't arrived."<sup>50</sup>

On 13 February, a UN Disaster Assessment and Coordination (UNDAC) Team was deployed to Aleppo, Homs, and Latakia, areas under the control of the government, highlighting the huge disparity between the UN's response in north-west Syria and government-controlled areas. UNDAC's mandate allows its teams to be deployed anywhere in the world within 12 to 48 hours "upon the request of the United Nations Resident or Humanitarian Coordinator and/or the affected Government."<sup>51</sup> However, no request from the UN came for deployment to the north-west. In an interview with BBC, UN spokesperson, Stéphane Dujarric, claimed that the UN's decision "may" have been influenced by the lack of request by the national government.<sup>52</sup>

On 13 February – more than a week after the earthquakes – the Syrian government approved the opening of two additional border crossings, Bab al Salam and Al-Rai, for UN aid deliveries to northern Syria but only until May 2023 – which was perceived as an acknowledgement by the government that there were indeed no alternatives to aid delivery into the north-west unless it's done through Türkiye.<sup>53</sup>

Despite that, the UN has failed to efficiently utilize these additional border crossings. Prior to the earthquake, between 600 to 1000 trucks carrying UN aid entered north-west Syria per month while between 9 February and 25 March, only 2131 trucks had entered out of which 1766 trucks used the Bab al-Hawa border crossing and only 297 trucks used the Bab al-Salaam crossing, while just 68 trucks passed through the al-Rai border crossing.<sup>54</sup>

## **6. WHY DOES AMNESTY INTERNATIONAL MAINTAIN THAT UNSC AUTHORIZATION AND THE SYRIAN GOVERNMENT'S CONSENT ARE NOT NEEDED FOR THE UN TO DELIVER CROSS-BORDER AID TO SYRIA TODAY?**

It is clear that the humanitarian response in north-west Syria in the aftermath of the February earthquakes failed the residents of the area, demonstrating the shortcomings of the current system under which the UN humanitarian response operates and the need to think of other solutions that would ensure a sustainable and robust relief operation for millions of civilians in need. In 2014, the UNSC authorized cross-border aid as a necessary means of overcoming more than two years of arbitrary interference by the Syrian government that was obstructing civilians' access to lifesaving aid. But, as explained above, in recent

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<sup>46</sup> Al Jazeera, "First UN convoy since quake enters northwest Syria from Turkey", 9 February 2023, [aljazeera.com/news/2023/2/9/un-aid-convoy-syria-turkey-earthquake](https://www.aljazeera.com/news/2023/2/9/un-aid-convoy-syria-turkey-earthquake)

<sup>47</sup> Arab Reform Initiative, "Syria's Earthquake Exposes Broken Aid Machine", 14 February 2023, [arab-reform.net/publication/syrias-earthquake-exposes-broken-aid-machine/](https://arab-reform.net/publication/syrias-earthquake-exposes-broken-aid-machine/)

<sup>48</sup> Reuters, "Syrian White Helmets chief slams U.N. earthquake response", 10 February 2023, [reuters.com/world/middle-east/syrian-white-helmets-chief-slams-un-earthquake-response-2023-02-10/](https://www.reuters.com/world/middle-east/syrian-white-helmets-chief-slams-un-earthquake-response-2023-02-10/)

<sup>49</sup> The Syria Campaign, "Earthquake update from the head of the White Helmets", 20 February 2023, [diary.thesyriacampaign.org/earthquake-update-from-the-head-of-the-white-helmets/](https://diary.thesyriacampaign.org/earthquake-update-from-the-head-of-the-white-helmets/)

<sup>50</sup> Martin Griffiths, Twitter post, 12 February 2023, [twitter.com/UNReliefChief/status/1624701773557469184](https://twitter.com/UNReliefChief/status/1624701773557469184)

<sup>51</sup> See The United Nations Disaster Assessment and Coordination (UNDAC) website at [unocha.org/our-work/coordination/un-disaster-assessment-and-coordination-undac](https://unocha.org/our-work/coordination/un-disaster-assessment-and-coordination-undac)

<sup>52</sup> BBC, "Syria Earthquake: Why did the UN aid take so long to arrive?", 7 March 2023, [bbc.com/news/world-middle-east-64866689](https://www.bbc.com/news/world-middle-east-64866689)

<sup>53</sup> The Guardian, "Syria's Assad agrees to open two more entry points for aid to earthquake victims", 13 February 2023, [bit.ly/3z7cAVI](https://bit.ly/3z7cAVI)

<sup>54</sup> Refugee International, What's at Stake in Northwest Syria Ahead of the UN Vote on Cross-Border Aid? (previously cited); OCHA, "Northwest Syria: Earthquake Response Cross Border Operation from Turkey to Northwest Syria", 7 May 2023, [bit.ly/3FSyTla](https://bit.ly/3FSyTla)

years Russia's use of and threats to use its Security Council veto has politicized the delivery of aid and threatened civilians' access to lifesaving aid, standing in the way of the UN adequately protecting civilians, as it is mandated to do.

Based on its review of relevant international human rights and humanitarian law principles, Amnesty International insists that there are circumstances under which neither a UNSC authorization nor the government's consent are needed for the UN to deliver cross-border impartial humanitarian assistance.<sup>55</sup> If Syria is failing to meet the basic needs of the civilian population in north-west Syria, it must not arbitrarily refuse offers by states or humanitarian organization to carry out relief operations that are impartial and humanitarian in nature. Such refusal is contrary to international humanitarian law and could violate the rights to life, to an adequate standard of living including food, water, clothing, housing, and health.

Common Article 3 to the Geneva Conventions states that impartial humanitarian organizations "may offer their services to the parties to the conflict", which in the context of a non-international armed conflict such as the case in Syria includes non-state armed groups (NSAG). North-west Syria has been under the control of armed opposition groups since 2014. As demonstrated above, given the Syrian authorities' denial of basic services and obstruction of aid to civilians in north-west Syria as well as the armed opposition' groups failure to meet the basic needs of civilians under their control, UN cross-border aid is the only means of ensuring the survival of civilians.

Under international law, impartial humanitarian assistance does not amount to an unlawful interference in the sovereign affairs of another state. The International Court of Justice (ICJ) stated in the Nicaragua case, "There can be no doubt 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" noting that such assistance "makes no discrimination as to nationality, race, religious beliefs, class or political opinions. It endeavours only to relieve suffering, giving priority to the most urgent cases of distress."<sup>56</sup>

Expert guidance commissioned by UN OCHA in 2016 argues that in exceptional situations, necessity or countermeasures may be invoked by states or international organizations to preclude the wrongfulness of temporarily impairing the sovereignty and territorial integrity of a state which has arbitrarily rejected life-saving assistance for civilians in need: "Exceptionally, states or international organizations may conduct temporary humanitarian relief operations to bring life-saving supplies to a people in extreme need, when no alternatives exist. Such operations must not violate the prohibition of the threat or use of force or seriously impair the territorial integrity of the state on whose territory they are conducted."<sup>57</sup>

In Syria, the international community sought and obtained UNSC authorization in 2014 in recognition of the fact that, in the face of Syrian government obstruction of aid and grave violations of international humanitarian law, there was no alternative to cross-border aid to meet the needs of the civilian population in parts of Syria under armed group control. Since then, the humanitarian situation in north-west Syria has only deteriorated. But the abuse by Russia of its veto power at the Security Council has hindered an effective and sustainable international response to one of the worst humanitarian crises of our time. On that basis and in the event of a non-renewal of the UN cross-border aid mechanism or a limited renewal both in geographic scope and in duration in July 2023, the UN should continue cross-border delivery of aid through all available border crossings, regardless of the Syrian government's consent, on the basis of necessity given that no other alternative exists, and that its cross-border relief operations are essential to prevent severe suffering of the civilian population, especially in north-west Syria. In fact, given Security Council paralysis, the UNGA should reiterate its condemnation of Syria's arbitrary refusal of impartial relief and affirm the necessity of providing humanitarian aid across Syrian borders to prevent severe suffering of the civilian population.

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<sup>55</sup> Amnesty International, "Syria/UN: UN General Assembly must take responsibility for ensuring aid continues to reach civilians in need", 20 July 2022, [amnesty.org/en/latest/news/2022/07/syria-un-un-general-assembly-must-take-responsibility-for-ensuring-aid-continues-to-reach-civilians-in-need/](https://www.amnesty.org/en/latest/news/2022/07/syria-un-un-general-assembly-must-take-responsibility-for-ensuring-aid-continues-to-reach-civilians-in-need/)

<sup>56</sup> International Court of Justice, Case Concerning Military and Paramilitary Activities in and against Nicaragua, 1986, paras. 242, [icj-cij.org/public/files/case-related/70/070-19860627-JUD-01-00-EN.pdf](https://www.icj-cij.org/public/files/case-related/70/070-19860627-JUD-01-00-EN.pdf)

<sup>57</sup> OCHA, the Oxford Institute for Ethics, Law and Armed Conflict and the Oxford Martin Programme on Human Rights for Future Generations, *Oxford guidance on the law relation to the humanitarian relief operations in situations of armed conflict*, October 2016, <https://www.unocha.org/sites/unocha/files/Oxford%20Guidance%20pdf.pdf>, p.61