

SYRIA: HUMANITARIAN ACCESS DILEMMAS

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Currently, a large-scale offensive by the Syrian regime and Russia on the governorate of Idlib has been averted temporarily in a last-minute agreement between Russia and Turkey in Sochi on September 17th. A large-scale offensive by the Syrian regime and Russia on the governorate in North West Syria would have threatened the lives and livelihoods of close to 3 million persons.

In one of the areas where moderate democratic resistance has been alive the most, the radical Islamist group Hayat Tahrir al-Sham (HTS) has taken over control of about half the territory from the Free Syrian Army since 2017, while another 50% remains controlled by “moderate forces”. According to UN-special Envoy de Mistura (who declared resigning from office “for personal reasons” by the end of November), HTS counts an estimated 10,000 fighters. While still in beginning of September, thousands went onto the streets to protest both the regime and HTS control, a regime offensive on South Idlib began a day later. Reportedly in order to avert another humanitarian emergency, Turkey and Russia agreed on establishing a 15-20km wide corridor around the area (“demilitarized zone”), patrolled by their respective troops, on 17th September. HTS are expected to withdraw from this area. Meanwhile, details of how this deal will be implemented remain unclear, and no guarantees have been put in place for civilians or fighters of any group in the armed resistance.

1. Humanitarian Access Restraints in Syria: Compromises and Consequences

The illusion of Idlib as a ‘hotbed of terrorism’ is a creation by the regime alliance itself (Syrian regime, Russia, Iran, Lebanese Hizballah). Over the past years, the regime and

its allies imposed sieges upon opposition-held areas. Breaching international humanitarian law (IHL), it portrayed enforced surrender as “reconciliation deals” and alleged “safe passage” through “humanitarian corridors” to factually force tens of thousands of Syrians to abandon their homes, board buses, and be relocated to other parts of the country by force – civilians as well as fighters. From all over the country, tens of thousands were thus forcefully brought to Idlib. The present situation in Idlib is the result of warfare that has breached every rule of war since 2011. But it is also aided by international humanitarian policy which has made far too many compromises in appeasing the regime. How did we get to this point? In the case of a military victory, what choices do humanitarian and development actors face?

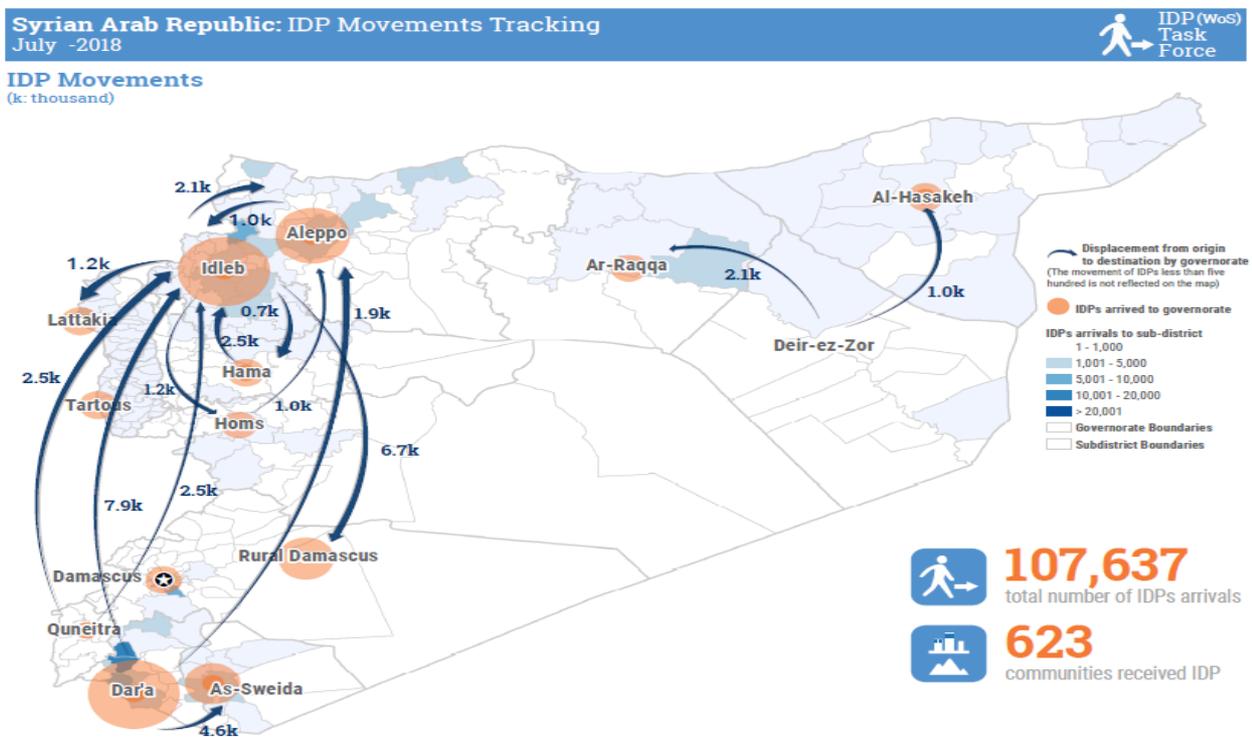
The withholding of humanitarian aid by the regime alliance has proven key to the regime’s attempt to impose military defeat on the country’s broad-based opposition against five decades of brutal dictatorship. Although Russia, Iran and Turkey announced the establishment of ‘de-escalation zones’ in Syria since May 2017, which promised a halt in fighting and unimpeded humanitarian access, the opposite proved true. In fact, UN reporting shows that 95% of persons in need of life-saving aid in hard-to-reach areas and areas under siege in Syria could not be reached by inter-agency aid since then. In 2018 alone, the Syrian population witnessed four major escalations of fighting. The Turkish-led offensive on Afrin (Aleppo) was under way since January, and it continued despite UN resolution 2401 calling for an immediate stop of fighting. Still in February, the regime alliance further escalated its offensives on Eastern Ghouta (Rural Damascus), followed by Rastan, Talbiseh and surrounding areas (Northern Homs) and Southern Syria (Dar’a, Qunaytra and Suwayda). Except Afrin, all of these areas had been declared de-escalation zones previously.

The last remaining such zone is Idlib. Contrary to speculations of the war being over, humanitarian trends indicate a peak of escalation during this year. In the first four months of 2018, 920,000 persons were forcefully displaced anew in Syria – more than in comparable period since the beginning of the war in 2011 (cf. map 1). Meanwhile, about one third of Syrian territory remains under control by various opposition forces (cf. map 2). Factually, de-escalation zones have served two purposes: The regime alliance froze fighting in these areas, allowing for time to reorganize troops and launch consecutive large-scale offensives instead of fighting on several fronts; and it effectively decreased humanitarian access, forcing not only fighters but also civilians – counting 3 million under siege and in hard-to-reach areas by January 2018 – to either surrender, or to starve or die in ceaseless bombardment as seen e.g. in Aleppo or Eastern Ghouta. Throughout the war, indiscriminate attacks on residential neighborhoods, hospitals and schools and further breaches of IHL have inflicted anguish on the local population by all sides.

State terror compounds the suffering from war. Still in August 2018, the regime alliance was responsible for 70% of

civilian casualties. Shortly before this, the head of Syria's air force intelligence, one of four agencies in charge of detention and arbitrary arrests in Syria, publicly stated that “[a] Syria with 10 million trustworthy people obedient to the leadership is better than a Syria with 30 million vandals.” Three million persons have been declared “wanted” by the regime; for 2017-2018, the regime issued 100,000 death certificates of detainees with the cause of death “unknown”, and without releasing their bodies to their families. While the UN is factually disempowered, dwindling media attention and a pervasive sense of helplessness towards Russia – the regime's most powerful backer – result in political apathy.

Meanwhile, the regime has refused any political compromise, which the UN has attempted to facilitate through the Geneva peace negotiations. Now, previous dilemmas around humanitarian aid extend to the question of further foreign aid for early recovery, stabilization and reconstruction: Is some aid for civilians better than none, even if it emboldens the regime?



Map 1. IDP movement, July 2018

Source: https://reliefweb.int/sites/reliefweb.int/files/resources/idpmovements_201807_july_final.pdf

2. Challenges for Humanitarian Aid Delivery

Among the civilian population, seven years of war, indiscriminate attacks on civilian infrastructure and the ensuing destruction of livelihoods have prompted overwhelming humanitarian needs. In any crisis, humanitarian aid is tied to the principles of neutrality (towards fighting parties), independence (from third parties) and impartiality (non-discrimination towards aid recipients). Yet throughout the Syrian war, a number of constraints have often forced humanitarian organizations to either stop aid deliveries or accept foul compromise.

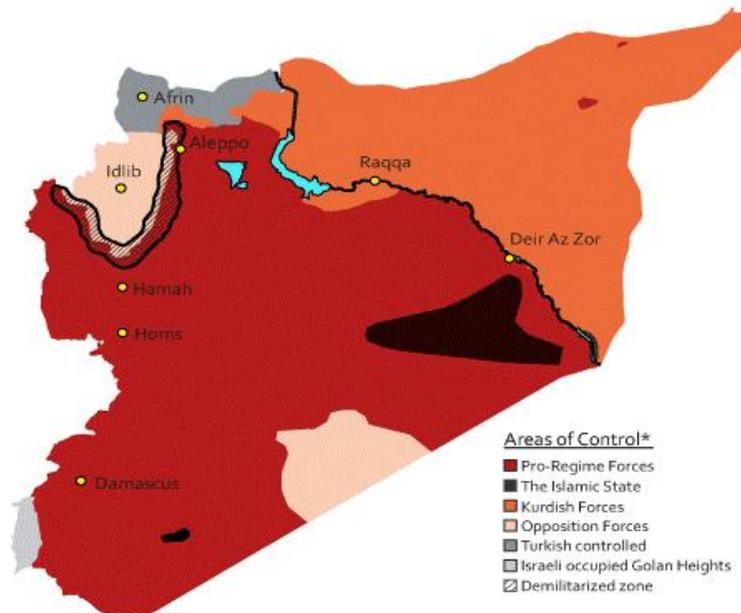
Firstly, principled humanitarian aid delivery has been hindered by the Syrian regime, which has long insisted on its right to protect its sovereignty – yet at the same time, it

permissions for deliveries. Although this measure might have been intended to prevent convoys from coming under attack, it effectively allowed for the regime to reject requests – as it did especially for areas with staggering humanitarian needs.

Neither do permissions prevent soldiers of the Syrian Armed Forces from looting convoys at checkpoints. For example, in 2017, more than 645,000 units of medical equipment were stolen from convoys despite their formal authorization – including essential medicines and surgical supplies, with similar rates for earlier years. Such aid diversion is systematic, and likely serves as a means for regime re-supplies. Furthermore, the UN have accepted to not assess humanitarian needs in Syria independently in areas under regime control. Instead, these are surveyed by regime officials and go through the hands of regime-affili-

Map 2. Areas of control - demilitarized zone Idlib

Source: Liveuamap & Suriye Gündeni; Map Layout: Vincent Glasow; The boundaries and names shown do not imply official endorsement or acceptance by Bonn international Center for Conversion – BICC, October 2018



ignored the obligation to protect the survival of all civilians in its territory and not impeding access for humanitarian aid under IHL. Instead, it monopolized the UN-led international response by channeling deliveries through Damascus into regime-controlled areas, cutting opposition-controlled populations off life-saving aid for the first three years of war. In 2014, UN resolution 2165 finally allowed for cross-border deliveries without regime approval – but it has not been implemented as such. The UN still requests

ated businessmen, who stand ready for then locally procuring relevant goods – before reaching the UN. In parallel to such persisting problems, the UN response is also severely underfunded (37.5% funded for 2018).

Secondly, this form of repression went hand in hand with the emergence of a parallel, initially unofficial aid response it aims to reach opposition-held areas, i.e. those the regime

armed groups have also sought to control needs assessments, aid deliveries and distribution, albeit on a much smaller scale.

Over the first years, few such interferences were reported. Among armed opposition groups, the quest for international recognition might have aided adherence to humanitarian principles. Yet with ceasing Western support, increasing fragmentation and radicalization among these, this appears to have changed. Presently, no official reports exist that document the number of times humanitarian organizations stopped aid deliveries in either regime- or opposition-controlled areas due to such interference on their own initiative, although individual cases have been documented. For humanitarian aid organizations on both sides, acquiring permission and required security guarantees by armed actors requires painstaking negotiations. Local staff bear the brunt of risking their lives to provide aid to recipients.

3. Consequences of Compromise

Such compromises point to several trends that must be considered with utmost caution when debating future, humanitarian as well as non-humanitarian aid deliveries:

- By granting the Syrian regime the right to extensive interference in humanitarian aid from assessments to deliveries, significant parts of the Syrian population have been consistently disadvantaged. Instead of insisting on access to all persons in need, the forced compromises of major INGOs mean that some aid recipients were made to pay the price for access to others. Through targeted destruction of e.g. hospitals in opposition-held areas in times of high war needs, the regime has further instrumentalised access and lack of humanitarian aid to channel civilians into areas under its own control. In Syria, this politicization of aid has likely contributed to change the military-political situation, which has emboldened the regime.
- In terms of monitoring and accountability, no independent surveys among aid recipients can be carried out in areas under regime-control. Figures of access denial, however, speak a clear language. Those in opposition-controlled areas have increasingly reported favouritism towards individuals or families declaring their loyalty towards armed groups, and discrimination against others. The humanitarian system lacks checks and balances for violations of its principles.
- Among aid recipients as well as among the public, awareness of breaches of the humanitarian principles is rising. Problematically, reports on breaches of EU sanctions and personal enrichment of regime-affiliated individuals have remained without any publicly discernable consequences. This drift away from the core of humanitarian aid undermines the humanitarian ethos and profession. It dangerously discredits the hard work, reputation and potentially the lives of those humanitarian aid workers who opt to uphold these principles.
- So far, halting humanitarian aid deliveries has been seen as a non-option because it could have meant losing access to persons in need entirely. Yet the threat of withholding aid could have resulted in a) pressure to finally access all parts of the country in a principled manner or b) refusal of access and greater numbers of Syrians fleeing the country into areas where aid could have reached them. Now, however, the borders are closed not only with Israel, but also with Turkey, Jordan and Lebanon. Syrians are exposed to internal persecution without any protection, and with the only option of fleeing towards Iraq, which is highly unstable itself.
- The bias in humanitarian aid deliveries and limited military support to moderate secular, let alone religiously orientated armed opposition groups by the West have contributed to a sense of many Syrians feeling deserted. Alleged Western and UN support for human rights and democratic participation has lost any credibility. If non-humanitarian, i.e. reconstruction and development aid was delivered to areas under regime control, it would be instrumentalised in the same manner as humanitarian aid. It would be perceived as legitimizing the regime despite its war crimes, and exacerbate previous discrimination especially towards those areas seen by the regime as hubs of resistance. At worst, it would indirectly free up resources for the regime to carry out its announced mass arrests and further killings. This is an argument for upholding human rights standards and refusing reconstruction and development aid to the regime.

- The EU has insisted that if non-humanitarian aid was to be provided to regime-held areas, it would have to be bound to the condition that the regime accepts political compromise with opposition forces and a transition towards democracy. Conditioning aid to be provided in small installments for specific and tightly regulated purposes is the only means the EU possesses to enforce such demands. Freeing detainees in exchange for fees or developmental projects is a concrete measure that has been practiced e.g. between Eastern and Western Germany during the Cold War. However, it is also highly problematic morally and practically, and it would require granting safe passage and asylum for detainees and their families. The risk of abuse is very high, and possibilities of sanctioning breaches of such agreements are slim. This is a tragic dilemma. It must be clear that even in “re-conquered” areas, mass persecution and killings continue to be factual threats which neither humanitarian nor development aid are able to counter.

4. Welthungerhilfe's approach

Since 2011, when the war broke out, hundreds of thousands of people died. Around five million were forced to flee abroad, and millions more within their own country. Welthungerhilfe (WHH) and its partners support people in need in Syria, Turkey and Lebanon. This work is coordinated by the office in Gaziantep, Turkey. WHH started its activities inside of Syria already in 2013. Its projects are mainly located in the Northern part of Syria – Aleppo, Idlib, Azaz, Hamah – and contained mainly measures of emergency assistance: winterization, food assistance and attempts to support small scale agricultural production directed towards war affected communities and displaced persons.

In close coordination with relevant UN clusters, the main conditions for the projects are the four humanitarian principles: humanity, neutrality, independence and impartiality. As free access was not granted, projects were implemented only in areas that were not under the control of the Syrian regime. Recently, demands for measures of early recovery, such as the rehabilitation of buildings in which IDPs found refuge in Idlib province, were raised by implementing partners. These claims were also expressed by Syrian NGOs during the Brussels conference in April 2018. Nevertheless, because the situation in the areas currently not under regime is unclear and regaining of control by the regime is possible, WHH

decided not to implement measures for early recovery. As one result of this political reasoning, certain needs will not be dealt with by WHH if this would implicitly lead to a drawback on internationally recognized humanitarian principles. As Welthungerhilfe, we must carefully navigate these difficult and changing circumstances – focusing on the needs of the war affected populations while also upholding humanitarian standards.

5. Policy Recommendations

■ Enforce a political solution to the war

Humanitarian and development organisations cannot secure a political solution and physical protection, which are necessary. National governments must take clear positions and prioritise the survival and political will of Syrians themselves. The Syrian war symbolises the paralysis of the UN and the utter failure by all parties to protect civilian lives. Foreign national courts can aid in holding perpetrators of war crimes and crimes against humanity, including those who are part of the regime, accountable. The situation in Kurdish-held areas and parts of Idlib shows that only the presence of foreign troops (US/France, Turkey) has so far effectively prevented further assault. Protection cannot be achieved by INGOs when belligerents target civilians and sites that must not be attacked under IHL.

■ Insist on humanitarian principles

The humanitarian system should establish clear processes for evaluating the politicization of aid and hold belligerents, donors and black sheep among (I)NGOs accountable. The humanitarian aid response to Syria shows continuous breaches of the humanitarian principles of impartiality, neutrality and independence by armed actors including the regime since 2011. Aid deliveries should have been stopped when these began to pressure the regime into compliance. Not having done so has contributed to a situation where now, the borders with neighbouring states have been closed for Syrians trying to flee. Consequently, the regime has an even stronger hand in blackmailing the international aid response – either access areas under regime control on highly politicized regime conditions, or lose all access to those now trapped. From the onset of humanitarian crises, humanitarian organisations should insist on needs-based access and jointly reject the interference

of all armed actors equally – regimes as much as ‘terrorist groups’. Privileging populations under certain armed groups politicizes aid and must be stopped to avoid contributing to a hierarchy whereby some lives are treated as worthier of protection than others.

■ **Secure safe exit to refuge**

Not only neighbouring states, but especially the US, European and the Gulf states should provide asylum to persons threatened by political persecution and their families in Syria. Recent press statements by regime officials substantiate evidence for mass detention and large-scale killings of persons accused of belonging to the opposition (without proof). Syrians can no longer flee the country except to Iraq – which itself is dangerous – because the borders to Turkey, Jordan, Lebanon and Israel are closed to refugees.

■ **Set standards for criteria for development and reconstruction aid**

Bi- and multilateral donors must set clear standards as to why and how such aid will or will not be delivered – and enforce mechanisms to adhere to these. By many donors, the question whether to provide development and reconstruction aid to opposition-held areas is manageable, whereas for government-controlled areas, it represents a moral and ethical dilemma. This applies especially for hard-hit areas previously under regime siege, which will yet again be punished by the regime first withholding humanitarian, then development and reconstruction aid.

■ **Document reach of aid recipients transparently**

Humanitarian actors should document and evaluate aid imbalances, and population movements that might result from this, to amend their responses accordingly. In Syria, the reach of humanitarian aid through the UN response is documented for hard-to-reach areas and areas under siege. It shows a systematic attempt by the regime to cut opposition-held areas off aid. For all other regime- and opposition held territory, it is not transparently documented where humanitarian aid reaches and in which areas populations experience a relative neglect (except parts of North West Syria).

Further reading:

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