



UN Cross-Border Aid Must Continue to Enter Syria, Even If Russia Vetoes It

Russia Is a Party to the Syrian Conflict and Uses the Veto Even While It and the Syrian Regime Commit the Crime of Forced Displacement, Which Constitutes a Crime against Humanity

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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. Millions of Internally Displaced Syrians in Northwest Syria Are in Dire Need of UN Cross-Border Aid

The imminent renewal of the UN resolution on cross-border aid delivery into Syria is again being exploited by Russia to blackmail the United Nations and donor countries, with Russia and the Syrian regime effectively treating millions of Syrians who they displaced, whose homes they have destroyed, and whom they continue to terrorize, as hostages; this is the same inhuman treatment shown by the regime to detainees in its prisons, who are regarded as captive pawns whose fate and possible release is dependent on the regime's whims and on any profit that can be extracted through negotiation, with absolute disregard for the fact that their arbitrary arrest, enforced disappearance and torture constitute a crime against humanity. Meanwhile, Russia is increasing the frequency of its statements in order to obtain the greatest possible gain through blackmail, repeatedly reiterating its desire to ultimately end [cross-border aid](#) and claiming that UN aid violates "[Syria's sovereignty and territorial integrity](#)."

Despite the horrendous conditions they face in the areas of displacement, the vast majority of the internally displaced people have chosen not to return to the areas controlled by the Syrian regime and its allies, for fear of the brutal security services' practices, including arbitrary arrest, torture, enforced disappearance, forced military conscription, looting of property and other practices that SNHR has exhaustively documented.

As a result of the practices of Russia and the Syrian regime, data from the United Nations and international and local organizations confirms that the conditions of internally displaced persons in northwest Syria are deteriorating from bad to worse, with the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) estimating the number of displaced persons in this area at approximately 4.1 million Syrian citizens who are dependent on aid to meet their basic needs; nearly 2.4 million of them receive aid through a monthly cross-border delivery mechanism.

We at the Syrian Network for Human Rights (SNHR) have also noticed that the rate of donations and aid has declined in recent years, not only because of the COVID-19 crisis but also because of the brutal Russian invasion of Ukraine. Some donors have suspended their projects in Syria in order to transfer this support to Ukraine. We believe that this is an egregious policy and that the Syrian and Ukrainian peoples should be supported together against Russian barbarism, which inflicts the same terrible suffering regardless of location.

In May 2022, for the second time [in one year](#), the World Food Program (WFP) reduced the size of the food ration for each family as follows: 5 kg of bulgur, 5 kg of rice, 5 kg of red lentils, 5 kg of chickpeas, while maintaining the level of the other contents as they were, so that the adjusted food ration for each person provides 1,170 calories, assuming that the average number of members in one family is five individuals, according to [a statement received by](#) humanitarian organizations operating in northwest Syria from the WFP via email on April 9, 2022.

Internally displaced people are the most vulnerable group in society because they have lost their homes, possessions, and livelihoods, and job opportunities are scarce. Therefore, most members of this group are wholly dependent on humanitarian aid to survive, and if this aid declines or stops, Syria will face a terrible famine. The need for UN aid in northwest Syria exceeds the threshold of necessity. It reaches the level of critical need that threatens the growth and life of the displaced, especially pregnant and lactating women and newborn babies.

Fadel Abdul Ghany, SNHR's Director, says:

The United States of America, France, and the UK should not submit to Russian blackmail in the Security Council and must stress that the entry of UN cross-border aid, which is neutral and essential, as well as being approved by those controlling both sides of the border, does not need permission from the Security Council. Additionally, despite being a party to the Syrian conflict, Russia is using its veto within the context of being a perpetrator of the crime of forced displacement alongside the Syrian regime, which amounts to crimes against humanity.

II. Monitoring Ten Security Council Resolutions on the Issue of UN Aid

The Security Council has issued ten resolutions related to the issue of UN humanitarian aid in Syria, the first of which was Resolution [2139 \(February 22, 2014\)](#), which called for allowing humanitarian aid to arrive in Syria across conflict lines.

In July 2014, the Security Council passed Resolution No. 2165, which allowed the United Nations to deliver cross-border aid through four border crossings: al Ramtha, al Ya'rubiya, Bab al Salam, and Bab al Hawa, without the permission of the Syrian regime. This resolution has been extended on five consecutive occasions without any amendments to its articles through the following Security Council Resolutions:

[Resolution 2191](#) (December 17, 2014), [Resolution 2258](#) (December 22, 2015), [Resolution 2332](#) (December 21, 2016), [Resolution 2393](#) (December 19, 2017), [Resolution 2449](#) (December 13, 2018).

Since the beginning of 2020, Russia has escalated its blackmail strategy. Due to the Russian-Chinese veto, the Security Council failed to pass a draft resolution to renew the provision of cross-border aid, as approved in Resolution 2165. After complex negotiations, the Security Council adopted [Resolution 2504](#) on January 10, 2020, which allowed the delivery of cross-border humanitarian aid through two border crossings (Bab al Salam and Bab al Hawa) for only six months. Through this resolution, aid continued to enter northwestern Syria, while the northeastern region was denied aid entry through the al Ya'rubiya crossing, with the aid allowed through limited to that coming from Damascus. This negatively affected the residents of this region.

When the time came for the next renewal, Russia continued to blackmail the other countries and succeeded in restricting the entry of UN aid again, only accepting the entry of aid through one crossing, namely Bab al Hawa, for one year; [Resolution 2533](#) was adopted on July 11, 2020.

At the time of the next renewal, Russia achieved another of its objectives at the expense of the other countries, introducing the concept of cross-line aid, referring to aid coming from the Syrian regime-held areas toward the north of Syria, in preparation for the closure of the only border remaining crossing. On July 9, 2021, [Resolution 2585](#) extended the humanitarian aid delivery mechanism to Syria through the Bab al Hawa border crossing with Turkey for six months only, subject to automatic extension for another six months and the delivery of cross-line aid.

III. The Delivery of UN Cross-Border Aid Is a Legal Act and Does Not Require Permission from the Security Council

SNHR has raised the issue of UN cross-border aid in several of the reports it's published, emphasizing that this aid, in essence, does not require a Security Council resolution. In a previous report issued in July 2021, we emphasized that while Security Council Resolution 2165 appears, on the surface, to be supportive of UN aid, its essence is concerned with the arbitrary expansion of Security Council powers. A coalition of senior legal experts, lawyers, and human rights defenders [ruled](#) in April 2014 that there is no legal obstacle preventing the United Nations from delivering humanitarian aid across the border since the United Nations meets the conditions for humanitarian action in having the necessary humanitarian, neutral, impartial and unbiased character, with the approval of the controlling forces on the other side of the border (the armed opposition) being guaranteed, and the population there desperately needing aid, while it is unacceptable for the parties to withhold approval except on the grounds of legitimate legal reasons, not for arbitrary ones.

In response to this ruling and the many articles and statements supporting this approach, the UN Security Council chose to disregard the advice of these legal experts and human rights defenders, instead adopting Resolution No. 2165 in July 2014, under which the United Nations and its partners were allowed to deliver aid through four border crossings without the approval of the Syrian regime. Although this may seem to have been a step towards contributing to the promotion of law and human rights, it includes in its essence the expansion of the Security Council's powers and of its control over issues outside its competence, as there is no rule in international law stating that the UNOCHA's cross-border aid delivery is in any way illegal. The Security Council has monopolized this humanitarian mission and incorporated it within its own powers, with humanitarian aid having become subject to blackmail and political horse-trading regardless of the needs of millions of Syrians and potentially of non-Syrians in other countries; all legal experts around the world must confront the hegemony of the Security Council over the issue of cross-border aid delivery.

We at the SNHR believe that the delivery of UN neutral cross-border humanitarian aid does not require a Security Council resolution and that it is a wholly legal act, especially in the context of the Syrian conflict, for the following main reasons:

One: Prohibited intervention is coercion (not necessarily military, any coercive intervention is prohibited), and we do not believe that the delivery of necessary humanitarian aid is coercive intervention; UN relief workers are unarmed and impartial, with international law clearly stating in the Additional Protocol I, Articles 64¹ and 70² 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 unilaterally, 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 clarified³ 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 further stated 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.”⁴

The Institute of International Law also emphasized in the Santiago de Compostela Resolution⁵ that: “A State acting in breach of its obligations in the sphere of human rights cannot evade its international responsibility by claiming that such matters are essentially within its domestic jurisdiction.” This resolution explicitly stated that “diplomatic, economic and other measures” taken by States in response to human rights violations “cannot be considered an unlawful intervention in the internal affairs of that State,” and this description fully applies to the practices of the Syrian regime.

Two: 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 controlling forces welcoming the entry of aid, as it is humanitarian aid provided to areas that contain millions of forcibly displaced persons, and therefore it is not a violation of territorial integrity,⁶ and it is carried out with the approval of the controlling authorities, as it is not a coercive intervention.

¹ ICRC, Additional Protocol I, Article 64, <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/INTRO/470?OpenDocument>

² ICRC, Additional Protocol I, Article 70, <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/INTRO/470?OpenDocument>

³ 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-clj.org/files/case-related/70/070-19860627-JUD-01-00-EN.pdf> >> [July 5, 2020]

⁴ 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-clj.org/files/case-related/70/070-19860627-JUD-01-00-EN.pdf> >> [July 5, 2020]

⁵ The Institute of International Law, the Protection of Human Rights and the Principle of Non-intervention in Internal Affairs of States, Santiago de Compostela Resolution, Article 2, https://www.idi-iiil.org/app/uploads/2017/06/1989_comp_03_en.pdf

⁶ Rebecca Barber, “Does International Law Permit the Provision of Humanitarian Assistance Without Host State Consent? Territorial Integrity, Necessity and the Determinative Function of the General Assembly”, p. 6, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3786511

Three: Necessity is the main reason for seeking humanitarian aid, with the necessity in northern Syria being the most acute:

The 2001 International Law Commission Draft Articles on Responsibility of States for Internationally Wrongful Acts (ASR),⁷ and the Draft Articles on Responsibility of International Organizations (ARIO),⁸ recognize **six circumstances precluding the wrongfulness of an act** that would violate an international obligation, namely: consent; self-defense; countermeasures; force majeure; distress; and necessity. The issue of necessity is most relevant to the issue of humanitarian aid. In the first paragraph of this report, we talked about the urgent need among nearly 2.4 million Syrian citizens for UN aid.

IV. Five UN Cross-Line Aid Convoys in an Entire Year Is Approximately 0.75% of Cross-Border Aid

Security Council Resolution 2585 included two new articles not included in the preceding nine Security Council resolutions. The first concerns delivering humanitarian aid across lines from Damascus, and the second is related to improving the methods of delivering humanitarian aid inside Syria and early recovery projects. After the resolution was adopted, we indicated that these articles are considered a concession by the democratic countries in favor of Russia and a Russian prelude in its relentless quest to end the entry of UN cross-border aid, allowing the Syrian regime to fully control all UN aid in Syria, giving absolute power to the regime accused of displacing millions of Syrians, [looting UN aid](#), and [politicizing it for the benefit of its security services and the pro-regime areas](#).



Members of the Syrian regime's 25th Special Mission Forces Division are seen using 'tents' bearing the logo of the United Nations High Commissioner for Refugees during their military exercises in a photo featured in a report published by Zvezda Channel on March 30, 2022

⁷ United Nations, Responsibility of States for Internationally Wrongful Acts, https://legal.un.org/ilc/texts/instruments/english/draft_articles/9_6_2001.pdf

⁸ United Nations, Draft Articles on Responsibility of International Organizations, https://legal.un.org/ilc/texts/instruments/english/draft_articles/9_11_2011.pdf

The SNHR monitored the convoys that crossed from the Syrian regime-controlled areas to northwest Syria for nearly a year within the context of implementing Resolution 2585, documenting the passage of only five convoys throughout this period, which were as follows:

The first convoy:

On August 30, 2021, [three trucks carrying relief materials sent by the World Food Program \(WFP\) traveled](#) from the areas controlled by the Syrian regime to areas controlled by the opposition factions and Hay'at Tahrir al Sham via the Mizanaz and Ma'aret al Na'san crossing in the northeastern suburbs of Idlib, followed by 12 more trucks the next day. According to the WFP's [report](#) issued on August 31, 2021, this was sufficient for approximately 50,000 people only.



Relief materials brought by the first convoy of cross-line humanitarian aid to northwest Syria on August 30, 2021 -
published by the World Food Program

The second convoy:

On December 9, 2021, a convoy of aid sent by the United Nations' WFP entered northwest Syria from areas controlled by the Syrian regime in Aleppo through the al Trenba-Saraqeb, east of Idlib city. A [tweet](#) by the WFP's account on Twitter on the same day indicated that this convoy was complementary to cross-border aid, in line with Security Council Resolution 2585. Our investigations showed that this convoy consisted of only 14 trucks, sufficient for approximately 50,000 people.



The second cross-line humanitarian aid convoy entered northwest Syria on December 9, 2021

The third convoy:

On March 30, 2022, the UNOCHA published a [tweet](#) on its official Twitter account, saying that the third United Nations cross-line humanitarian aid convoy entered from Aleppo to northwest Syria. Our investigations showed that this convoy, which entered through the al Trenba-Saraqeb crossing, consisted of only 14 trucks, sufficient for approximately 50,000 people.

The fourth convoy:

On May 16, 2022, [a convoy](#) of aid from the United Nations WFP entered northwest Syria from areas controlled by the Syrian regime in Aleppo through the al Trenba-Saraqeb, in the eastern suburbs of Idlib governorate. According to a [statement](#) by the UNOCHA issued on the same day, the convoy transported foodstuffs for 43,500 people in northwest Syria. The statement indicated that the convoy consisted of 14 trucks transporting 13,200 food parcels and bags of wheat flour. The amount of this aid is sufficient for approximately 50,000 people only.



A UN WFP aid convoy headed for the northwest of Syria as it passed through Idlib-al Mastouma Road arriving from areas controlled by the Syrian regime forces through al Trenba-Saraqeb Crossing on May 16, 2022 | by: Abdul Ra'ouf Kontar

The fifth convoy:

On June 12, 2022, the UNOCHA [published](#) a tweet on its official Twitter account in which it noted that the fifth United Nations cross-line humanitarian aid convoy entered from Aleppo to northwest Syria. Our investigations showed that this convoy, which entered through the al Trenba-Saraqeb crossing to northwest Syria, consisted of only 14 trucks.



The fifth cross-line humanitarian aid convoy entered northwest Syria on June 12, 2022

These fifth convoys, which included only about 71 trucks, compared to about 9,600 (800⁹ x 12 months) trucks of UN cross-border aid, show that the aid coming from the areas controlled by the Syrian regime does not constitute a significant percentage (less than 0.75%) of the total cross-border aid, as the Syrian regime has a long and well-proven history of looting, delaying and obstructing the entry of UN aid.

This was confirmed by several UN reports and statements, the most prominent of which we monitored; on December 14, 2021, the Secretary-General of the United Nations said [in his report](#) to the Security Council that cross-border humanitarian assistance delivered to the Syrians without the consent of the Syrian regime, is still necessary; on December 15, 2021, Farhan Haq, Deputy Spokesman for the United Nations, said during [his daily press briefing](#) that an estimated 3.4 million people need humanitarian assistance in northwest Syria, stressing that this aid must also be delivered in a more sustainable manner. He added that cross-line convoys, even if deployed regularly, cannot replicate the size and scope of the cross-border operation.

On April 26, 2022, Joyce Msuya, UN Assistant Secretary-General for Humanitarian Affairs, said during [her briefing](#) to the Security Council on the humanitarian situation in Syria that 4.1 million people in northwest Syria need humanitarian aid, with almost a million people there, mostly women and children living in tents and basically dependent on this aid for survival. She added that although the cross-line missions complement the massive cross-border operation, they cannot substitute its size and scope.

On May 26, 2022, the Independent International Commission of Inquiry on Syria (COI) issued a [press statement](#) warning that it would be a failure of the highest order if the UN Security Council did not extend present cross-border aid to Syria, which ends next July 10, as the UN estimates that in northwest Syria, some 4.1 million people rely on aid to meet their basic needs, with 80% of these being women and children. Through the cross-border operations, aid reaches around 2.4 million every month. While some aid is delivered cross-line from within Syria, these deliveries contain far smaller, insufficient quantities and are exposed to attacks along a dangerous delivery route that crosses active front lines.



⁹ Statement of the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) on May 16, 2022. <https://www.unocha.org/story/daily-noon-briefing-highlights-ukraine-yemen-syria-drc>

V. Conclusions and Recommendations

- Under the International Covenant on Economic, Social and Cultural Rights, States have the responsibility to seek to provide assistance to their residents; the Syrian regime, however, has withheld consent for UN aid provision to deliver aid through the regime to control and loot as much of this aid as possible.
- All civilians in situations of armed conflict must be able to obtain all necessary assistance,¹⁰ under customary international law.¹¹
- Russia cannot invoke the concept of sovereignty and the consent of the Syrian regime because it is the leading cause of the displacement of the millions of deliberately displaced people whose suffering it is now using for leverage, and does not care about delivering UN aid to them.
- This report clearly shows that there is no need to obtain permission from the UN Security Council or consent of the Syrian regime for the United Nations to continue delivering cross-border aid to millions of Syrian citizens who desperately need it.

Recommendations:

UN Security Council:

- Remove the UNSC's authority over the control of the entry of UN cross-border aid, as this issue falls within the remit of the United Nations General Assembly and the UNOCHA.
- Do not invoke the concept of sovereignty and intervention to expand the Security Council's arbitrary powers at the expense of international law, particularly humanitarian aid.
- Completely end use of the veto in opposition to international human rights law, especially in cases when crimes against humanity, such as the crime of forced displacement, are committed.

UN General Assembly:

- In light of the paralysis of the Security Council, the use of the veto is fundamentally inconsistent with human rights, while the expansion of the powers of the Security Council is taking place at the expense of human rights, including humanitarian aid; additional steps must be taken towards reaching a resolution allowing the delivery of cross-border aid in cases of necessity where aid is being arbitrarily withheld.

¹⁰ (Fourth Geneva Convention, Article 23, Protocol I, Articles 68-71) (Protocol II, Article 8, and Article 18, ICRC, Fourth Geneva Convention, Article 23, <https://www.icrc.org/ar/doc/resources/documents/misc/5nsia8.htm>
ICRC, Additional Protocol I, Articles 68, 69, 70, 71, <https://www.icrc.org/ar/doc/resources/documents/misc/5ntccf.htm>
ICRC, Additional Protocol II, Article 18, <https://www.icrc.org/ar/doc/resources/documents/misc/5ntce2.htm>

¹¹ ICRC, Customary International Humanitarian Law, Rule 55, https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule55
ICRC, Customary International Humanitarian Law, Rule 56, https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule56

UNOCHA 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 and Bab al Salam crossings as soon as possible.
- Coordinate and cooperate more with local humanitarian organizations, especially those proven to be highly professional, impartial, and independent.

The international community, particularly those states which are '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 effective, independent, and impartial.
- Work towards finding a coordination mechanism among donor countries to avoid or minimize to the most significant possible degree the Syrian regime's operations involving the confiscation and looting of aid that is delivered through it.



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