



## Russia's Veto Blocking the UN Cross-Border Relief Aid is Unlawful and its Only Aim is to Seize UN Relief Aid

**We Renew Our Years-Long Call for Putting an End to Russia's Exploitation of UN Relief Aid**

**Monday 09 January 2023**

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 analyzes in Syria.

**SNHR**  
SYRIAN NETWORK FOR HUMAN RIGHTS  
الشبكة السورية لحقوق الإنسان

## Contents

I. Millions of Syrians Rely on Cross-Border Relief Aid to Survive .....	1
II. SNHR Was One of the First Groups to Assert that Delivering UN Cross-Border Relief Aid to Syria Does Not Require the Security Council's Permission .....	3
III. Russia Used its Veto Four Times to Redirect UN Relief Aid in Favor of the Syrian Regime.....	5
IV. Cross-Line UN Relief Aid is Not a Viable Alternative to Cross-Border Relief Aid...	7
V. Conclusions and Recommendations .....	9

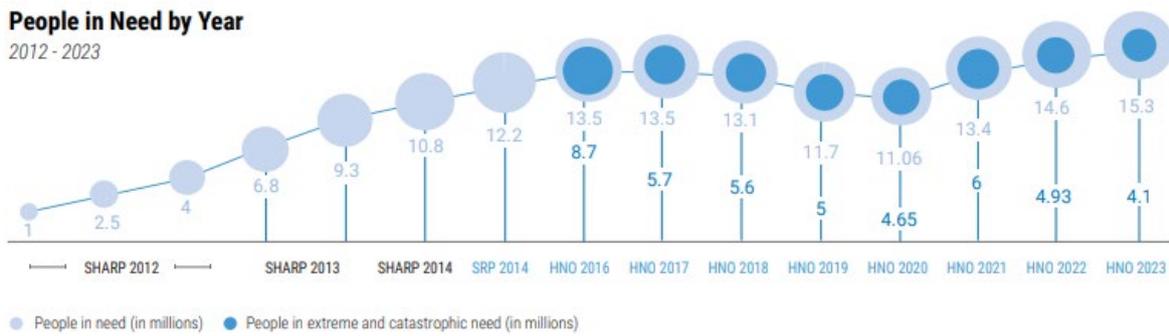
## I. Millions of Syrians Rely on Cross-Border Relief Aid to Survive

On October 10, 2022, the [UN](#) warned that Syria was set to face one of the harshest winters in living memory exacerbated by shortages of fuel and power, and the deteriorating socio-economic conditions in the country. [The latest figures](#) revealed by the UN Office for the Coordination of Humanitarian Affairs (OCHA) on January 4, 2023, estimate that 4.1 million people in northwestern Syria, 80 percent of them women and children, are reliant on humanitarian relief aid to meet their basic needs.



Relief convoys entering northwestern Syria via the Bab al-Hawa Crossing with Turkey -  
December 27, 2022

On December 22, 2022, the UN OCHA released a [report](#) on humanitarian needs in Syria for the year 2023, which noted that Syria is still housing the highest number of IDPs worldwide with 6.8 million. The report added that as a result of these challenges, 2023 would see 15.3 million people in Syria in need of humanitarian assistance, a record high since the beginning of the conflict, including 2.1 million IDPs living in IDPs camps.



Number of people in need of humanitarian assistance by year from 2011 until 2013 (Source: The Humanitarian Needs Overview: Syrian Arab Republic report released on December 22, 2022 by the UN OCHA).

In September 2022, cholera cases surfaced among IDPs in northwestern Syria, bringing about an increased need for medical supplies, including sanitation and healthcare supplies, especially since the majority of camps lack essential basic infrastructure such as sources of safe water and sanitation networks. This makes those camps a fertile ground for the spread of cholera and other similar diseases, painting a very brief and bleak picture of the catastrophic realities and prospects in northwestern Syria.

Mr. Fadel Abdul Ghany, Director of SNHR, says:

**The residents of northwestern Syria rely more than anything on UN cross-border relief aid. Russia has not been above taking advantage of their heartbreaking conditions and using them as hostages. To that end, Russia is exploiting the international community to attain material and political gains. We have said time and time again for years that the international community needs to neutralize Russia's exploitation attempts once and for all, and must act to deliver impartial, indispensable UN relief aid without having to ask for a green light from the Security Council.**

## II. SNHR Was One of the First Groups to Assert that Delivering UN Cross-Border Relief Aid to Syria Does Not Require the Security Council's Permission

The Syrian Network for Human Rights (SNHR) has pointed out on many occasions in numerous international forums and media interviews that UN cross-border relief aid delivery does not require the UN Security Council's permission. We also released three reports explaining in detail the legal cases and context for UN cross-border relief aid.

### 1rd Report:

- ▶ In this [report](#) released on July 6, 2020, a few days before the stipulated date for extending the mechanism for delivering cross-border aid, we called for continuing the delivery of aid even if Russia used its veto powers against extending the Security Council resolution in question.

### 2rd Report:

- ▶ In this report, [released](#) on July 8, 2021, two days before the mandate of Security Council resolution 2533 ended, SNHR stressed that the delivery of UN aid to northwestern Syria, which is impartial and absolutely indispensable, is provided with the approval of the controlling forces, and does not require the permission of the Security Council, further noting that the Syrian regime is implicated in stealing and looting humanitarian aid, in addition to obstructing its delivery, and besieging and starving entire areas.

### 3rd Report:

- ▶ In this report released on June 16, 2022, entitled, '[UN Cross-Border Aid Must Continue to Enter Syria, Even If Russia Vetoes It](#)', we stressed that Russia is a party to the Syrian conflict that is using its veto powers while committing, side by side with the Syrian regime, the crime of enforced displacement, which constitutes a collective crime against humanity. The report adds that Russia uses its veto power over extending the mandate of the resolution to deliver UN cross-border relief aid in Syria to exploit the UN and donor states.

In all of these reports, we stressed that the delivery of UN cross-border aid is a legal activity that does not require any permission from the UN Security Council, especially in the context of the Syrian conflict. This is for the following reasons:

**First:** An intervention is unlawful when it is forcibly carried out (it should be noted here that this does not necessarily need to be military, with any forcible intervention being unlawful). We do not believe that delivering essential humanitarian aid can be classified as a forcible intervention. UN aid workers are unarmed and impartial.

**Second:** Humanitarian aid passes through Turkey and Iraq. Both states have sanctioned the passage of aid through their land to areas of Syria under the control of armed opposition factions and the Syrian Democratic Forces (SDF). The controlling forces in the regions for which the aid is destined, meanwhile, welcome the entry of the aid since it is intended for areas housing millions of forcibly displaced persons. Therefore, such acts do not constitute any infringement upon regional integrity.<sup>1</sup> Furthermore, this aid is delivered with the approval of the controlling authorities, and as such no forcible intervention is involved.

**Third:** Necessity is the decisive issue, and the delivery of humanitarian aid to northwestern Syria is of paramount necessity.

The draft articles project released by the International Law Commission on the Responsibility of States for International Wrongful Acts (ASR),<sup>2</sup> and draft article project on the Responsibility of International Organizations (ARIO)<sup>3</sup> pinpoints six circumstances precluding wrongfulness of a certain conduct that may constitute a violation of an international obligation: consent, self-defense, countermeasures in respect of an internationally wrongful act, force majeure, distress, and necessity. Necessity is the one that is most relevant to the issue of humanitarian aid. We have highlighted the dire need of 4.1 million Syrian citizens for UN aid.

In this context, SNHR endorsed the '[Cross Border Aid into Syria is Legal](#)' initiative that was launched at the end of 2021. The initiative's findings corresponded with those of SNHR's reports to a very large degree. The initiative held tours and meetings to publicize and explain its legal findings.

---

<sup>1</sup>Barber, R. J. (2022). Does International Law Permit the Provision of Humanitarian Assistance Without Host State Consent? Territorial Integrity, Necessity and the Determinative Function of the General Assembly. Yearbook of International Humanitarian Law, Volume 23 (2020), 85-121. [https://doi.org/10.1007/978-94-6265-491-4\\_5](https://doi.org/10.1007/978-94-6265-491-4_5)

<sup>2</sup>United Nations, Responsibility of States for International Wrongful Acts. [https://legal.un.org/ilc/texts/instruments/english/draft\\_articles/9\\_6\\_2001.pdf](https://legal.un.org/ilc/texts/instruments/english/draft_articles/9_6_2001.pdf)

<sup>3</sup>United Nations, Responsibility of International Organizations. [https://legal.un.org/ilc/texts/instruments/english/draft\\_articles/9\\_11\\_2011.pdf](https://legal.un.org/ilc/texts/instruments/english/draft_articles/9_11_2011.pdf)

### III. Russia Used its Veto Four Times to Redirect UN Relief Aid in Favor of the Syrian Regime

In adopting resolution 2165 (2014), the Security Council has regrettably politicized what should be a purely humanitarian cause. The Security Council put the issue to a vote in the presence of Russia, which has been supporting the Syrian regime politically and militarily and has veto powers. Thus, the Security Council gave Russia a golden opportunity to make the aid issue a card it can use for bargaining and for imposing pressure to attain political gains, whether in the context of the situation in Syria or other international issues. In this context, it is worth noting that the Security Council has adopted 11 resolutions<sup>4</sup> on the mechanism for delivering aid since this mechanism was established on February 22, 2014, through Resolution 2139 which called for allowing cross-line humanitarian aid delivery in Syria.

Russia has used its veto powers four times to reduce the number of border crossings from four (al-Ramtha, al-Ya'rubiya, Bab al-Salam, and Bab al-Hawa) to two (only Bab al-Salam and Bab al-Hawa), with an extension period of merely six months, and then to only one crossing (Bab al-Hawa). On discussing the next extension, Russia managed to introduce the subject of so-called cross-line aid delivery, referring to aid coming from the Syrian regime's territories to northern Syria, thereby paving the way to shutting down the last crossing left in accordance with Resolution 2585 (July 2021), which allowed another six-month extension to the mechanism for delivering humanitarian assistance that can be automatically extended for another six months. The resolution was the first to refer to improving the means of delivering humanitarian assistance inside Syria and to early recovery projects. Russia has been supporting the Syrian regime politically and militarily and has veto powers. Thus, the Security Council gave Russia a golden opportunity to make the aid issue a card it can use for bargaining and for imposing pressure to attain political gains, whether in the context of the situation in Syria or other international issues. In this context, it is worth noting that the Security Council has adopted 11 resolutions<sup>4</sup> on the mechanism for delivering aid since this mechanism was established on February 22, 2014, through Resolution 2139 which called for allowing cross-line humanitarian aid delivery in Syria.

Below is an outline of how and when Russia used its veto powers against UN cross-border aid delivery in Syria

---

<sup>4</sup> [Resolution 2139](#) (February 22, 2014), [Resolution 2165](#) (July 14, 2014), [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), [Resolution 2504](#) (January 10, 2020), [Resolution 2533](#) (July 11, 2020), [Resolution 2585](#) (July 9, 2021), and [Resolution 2642](#) (July 12, 2022).

### 1<sup>st</sup> Veto:

On December 20, 2019, the Russian Federation and People's Republic of China used their veto powers against [extending Security Council resolution 2449](#) which called for re-authorizing the UN to deliver aid to Syria using the crossings not under the control of Syrian regime forces. At that time, the resolution's mandate was due to come to an end on January 10, 2020. On January 10, 2020, the [Security Council approved](#) the extension of the mechanism to deliver cross-border humanitarian assistance to Syria, but for six months only, and exclusively via two border points with Turkey.

### 2<sup>nd</sup> Veto:

On July 7, 2020, the Russian Federation and People's Republic of China used their veto powers against [a draft resolution submitted by Germany and Belgium](#) to extend the delivery of humanitarian assistance to Syria via the Bab al-Salam and Bab al-Hawa crossings for one year. By contrast, Russia submitted [a draft resolution](#) on July 9, calling for delivering humanitarian assistance via one crossing (Bab al-Hawa) instead of two and for only six months. The draft resolution was dismissed due to failing to win enough votes.

### 3<sup>rd</sup> Veto:

On July 10, 2020, [the Russian Federation and People's Republic of China](#) used their veto powers against a draft resolution submitted by Germany and Belgium to extend the delivery of humanitarian assistance to Syria via the Bab al-Salam and Bab al-Hawa crossings, but only for six months. On the same day, Russia submitted a draft resolution calling for delivering humanitarian assistance via the Bab al-Hawa crossing for a period of 12 months. The same draft resolution called on the UN Secretary-General to submit a report by the end of August on the "impact of unilateral coercive measures against Syria on its socioeconomic situation and humanitarian deliveries from outside the country." The draft resolution was rejected with seven votes against, including three permanent Member States.

On July 11, 2020, the Security Council adopted resolution 2533<sup>5</sup> which provides for the extension of cross-border humanitarian assistance delivery via the Bab al-Hawa crossing only and for one year, that is until July 10, 2021.

### 4<sup>th</sup> Veto:

On July 8, 2022, the Russian Federation used their veto powers in a Security Council session discussing the extension of the mandate of resolution 2585 which provides for cross-border humanitarian aid delivery via Turkey to northwestern Syria. In the same session, [France, the UK, and the US voted against a draft resolution submitted by Russia](#) that called for extending the mechanism for humanitarian aid delivery for six months, while the other 10 temporary Member States abstained from voting.

On July 12, 2022, the [Security Council](#) adopted a draft resolution submitted by Ireland and Norway. [Resolution 2642 \(2022\)](#) provided for extending the mechanism for humanitarian assistance delivery via the Bab al-Hawa crossing with Turkey until January 2023. The text specified, however, that a further six-month extension would require a separate resolution. The resolution was adopted by a vote of 12 in favor, while three Member States (France, the UK, and the US) abstained from voting.

Not only has Russia limited the effectiveness of the Security Council resolution on cross-border relief aid delivery by reducing it to one crossing, but Russia's officials have also threatened on numerous occasions to shut down the crossing and completely cancel the mechanism, with the most recent of these threats coming in the form of a statement by Mr. Vasily Nebenzya, the Permanent Representative of Russia to the UN, during a Security Council session to discuss the situation in Syria on December 21, 2022, in which he was quoted by the Russian state news agency [Russia Today](#) as saying, "[The UN] does not provide an appropriate context for discussions about extending the mechanism for delivering aid across the borders," adding, "The argument for extending the mechanism is unconvincing, because the lack of alternative is made up."

<sup>5</sup>United Nations Security Council, Resolution 2533. [https://undocs.org/en/S/RES/2533\(2020\)](https://undocs.org/en/S/RES/2533(2020))

## IV. Cross-Line UN Relief Aid is Not a Viable Alternative to Cross-Border Relief Aid

SNHR monitored the convoys that crossed from the Syrian regime's territories to northwestern Syria in accordance with resolution 2585. We recorded that only 10 such convoys have entered the region, five of which did so before the last Security Council resolution 2642 was adopted (July 12, 2022), which we talked about in [a previous report](#), while the remaining five came after the resolution as follows:

**1<sup>st</sup> Convoy:** On August 4, 2022, consisting of 14 trucks affiliated with the World Food Bank Programme (WFP).



UN aid convoy heading to northwestern Syria from the Syrian regime's territories via al-Tranba crossing, Saraqeb in the suburbs of Idlib governorate - August 4, 2022

**2<sup>nd</sup> Convoy:** On September 17, 2022, consisting of 16 trucks affiliated with the WFP.



UN aid convoy heading to northwestern Syria from the Syrian regime's territories via al-Tranba crossing, Saraqeb, Idlib - September 17, 2022

**3<sup>rd</sup> Convoy:** On October 22, 2022, consisting of 18 trucks carrying UN relief aid from the World Health Organization (WHO), the UN Refugee Agency (UNHCR), the UN Population Fund (UNFPA), the UN International Children's Emergency Fund (UNICEF), and the WFP.



**4<sup>th</sup> Convoy:** On November 30, 2022, consisting of 16 trucks carrying UN relief aid from the WHO, UNHCR, UNFPA, UNICEF, and the WFP.

**5<sup>th</sup> Convoy:** On January 8, 2023, consisting of 18 trucks carrying UN relief aid from the WHO, UNHCR, UNFPA, UNICEF, and the WFP.



As can be seen from the third and fourth convoys, which entered Syria in last October and November and collectively included approximately 34 trucks only, compared to 1,377 trucks in the UN cross-border relief aid convoy that entered Syria via the borders last October and November according to the [report](#) submitted by the UN Secretary-General on December 15 to the Security Council on the implementation of the Security Council resolution on cross-border aid delivery to Syria, the aid delivered from the Syrian regime's territories account for an extremely insignificant percentage (less than 2.5 percent) of the overall cross-border relief aid delivered, which is further damning evidence of the Syrian regime's lack of seriousness about upholding its commitments and making the relief aid coming from its territories a comparable alternative to cross-border aid delivery.

This was further confirmed by Mr. Stéphane Dujarric, Spokesman for the United Nations Secretary-General, in his December 1 [briefing](#) to the Security Council: "While an important complement, the cross-line operation is unable at this time to substitute for the size or scope of the massive United Nations cross-border operation, which reaches 2.7 million Syrians each month with vital aid, including food and vaccines."

## V. Conclusions and Recommendations

- In accordance with the International Covenant on Economic, Social and Cultural Rights, a state bears the responsibility to secure assistance for its residents. The Syrian regime, however, blocked the approval on UN humanitarian assistance solely to ensure that this aid passes through its channels in order to control the aid process and seize as much as it can from the relief aid provided.
- In cases of armed conflicts, all civilians must have access to all necessary assistance<sup>6</sup> according to international customary law.<sup>7</sup>
- Russia cannot use the sovereignty and permission of the Syrian regime as a pretext, since the regime itself is the party primarily responsible for displacing millions of people. The Syrian regime also is not concerned whether or not UN relief aid reach the displaced.
- This report has clearly illustrated that there is no need to obtain permission from the Security Council or the approval of the Syrian regime to carry on with delivering UN cross-border relief aid to mil-

<sup>6</sup>International Committee of the Red Cross, Geneva Convention IV relative to the Protection of Civilian Persons in Time of War 12 August 1949, Article 23 <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/article-23?activeTab=undefined>

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), 8 June 1977, Articles 68, 69, 70, 71 <https://ihl-databases.icrc.org/en/ihl-treaties/api-1977>

International Committee of the Red Cross, Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977, Articles 8, 18 <https://ihl-databases.icrc.org/en/ihl-treaties/apii-1977>

<sup>7</sup>International Committee of the Red Cross, Customary International Humanitarian Law, Rule 55 <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule55>

International Committee of the Red Cross, Customary International Humanitarian Law, Rule 56 <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule56>

lions of Syrian citizens who are in dire need of such assistance.

## **Recommendations**

### **Security Council**

- Relinquish control of the entry of UN cross-border aid, which is currently delivered under the aegis of the UN General Assembly and the UN OCHA.
- Abstain from using the concept of sovereignty as a pretext and from intervening in order to expand the arbitrary powers of the Security Council at the expense of international law, especially in regard to humanitarian aid.
- Completely abstain from the use of veto in a way that goes against international human rights law, especially in regard to cases of crimes against humanity such as forced displacement.

### **UN General Assembly**

- In light of the complete and utter inaction by the Security Council and the use of veto powers in a way that fundamentally contradicts human rights, as well as the expanded use of Security Council powers at the expense of human rights including humanitarian assistance, further action must be taken towards a resolution that allows for cross-border relief aid delivery in cases of necessity and arbitrary blockage.

### **UN OCHA & the International Committee of the Red Cross**

- Continue to deliver cross-border aid and ignore the Russian veto since it is abusive and goes against international law.
- Refuse to succumb to the Syrian regime's exploitation and expose the regime's seizure and control of aid.
- Resume delivering aid via the al-Ya'rubiya and Bab al-Salama crossings as soon as possible.
- Expand coordination and collaboration with local humanitarian organizations, especially those that demonstrate professionalism, impartiality, and independence.

### **International community, especially the Friends of Syria states**

- Support the UNCHA's process of delivering cross-border humanitarian assistance regardless of the Security Council resolution and treat this issue as one that is not confined within the powers of the Security Council.
- Provide more direct aid to local Syrian organizations, especially those that demonstrate their professionalism, impartiality, and independence.
- Work to bring about a coordination mechanism among donor states in order to avoid, as much as



[www.snhr.org](http://www.snhr.org) - [info@snhr.org](mailto:info@snhr.org)