

ISSUE BRIEF

Syrian Lives in Peril: The Fight to Preserve Syria's Last Humanitarian Border Crossing

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INTRODUCTION

As Syrians are currently living through one of the most devastating periods of the country's ten-year humanitarian crisis, Russia has already signaled its willingness to veto the United Nations Security Council resolution authorizing the UN-led cross-border response, which countless Syrians depend on for their survival. If the rest of the Security Council members fail to stop them, an unmanageable humanitarian disaster will ensue.

A decade of conflict in Syria has claimed more than five hundred thousand lives,¹ created the largest displacement crisis since World War II, and ravaged the economic, cultural, material, and human capital of Syria. Although the armed conflict has entered a relatively low intensity phase, the suffering of the Syrian people has been exacerbated by the economic collapse² and the COVID-19 pandemic. Meanwhile, the failure to advance a political solution continues to prevent a sustainable end to the conflict. As the number of Syrians in need of aid increased by 20 percent last year,³ the UN Security Council (UNSC) prepares to deliberate on the fate of the cross-border humanitarian corridor through which life-saving aid has been channeled from neighboring countries: it hinges on renewal of UNSC Resolution 2533, which is due to

The Rafik Hariri Center for the Middle East examines the barriers preventing many people in the region from reaching their fullest potential. Our work also highlights success stories of individuals and institutions who overcame significant challenges in pursuit of social, economic, and political progress. Inspired by these examples, we delineate practical and implementable policy recommendations that policymakers in the United States, Europe, and the Middle East can implement to unleash the region's economic and human potential.

- 1 Alia Chughtai "Syria's War: Ten Years—and Counting," Al Jazeera, March 15, 2021, <https://www.aljazeera.com/news/2021/3/15/syria-ten-years-of-war>.
- 2 Barrett Alexander and Ahlam, *Syria's Economic Collapse and Its Impact on the Most Vulnerable*, Center for Strategic and International Studies, February 18, 2021, <https://www.csis.org/analysis/syrias-economic-collapse-and-its-impact-most-vulnerable>. Ahlam is a pseudonym for World Vision staff based in Syria.
- 3 *Briefing to the UN Security Council on the Humanitarian Situation in Syria*, (March 29, 2021) (statement of Mark Lowcock, undersecretary-general for humanitarian affairs and emergency relief coordinator), <https://www.unocha.org/media-centre/statements-ercusg>. Lowcock's replacement has since been announced, but the transition had not taken place as of publication.



An Internally displaced Syrian woman hangs a piece of cloth to dry in Atmeh IDP camp, located near the border with Turkey, Syria March 4, 2020. Source: REUTERS/Khalil Ashawi

expire on July 10.⁴ Despite the 3.4 million people in northwest Syria in need of humanitarian aid,⁵ Russia, backed frequently by China in the Security Council, has called for the elimination of the remaining Bab al-Hawa crossing from Turkey, while the United States, France, and the United Kingdom firmly support its continuation.

Humanitarian considerations have been marginalized and politicized by Russia's campaign to dismantle the cross-border mechanism. Russia sees the cross-border setup, through which aid is delivered outside of the hands of the government of Bashar al-Assad, as a threat to the legitimacy of its ally, in whom it has invested significant political, military, and financial support for years. Russia, with backing from China, is willing to end the cross-border setup and endanger the lives of millions of Syrians to achieve its political interests. While senior members

of the Biden administration have strongly voiced their support for the renewal of the cross-border resolution,⁶ their actions must now reflect their rhetoric. The US government must step up its involvement in the Syrian humanitarian portfolio overall and use all tools at its disposal to preserve this life-saving corridor, while facilitating space for humanitarian organizations to lead on the cross-border discussions. The Security Council members, donor governments providing funding throughout Syria, the UN, and nongovernmental organizations (NGOs) will all play critical roles in providing a coordinated push to ensure the survival of this resolution. Failure to achieve this outcome will place the burden on the United States and all other donor governments supporting the Syria response to do everything in their power to avert a humanitarian disaster left by the gap that would emerge from the dismantlement of the multimillion-dollar cross-border architecture.

4 UN Security Council, Resolution 2533, S/RES/2533 (2020), [https://undocs.org/en/S/RES/2533\(2020\)](https://undocs.org/en/S/RES/2533(2020)).

5 "Syria Cross-border Humanitarian Fund 2021 First Standard Allocation," Allocation Strategy Paper, SCHF, n.d., 1, https://reliefweb.int/sites/reliefweb.int/files/resources/schf_sa1_2021_allocation_strategy_paper_final_31march.pdf.

6 *Briefing to and Consultations with the UN Security Council on the Humanitarian Situation in Syria*, (March 29, 2021) (statement of Antony J. Blinken, US secretary of state), <https://www.state.gov/secretary-antony-j-blinken-at-the-un-security-council-briefing-and-consultations-on-the-humanitarian-situation-in-syria/>.

This analysis draws on extensive interviews with humanitarian stakeholders working on the Syria response and centers humanitarian considerations at the forefront of the cross-border debate by highlighting the implications of eliminating the remaining border crossing of Bab al-Hawa, examining the limitations of cross-line operations promoted by Russia as a feasible alternative, and finally emphasizing the importance of prioritizing humanitarian factors over political calculations.⁷

HISTORY OF CROSS-BORDER OPERATIONS IN SYRIA

The humanitarian response in Syria has consisted of a centralized hub based in Damascus and cross-border responses organized from neighboring countries to areas inaccessible to the Syrian government. Throughout the Syrian war, the conflict dynamics and geographic fragmentation of the country limited the capacity of Damascus-based actors to reach populations residing outside of government-held territory. Moreover, the UN reported in 2014 on the “continued, arbitrary, and unjustified withholding of consent to relief operations and the persistence of conditions that impede the delivery of humanitarian supplies to destinations within Syria,”⁸ in reference to the obstructive actions of the Syrian government among other parties to conflict.

These conditions prompted the implementation of UNSC Resolution 2165 in 2014, authorizing the delivery of humanitarian aid from four border crossings: al-Ramtha from the Jordanian-Syrian border; al-Yarubiyah from the Iraqi border; and Bab al-Salam and Bab al-Hawa from the Turkish border. While Syrian and international NGOs had already been implementing cross-border interventions before this resolution, it formalized the UN’s role, and specifically the UN Office for the Coordination of Humanitarian Affairs (OCHA), in leading the coordination of the cross-border response. The UN requires a legal framework such as the one provided by the UNSC to carry out cross-border operations, given that the Syrian government has withheld consent to cross-border aid delivery.⁹



Syria-bound trucks, loaded with humanitarian supplies, leave a U.N. transshipment hub in Reyhanli, near the Turkish-Syrian border in Hatay province, Turkey, November 28, 2016.

Source: REUTERS/Osman Orsal

Cross-border authorization has been renewed seven times since 2014, but the Russians have progressively sought to end the cross-border response over the years, ostensibly based on the idea that it violates Syria’s sovereignty and territorial integrity.¹⁰ As examined later in this analysis, there are several flaws to this argument advanced by Russia, which seeks to provide a legitimate front for their political support of the Syrian government. Russia’s efforts to limit the cross-border mechanism succeeded in January 2020, when the threat of a total veto allowed Russia to reduce its scope by passing UNSC Resolution 2504.¹¹ This decreased the extension period from twelve to six months and eliminated authorization for the border crossings from Jordan and Iraq. After intense negotiations in July 2020, the Security Council failed to approve aid delivery through Bab al-Salam and only renewed the Bab al-Hawa border crossing for twelve months through the passage of UNSC Resolution 2533.

Nearly all humanitarian actors working on the Syria crisis have expressed grave concerns about the gap that would

7 The authors conducted fifteen key informant interviews between February and May of 2021 using remote communication methods. Key informants included humanitarian workers, donor agencies, and analysts based in Syria, Lebanon, Jordan, Turkey, the United Kingdom, and the United States, including aid workers operating in Damascus, northwest Syria, and northeast Syria, as well as interviews of representatives of regional and global advocacy fora.

8 UN Security Council, Resolution 2165 (2014), <http://unscr.com/en/resolutions/doc/2165>.

9 Yet it is worth noting that international experts argue that this constitutes an overly cautious interpretation of international humanitarian law by the UN, due to fears that its actions will be condemned as unlawful by certain member states. See “There Is No Legal Barrier to UN Cross-border Operations in Syria,” a letter from thirty-five scholars, *Guardian*, April 28, 2021, <https://www.theguardian.com/world/2014/apr/28/no-legal-barrier-un-cross-border-syria>.

10 “Tragedy Beckons in Syria as War-Ravaged Healthcare System Is Ill-Equipped to Cope with COVID-19 Spread, Humanitarian Chief Warns Security Council,” UN Security Council press release, SC/14175, April 29, 2020.

11 UN Security Council, Resolution 2504 (2020), <http://unscr.com/en/resolutions/2504>.

emerge from the dismantlement of the UN role in cross-border programming. In a briefing to the Security Council in March 2021,¹² the UN undersecretary-general for humanitarian affairs and emergency relief coordinator, Mark Lowcock, highlighted that around one thousand UN aid trucks cross through Bab al-Hawa monthly to reach 85 percent of the four million people in need of assistance.

WITHOUT THE AUTHORIZATION, THE ENTIRE SYSTEM WILL BE LOST

The failure to renew the authorization of the cross-border response will be detrimental to millions of vulnerable individuals in northwest Syria who depend on aid for survival. More than 1.3 million Syrians risk losing access to food assistance, around 80 percent of which was channeled through the World Food Programme (WFP) in 2020,¹³ and efforts to roll out vaccination campaigns to halt the spread of COVID-19 will be in jeopardy. Caitlin Carr, the Syria policy and advocacy adviser for Mercy Corps, explains that what is at stake today “is not only the Bab al-Hawa crossing, but everything else that comes with the cross-border mandate for UN agencies.”¹⁴ That includes UN funding streams, as well as their vital role in coordination, logistics, and humanitarian diplomacy in northwest Syria.

Without a resolution, UN agencies do not possess the legal framework they deem necessary to provide cross-border humanitarian aid to affected populations. A UN withdrawal not only would put an end to UN-implemented programming, but would also result in the loss of the entire UN setup there. NGOs, whether Syrian or international, are unable to replicate the role of the UN and its mechanisms given that the global humanitarian architecture is designed to uniquely empower the multilateral UN agencies with the mandates, finances, and infrastructure required to carry out their responsibilities. “In the midst of WFP’s warning of an unprecedented hunger crisis in Syria, it is unimaginable to think of a withdrawal of UN leadership from the cross-border response,” says Hazem Rihawi, senior programs manager for the American Relief Coalition for Syria. “Syrian and international NGOs are

extremely committed and will continue cross-border work, but the impact of losing UN involvement will be substantial and difficult to quantify.”¹⁵

Syrian NGOs Will Lose Funding and Operations Will Shrink

If the cross-border mechanism is not authorized, the UN would no longer be able to channel funding to humanitarian actors in the northwest. Aid providers in the northwest not only risk losing funding, but also a sizable proportion of them also face the risk of shutting down. One of the best attributes of the UN role in the northwest is that it channels bilateral funding to a significant number of Syrian NGOs. Additionally, the Syria Cross-Border Humanitarian Fund (SCHF),¹⁶ an instrument managed by OCHA that pools together the financial contributions from different donors, funds Syrian NGOs directly, and has a compliance infrastructure more tailored to smaller organizations that would otherwise struggle to navigate complex donor policies. Outside of this system, unlike their international counterparts, many Syrian NGOs have very limited access to direct institutional donors’ funding.

“Many local NGOs, not only in Syria, but around the world, depend on funding administered by United Nations agencies to carry out their humanitarian work. If the UN is no longer able to fund Syrian NGOs to work cross-border, many of those NGOs do not have alternatives and will not be able to continue,” explained Stephen Allen, regional team lead for the Syria Disaster Assistance Response Team of the US Agency for International Development. This is because UN agencies have dedicated infrastructure, including monitoring and evaluation mechanisms, designed to absorb more risk and channel more funding directly to local implementing agencies than institutional donors. This makes the UN a preferred intermediary for donors seeking to fund those organizations. “Syrian NGOs have really been at the forefront, they’re the ones doing the last mile and frontline response in many cases across Syria. It would be unforgivable ten years later to turn our backs on those agencies, NGOs, and individuals who have been working so hard,” Allen says.¹⁷

12 Briefing to the UN Security Council on the Humanitarian Situation in Syria, (March 29, 2021).

13 “Syria-Turkey Cross-border Operations, January to December 2020,” Infographic, Logistics Cluster, <https://logcluster.org/document/syria-turkey-cross-border-operations-january-december-2020>.

14 Interview with Caitlin Carr (Syria policy and advocacy adviser for Mercy Corps), in discussion with the author, March 24, 2021.

15 Interview with Hazem Rihawi (senior programs manager, American Relief Coalition for Syria), in discussion with the author, March 30, 2021.

16 “Syria Cross-border Humanitarian Fund,” Office for the Coordination of Humanitarian Affairs, accessed May 10, 2021, <https://www.unocha.org/syrian-arab-republic/syria-cross-border-humanitarian-fund>.

17 Interview with Stephen Allen (regional team lead, Syria Disaster Assistance Response Team, US AID), in discussion with the author, April 9, 2021.

In 2020, humanitarian actors in the northwest received US\$430 million in funding through the SCHF and bilateral partnerships with UN agencies. It is quite difficult to imagine how international NGOs operating as part of the response can expand their partnerships to all Syrian NGOs and absorb the massive funding that has been provided by the UN. Attempts to construct a pool fund mechanism to replace the SCHF risk excluding many Syrian NGOs, given that the management of such a fund by an international NGO or institutional donor would entail far more complex compliance and bureaucratic requirements than the SCHF is designed to accommodate. On the other hand, substantially increasing bilateral donor funding could also overwhelm NGOs trying to navigate multiple complex compliance protocols of different donors.

Losing those smaller NGOs will have a great impact on the operational and implementation capacities within the response. Syrian NGOs have much more expansive access in the majority of areas and wider acceptance by local communities than their non-Syrian counterparts. It is often more difficult for international organizations to establish presence and strong ties with communities, especially when their access to communities is reduced as a result of stricter security and administrative measures. The uniqueness of the humanitarian model in this northwestern area enables local actors to play an increased and more prominent role in the response, feeding into global commitments of localization made under the Grand Bargain, involving large donors and humanitarian organizations, and the Charter for Change, an initiative of NGOs.¹⁸

Procurement and Transport Will Be Massively Reduced

The capacity to procure and transport is another significant area of concern in the event of nonrenewal. UN agencies, most notably WFP, play an indispensable role in the procurement and transshipment of humanitarian assistance. In 2020, more than twelve thousand trucks transported UN aid, with WFP alone accounting for more than nine thousand trucks.¹⁹ Without the authorization of the cross-border mandate, the complex system through which life-saving items are made available to providers inside the northwest would be lost. According to experts, it is next to impossible for local and international



A man receives a dose of the coronavirus disease (COVID-19) vaccine at Ibn Sina medical centre in rebel-held Idlib city, Syria, May 6, 2021. Picture taken May 6, 2021.

Source: REUTERS/Khalil Ashawi

NGOs to replicate a comparable supply chain system or to carry out equally massive operations.²⁰ Procurement in Turkey also will be challenging, especially for organizations that are not officially registered in the country. Moreover, NGOs will have to procure aid items at a higher cost, as they would not benefit from the same tax exemptions as the UN and lack the bargaining capacity of massive UN agencies.

A Sophisticated Coordination and Leadership Structure Will Be Lost

It remains unclear whether the cluster system of the UN, through which massive, multisector aid interventions are coordinated across agencies, would be lost in the event of nonrenewal; however, “the ability of the UN and the cluster system to mobilize resources to respond to emergencies within a short period of time would be lost,” explains Iyad Agha, the coordinator of the NGO Forum in northwest Syria. NGOs do not possess the same capacity of emergency preparedness and response as the UN and its clusters. This extends to the SCHF, through which OCHA responded to rapid escalations of violence with prompt financing for emergency interventions throughout the crisis, according to Agha.²¹ Institutional donors will not be able to deliver funding as flexibly or quickly to ensure an equally timely response.

¹⁸ Consequently, slashing the funding accessible to local NGOs would constitute a failure to uphold these commitments and to ensure Syrians are involved in the provision of aid for their own communities. For details, see “About the Grand Bargain,” Inter-Agency Standing Committee, OCHA Services, <https://interagencystandingcommittee.org/about-the-grand-bargain>; and “Localisation of Humanitarian Aid,” Charter4Change, <https://charter4change.org/>.

¹⁹ “Syria-Turkey Cross-border Operations, January to December 2020,” Infographic.

²⁰ Interviews with stakeholders operating in northwest Syria; see earlier footnote concerning the time frame for interviews for this analysis.

²¹ Interview with Iyad Agha (coordinator, NGO Forum in northwest Syria), in discussion with the author, April 12, 2021.



Syrians inspect the damage in the aftermath of an airstrike that was allegedly carried out by Russian warplanes on a truck depot near Bab al-Hawa border crossing on the Syrian-Turkish border. March 22, 2021. Source: DPA / Picture Alliance

NGOs also rely heavily on access negotiations carried out by OCHA and other UN agencies, whether with local or Turkish authorities. UN agencies have leverage with governments and benefit from communication channels to which NGOs do not have access. One aid worker explained that WHO, amid the COVID-19 response, was able to procure and transport liquid oxygen from Turkey into northwest Syria despite the restrictions imposed by the Turkish government. According to him, this would have been very difficult to achieve without the intervention of the UN. The active role of the UN's civilian-military unit leading negotiations with armed groups also would be lost, which could lead to serious access impediments for NGOs.

Bab al-Hawa Is the Last Border Crossing

Following the UNSC resolution in July 2020, Bab al-Hawa became the only operational border crossing. The closure of Bab al-Salam to humanitarian shipments and aid stretched the operational capacity of Bab al-Hawa, as the former absorbed 18 percent of transshipments into the northwest following the closure of the latter (as of June 2020).²² The loss of Bab al-Salam impaired access to northern Aleppo and Afrin, causing delays in aid delivery, increased costs due to travel across longer distances amid a deteriorating economy and sweeping inflation, and an increased need to rehabilitate roads that were already in a poor condition. Having only one authorized border crossing also meant that any temporary suspension of

22 "Syria-Turkey Cross-border Operations, January to June 2020," Infographic, Logistics Cluster, <https://logcluster.org/document/syria-turkey-cross-border-operations-january-june-2020>.

passage through Bab al-Hawa, whether due to escalation of violence or simply a logistical issue, would result in a complete halt of operations. Agha confirmed that shelling near Bab al-Hawa earlier this year led to the suspension of activities for a couple of days, as no alternative crossing is available.

The Northeast as a Cautionary Tale

The closure of al-Yarubiyah border crossing in January 2020 had a notable impact on the humanitarian response in northeastern Syria.²³ In terms of funding, the closure of al-Yarubiyah entailed a cumulative loss of nearly US\$27 million in UN cross-border funding to a population of around 1.8 million, of which 70 percent are considered by the UN to be in extreme need.²⁴ The loss of the SCHF in the northeast was particularly debilitating since it provided funding for emergency health, winterization, education, protection, and other aid interventions. Although international donors increased bilateral funding in the initial aftermath of the closure of al-Yarubiyah, funding gaps emerged earlier this year; at least nine health facilities faced the risk of shutting down or being handed over to local authorities as of March 2021 and twenty-three facilities could be without funding in the absence of additional financial support. Amid reports of shortages in testing supplies and oxygen,²⁵ there has been immense pressure on the only COVID-19 testing lab in the region, based in Qamishli, to meet the needs of a population of nearly two million people. The closure of al-Yarubiyah and dwindling funding has led to “constant stockouts of testing supplies and a lack of confidence in the capacity of the Qamishli lab to test people, resulting in limited referrals and, ultimately, a massive under testing of COVID-19,” according to an international NGO representative in the northeast Syria response.²⁶

In addition to funding, the procurement of critical medical commodities has become incredibly challenging for NGOs, exacerbating shortages of items on WHO’s essential medicines list. “Following the closure of al-Yarubiyah, NGOs were expected to obtain personal protective equipment and essential medical commodities without UN support at a time in which even governments were struggling to [get] these items for their own populations,” says Carr in an interview. “As

much as 40 percent of critical medicines to supply NGO health facilities in the northeast were stocked out at some point.”²⁷ Alarming, this also has entailed a significant decline in the number of reproductive health and post-rape trauma kits delivered in this area through al-Yarubiyah, leaving survivors of rape deprived of life-saving clinical treatment.

In the past, UN agencies used their massive international logistics capacity to procure commodities in bulk to ensure consistent shipments through al-Yarubiyah every three months, allowing NGOs to access them easily from the Syrian side and then distribute them to populations of concern. Since the UN withdrawal, NGOs have struggled to plug the gap. Many of these critical supplies do not exist in the local market, so NGOs have to procure them from abroad, transport them to the Kurdistan region in Iraq, ensure their movement to Faysh Khabor (the border crossing historically utilized by NGOs), obtain relevant approvals from authorities on both sides of the border, and then distribute them to populations. It is substantially more expensive, cumbersome, and politically challenging for multiple NGOs to conduct these operations in contrast to massive UN agencies, and this has fragmented the entire supply-chain process. According to NGOs operating in the region, such disruptions have made it more difficult to guarantee a consistent cold chain required for certain medications from their point of origin to their final destinations. Further complicating the situation, the closure of al-Yarubiyah also limited channels of communication between UN agencies and NGOs in the northeast, undermining field coordination required for effective needs analyses and gap filling.

The Loss of Bab al-Hawa Will Be More Devastating

While cross-border experts draw lessons learned from the loss of al-Yarubiyah, they emphasize that the impact of closing Bab al-Hawa would be far more significant.²⁸ Compared to the northwest, the UN’s role has been significantly smaller in al-Yarubiyah due to immense pressure imposed by the Syrian government. Even prior to the closure of al-Yarubiyah, the government succeeded in limiting it to a tool of last resort primarily for delivery of

23 Historically, al-Yarubiyah has been used by the UN to serve three objectives: (1) delivery of medical supplies to NGOs by the WHO; (2) provision of reproductive health kits by the UN Population Fund (UNFPA); and (3) provision of funding through the SCHF to implementing partners of the UN. Since the onset of the northeast cross-border response, NGOs have relied on the border crossing of Faysh Khabor to conduct their cross-border interventions, but also received supplies from the UN through al-Yarubiyah.

24 *Briefing to the UN Security Council on the Humanitarian Situation in Syria*, (March 29, 2021).

25 “Coronavirus Surges in Northeast Syria amid Oxygen Shortages,” Associated Press, April 29, 2021, <https://apnews.com/article/syria-coronavirus-middle-east-health-6caecf034ae2103ac66dfe2884153be2>.

26 Interview with international NGO representative, May 2021.

27 Interview with Carr, March 24, 2021.

28 Interviews conducted with cross-border actors in northwest and northeast Syria, February to May of 2021.

critical medical commodities—in stark contrast to the use of Bab al-Hawa.²⁹ The UN's access throughout the northeast also has been mainly limited to camp settings and pockets under the control of the Syrian government, whereas the UN has much greater access throughout the northwest. Moreover, while the northeast lost around US\$27 million in UN funding following the loss of al-Yarubiyah, the northwest is expected to lose hundreds of millions of dollars of UN funding if the resolution authorizing Bab al-Hawa is not renewed.³⁰ With regards to coordination—unlike other parts of Syria and humanitarian responses across the globe—NGOs in the northeast lead in coordination and advocacy rather than UN agencies, whereas the UN is at the helm of the entire cross-border response in northwest Syria.

CROSS-LINE ASSISTANCE IS NOT AN ALTERNATIVE

Despite the abundance of evidence that has been presented to the UNSC stressing the criticality of the cross-border mechanism, Russia remains determined to achieve its demise. Beyond the argument on state sovereignty, the Russian position rests on the flawed premise that sufficient cross-line access exists to areas outside of government control. Cross-line operations entail aid interventions implemented in areas outside of government control by humanitarian actors traveling from within government-controlled areas of Syria. However, cross-line operations have faced a plethora of bureaucratic and operational hurdles to date and UN Secretary-General Antonio Guterres remarked in March that “cross-line convoys, even if deployed regularly, could not replicate the size and scope of this operation.”³¹

Moreover, the depiction of the cross-line option as an alternative to cross-border work places the two mechanisms in artificial competition with one another, according to Allen. He emphasizes that both modalities should continue to be pre-

served and strengthened as essential corridors to reach vulnerable populations with assistance.³² It is critical to note that government-controlled areas, which constitute the majority of territory in Syria today, receive the largest share of funding from donors given the high number of vulnerable Syrians residing in them. The US government has singularly provided the most funding out of all donor governments and US financing comprised 36 percent of the total share of funding for the overall Syria response in 2020.³³

Cross-line Modality Fails to Mitigate the Impact of Closing al-Yarubiyah

According to Undersecretary-General Lowcock, both cross-line and NGO cross-border shipments have failed to sufficiently replace the al-Yarubiyah crossing to address supply-chain limitations.³⁴ Indeed, cross-line operations have been extremely sparse to the northeast and have not consisted of a sufficient scale-up of aid to support the population residing in the area. While the UN does not publicly report the total number of cross-line operations it conducts, the persistent lack of stock in essential medical commodities in the northeast further suggests that the frequency of cross-line operations has been insufficient, according to aid workers operating in northeast Syria. Beyond this issue, NGOs have expressed frustration that several cross-line shipments to northeast Syria since the closure of al-Yarubiyah have contained nonessential, incomplete, or expired supplies.

NGOs were previously feeding information to UN agencies based on gaps and needs they had tracked across dozens of health facilities in the northeast; the loss of this coordination has led to more arbitrary and poorly planned cross-line operations based on limited and incomplete information. The UN, which must receive the Syrian government's approval for every cross-line intervention, has faced increased pressure from the government to limit its coordination with cross-border actors, particularly following the closure of al-Yarubiyah.³⁵

29 While the UN did not legally require the permission of the Syrian government to conduct cross-border operations through al-Yarubiyah, it faced and succumbed to intense pressure from the government. This led to a deliberate underutilization of the al-Yarubiyah border crossing that the Russian government exploited to claim that it was not necessary when pushing for its closure. Experts interviewed for this analysis argue that the border crossing could have been more effectively and more frequently used to address critical gaps and strengthen the response.

30 NGOs in the northeast receive significantly more direct bilateral funding from donors, and international NGOs have more access in the northeast than their counterparts in the northwest.

31 “UN Chief Antonio Guterres Backs US Call for Aid Flows into Syria,” *The National*, updated March 30, 2021, <https://www.thenationalnews.com/mena/un-chief-antonio-guterres-backs-us-call-for-aid-flows-into-syria-1.1194208>.

32 Interview with Allen, April 9, 2021.

33 According to the OCHA Financial Tracking Service, donors provided nearly US\$2.7 billion in funding for the 2020 Syria response. UN funding for cross-border response has been estimated at around US\$300 million per year; however, an official disaggregation of funds per geographic location and for cross-line operations does not exist and constitutes one of the key weaknesses of reporting on the Syria response as a whole.

34 Briefing to the UN Security Council on the Humanitarian Situation in Syria, (March 29, 2021).

35 Interview with an NGO representative operating in northeast Syria, May 6, 2021.

Whereas UN agencies were previously delivering supplies to cross-border NGOs, they are now required to exclusively provide supplies either to their local implementing partners or in bulk to local health authorities, after which they face difficulties in tracking the use of supplies. Experts in the northeast say that these distributions are often not based on UN assessments, and local health authorities are themselves overstretched and heavily reliant on external support.³⁶ This has presented major challenges to the coordination of the health response as NGOs and UN agencies alike lack proper visibility around which supplies are reaching which areas across the eighty-seven health facilities in the region.

Moreover, the reach of the UN's assistance is limited as the Syrian government rarely provides authorizations for interventions outside of camp settings in the northeast. According to an aid worker, the lengthy approvals process led to a three-month delay in winterization items in a major camp earlier this year and the flat out rejection of approval for food assistance targeting around two hundred thousand individuals in the city of Raqqa and its surrounding areas.³⁷ The inadequate cross-line response in the northeast demonstrates that in addition to operational and logistical challenges, the control of humanitarian aid by the Syrian government—an active party to conflict—further undermines the efficacy and accountability of the response.

Limitations of the Cross-line Modality

Several factors constrain the feasibility of effective and sufficient cross-line engagement. All six representatives of Damascus-based NGOs who were interviewed noted that the process for seeking approvals for cross-line work remains tightly controlled and restrictive because the Syrian government must authorize every cross-line movement by any actor, including the UN. Not only does the Syrian government reject many requests for cross-line work without offering transparent explanations to NGOs, one cross-line actor says it can take up to six months to complete all the steps between conducting an assessment and finally

obtaining approval to do cross-line work. This limits the capacity of cross-line actors to respond to emergency needs in a timely and adequate manner.³⁸

Even if Damascus-based actors manage to surmount these access barriers, they often encounter operational obstacles. One Damascus-based representative mentioned in an interview that the dilapidated conditions of roads and dangerous security context force them to resort to transport via the UN Humanitarian Air Service.³⁹ Moreover, they struggle to work in an unfamiliar environment with stakeholders and dynamics new to them. The inability to establish a permanent presence undermines cross-line actors' capacity to improve their understanding of the context in new areas. One NGO representative interviewed for this analysis also mentioned that her organization also faces difficulties in formally engaging and coordinating with de facto authorities when conducting cross-line operations, often navigating new approval processes from both the Syrian government and the Autonomous Administration of North and East Syria.⁴⁰

Cross-line Programming Faces Unique Challenges in Northwest Syria

Secretary-General Guterres stated in March, in reference to cross-line programming, that despite efforts at the UN, “we have not yet managed to create the conditions to deploy the first convoy from Damascus to northwest Syria.”⁴¹ Russia has pushed for formal joint cross-border operations for the northwest through the UN, the International Committee of the Red Cross, and the Syrian Arab Red Crescent (SARC).⁴² Many aid organizations interviewed for this report argue that the main reason for stalled negotiations is due to the Syrian government's objective to channel cross-line work through SARC, an auxiliary of the government with well-documented ties to different state agencies,⁴³ and to deny the UN the ability to lead the process, although the Russians publicly call for joint operations. In practice, if the Russian and Syrian governments succeed in placing SARC at the forefront of cross-line programming for the northwest, the

36 Interview with an NGO representative operating in northeast Syria, May 6, 2021.

37 This development occurred after a period of two months in which the affected populations had not received food parcels. Interview with an NGO representative, May 6, 2021.

38 Interviews conducted with country and regional representatives of NGOs operating in Damascus, February to April of 2021.

39 Interview with an NGO representative operating in Damascus, March 29, 2021.

40 Interview with an NGO representative operating in Damascus and conducting cross-line operations to northeast Syria, April 4, 2021.

41 *Remarks to the General Assembly on the Situation in Syria*, (March 30, 2021) (remarks of António Guterres, UN secretary-general), <https://www.un.org/sg/en/content/sg/speeches/2021-03-30/remarks-general-assembly-situation-syria>.

42 “Press Release on the Cross-Border Mechanism for Humanitarian Aid Delivery into Syria,” Ministry of Foreign Affairs of the Russian Federation, press release, July 15, 2020.

43 Sara Kayyali, *Rigging the System: Government Policies Co-Opt Aid and Reconstruction Funding in Syria*, Human Rights Watch, June 28, 2019, <https://www.hrw.org/report/2019/06/28/rigging-system/government-policies-co-opt-aid-and-reconstruction-funding-syria>.



Smoke rises from a site targeted by multiple airstrikes, allegedly carried out by Syrian government forces in the town of Taqad, in the western Aleppo countryside. February 17, 200. Source: Deutsche Presse-Agentur GmbH

Syrian government would exert greater control over the entire mechanism, at the expense of UN leadership, from planning operations and the selection of beneficiary populations and target areas to logistics of movements and control of the delivery of assistance.

Assuming that a cross-line channel to the northwest could be formalized, the Syrian government's intention to substantially scale up or permit expansion of cross-line work must be questioned. "The Syrian government has a track record of systematically denying aid to areas outside of its control, including territory it besieged," says Rihawi. "It is difficult to speak about the viability of cross-line operations, especially as an alternative to cross-border [operations], when the Syrian government has obstructed cross-line work for ten years."⁴⁴

Even when the Syrian government has regained control of areas formerly under the influence of opposition forces, the practice

of aid denial persists. "There are vast areas in Damascus City, Homs, and the South that have become wastelands with completely devastated infrastructure and no electricity, water, health facilities, and other services, despite populations living there," said one former Damascus-based aid worker, speaking on the condition of anonymity in reference to areas retaken by the Syrian government. "Because they consider these populations 'enemies' or 'terrorists,' these areas are most in need, where the most rights violations continue to occur and people are still basically trapped, even though the government claims they are no longer under siege."

Moreover, cross-line actors themselves have repeatedly expressed doubt that potential cross-line operations could mitigate the loss of the cross-border response based on its sheer scale and reach. A regional representative of a Damascus-based NGO argues that "cross-line operations will not be able to fill critical gaps in the case of nonrenewal,

44 Interview with Rihawi, March 30, 2021.



Damaged cars and buildings are seen in the besieged town of Douma, Eastern Ghouta, Damascus, Syria February 25, 2018. Source: REUTERS/Bassam Khabieh/File Photo

such as support for housing, land and property issues, and hospitalization. Of particular concern is the population of 2.7 million internally displaced persons (IDPs), many of whom live in camps managed by cross-border actors,” he says.

Much of the civilian populations present throughout the northwest are collectively traumatized from the actions of the Syrian government and SARC, including those who were rehabilitated to Idlib from areas formally besieged and attacked by the Syrian army. This fear has been exacerbated by the Syrian and Russian systematic attacks on civilian infrastructure throughout the northwest.⁴⁵ “IDPs in northwest Syria have witnessed in the past militias arriving in SARC vehicles to arrest and kill them in certain areas,” a senior aid worker said. “In a scenario in which populations are forced to accept aid from proxies to the Syrian government, whom they view as a violator of their rights and responsible for their suffering, this would strip them of their last piece of dignity.”

Finally, the de facto authorities in the northwest could also undermine prospects for effective cross-line work. In contrast to the northeast, where there are areas of collaboration between the Syrian government and the Autonomous Administration, de facto authorities in the northwest and the Turkish troops present in Idlib governorate have a much more hostile position toward the Syrian government. Indeed, the Turkish military escalation against the Syrian army in February 2020,⁴⁶ following a coordinated Russian and Syrian attack that killed Turkish troops, halted the government’s advance further into Idlib and also prompted the implementation of a cease-fire in the northwest. This suggests that authorities in the northwest will generally oppose government-led cross-line attempts into the areas they control.

Environment of Systematic Aid Obstruction

Previously, Human Rights Watch,⁴⁷ Chatham House,⁴⁸ and other prominent organizations have documented practices

⁴⁵ Wille and Weir, “*Targeting Life in Idlib*.”

⁴⁶ “Syria War: Alarm after 33 Turkish Soldiers Killed in Attack in Idlib,” BBC, February 28, 2020, <https://www.bbc.com/news/world-middle-east-51667717>.

⁴⁷ Kayyali, *Rigging the System*.

⁴⁸ Haid Haid, *Principled Aid in Syria: A Framework for International Agencies*, Chatham House, July 4, 2019, <https://www.chathamhouse.org/2019/07/principled-aid-syria>.

adopted by the Syrian government that are designed to deny humanitarian assistance to certain populations and exert state control over the aid system in violation of core humanitarian standards. Some of the most egregious practices include: leveraging government approvals to divert aid; the government imposing its own needs assessments and preventing international NGOs from conducting independent analysis; imposing local partners and staff recruited by international organizations; obstructing independent monitoring and evaluation of activities; imposing beneficiary lists and target locations vetted by Syrian security agencies; and denying aid to certain populations based on political calculations. One NGO worker formerly based in Damascus also suggested that the Syrian government has been able to sidestep Western donors' unwillingness to fund reconstruction by granting limited access to international NGOs on the condition of completing rehabilitation work. Collectively, these efforts reveal a systematic manipulation of the aid architecture by different Syrian state authorities to satisfy their political and material interests at the expense of the core humanitarian principles of humanity, impartiality, independence, and neutrality.

With limited pressure on the Syrian government to modify its behavior with regard to humanitarian assistance, fully ending the legal mandate of the cross-border mechanism would further reinforce the message that the government will not be held accountable for its obstructive practices and can continue to manipulate aid to satisfy its political interests. In addition to preserving the cross-border mechanism, donors, UN agencies, and NGOs should collectively exert strategic pressure on the Syrian government to change its behavior in favor of more principled aid delivery across Syria.

HUMANITARIAN CONSIDERATIONS SIDELINED AMID A POLITICIZED DEBATE

While the *raison d'être* of the cross-border mechanism is to respond to the humanitarian needs of populations that cannot otherwise be reached, the debate around the cross-border response in Syria has been highly politicized. This has resulted in the sidelining of humanitarian considerations in favor of political calculations. The closure of the border crossings of al-Yarubiyah and Bab al-Salam in northern Syria, where needs have only grown, exemplifies this idea. Unlike in the southern

areas, where conflict dynamics shifted after the government of Syria took over, territories in the northwest and northeast remain outside government control. In other words, the cross-border response through al-Youribiyah and Bab al-Salam was not ended because it had become redundant; rather, the Security Council was pressured to offer serious compromises in face of the veto power of Russia and China.

Russia's claim that cross-line assistance from Damascus is a feasible alternative to the cross-border response, despite all evidence indicating otherwise, is in itself political. In fact, Russia perceives the continuation of the cross-border mechanism as a threat to its efforts aimed at bolstering Assad's power over aid by channeling it all through Damascus. Nevertheless, Russia has found itself thus far obliged to allow the cross-border response due to other political considerations, most notably considerations that govern and serve its difficult *détente* with Turkey.⁴⁹ If Russia were to succeed in consolidating the Syrian government's monopoly of aid by ending the cross-border response, it would extend the latter's control over people outside government-held territories. One aid worker explained in an interview that the notion of instrumentalizing aid is not new within the Syria context, and referred to the besiegement of the Eastern Ghouta region (near Damascus) and Aleppo as examples of how blocking food assistance was used as a war tactic. He warned that handing the government, a party to the conflict, control over all aid risks depriving many vulnerable populations in the northwest of life-saving assistance.⁵⁰

Russia presents two main arguments to support its position against the cross-border operations: the cross-border mechanism undermines Syria's sovereignty and is no longer needed; and assistance delivered through this mechanism has been co-opted by terrorist groups. Most recently, Russia added "sanctions and their impact" to its list of arguments⁵¹ in an attempt to deflect the debate around the necessity of aid delivery from Turkey.

State Sovereignty and Territorial Integrity

Russia and China's chief argument around Syria's sovereignty and territorial integrity seeks to appeal to some of the nonpermanent members of the Security Council and other external observers. One expert explains that such arguments draw the sympathy of smaller and less powerful nations who have painful historical experiences with

49 Georges Ghali, "Power & Politics Behind Humanitarian Mechanisms in Syria," opinion, *Middle East Institute for Research and Strategic Studies*, August 31, 2020, <https://www.meirss.org/power-politics-behind-humanitarian-mechanisms-in-syria>.

50 Interview with an NGO representative operating in northwest Syria, April 2021.

51 "Press Release on the Cross-Border Mechanism for Humanitarian Aid Delivery into Syria," July 15, 2020.

colonialism and foreign intervention, and therefore may tend to prioritize state sovereignty over other considerations.⁵² Consequently, bringing the discussion back to its roots, focusing on the humanitarian impact of ending cross-border aid delivery, is crucial.

Russia builds its argument on the claim that the cross-border mechanism “was established as a temporary measure in 2014 when Syria was torn apart by terrorists” and that the mechanism “has outlived its objectives,”⁵³ meaning that “Syria’s sovereignty and territorial integrity must be restored”; however, and according to international law, no government should be allowed to withhold aid from populations in need, let alone populations outside its control.⁵⁴ As a matter of fact, the misleading “new reality” of Syria that Assad’s government and its allies portray omits that territories in the northeast and northwest remain outside government control. A recent analysis by the Washington Institute indicates that a third of Syrian territory, mostly in the north, is beyond government control.⁵⁵ In other words, although the government of Syria has expanded its territorial control since 2014, there are still vulnerable populations living under other de facto authorities, and they can only be reached with adequate humanitarian assistance through cross-border operations. Lowcock affirmed to the Security Council in June 2020 that “the cross-border authorization provides a lifeline for millions of civilians in northwest Syria,” asserting that they “cannot reach them without it.”⁵⁶

Co-optation of Aid

Russia has repeatedly questioned the integrity and transparency of the cross-border mechanism, claiming that “much of the humanitarian aid has been co-opted by terrorists.”⁵⁷ While the Russians argue that the “cross-border mechanism lacks transparency,” humanitarian actors

interviewed for this report agree that the UN monitoring mechanism (UNMM) established by the UNSC in 2014 (pursuant to Resolution 2165) to confirm the humanitarian nature of relief consignments from Turkey, Iraq, and Jordan, is one of the most diligent and rigorous monitoring mechanisms in the world. According to a statement by Lowcock, “that is because the people paying for it—who are mostly Western and Gulf donors—have been clear that they will only do so if they are sure the resources are not being diverted to terrorist groups.”⁵⁸ A senior humanitarian worker consulted for this analysis explains that the UNMM adds another layer of monitoring in addition to internal, donor, and cluster monitoring and accountability mechanisms. This extra layer, in fact, renders the Russian claim questionable. “If Russia is so keen to preserve and strengthen the neutrality and humanitarian nature of the cross-border assistance, it would rather support the role and presence of the UN to ensure that the UNMM remains in place, which reduces risks of aid co-optation and divergence,” he says.

The Russians have often made allegations of aid divergence and lack of transparency⁵⁹ to justify their opposition to the resolution authorizing cross-border operations, which would otherwise constitute, according to experts, an attempt to arbitrarily withhold aid and hence a latent violation of international law.⁶⁰ While what classifies as arbitrary is not explicitly clarified in any international legal document, the argument of state sovereignty and territorial integrity put forward by the Russians and the government of Syria, undoubtedly, would not be accepted alone as a “valid reason” to deny the delivery of aid. This is particularly true since cross-border assistance remains necessary, given that the party under whose control civilians are is unable to provide the needed assistance, and populations in northwest Syria are not under the control of the government and rely heavily

52 Interview with a representative of an international NGO, March 29, 2021.

53 “Despite Fragile Calm in Syria, Political Track Has Yielded Few Results, Special Envoy Warns Security Council ahead of Constitutional Committee’s Fifth Session,” UN Security Council press release, SC/14417, January 20, 2021.

54 Emanuela-Chiara Gillard, “The Law Regulating Cross-border Relief Operations,” *International Review of the Red Cross* (2013): 95 (890), 351–382, accessed May 12, 2021, doi:10.1017/S1816383114000307.

55 Fabrice Balanche, *The Assad Regime Has Failed to Restore Full Sovereignty over Syria*, Policy Analysis, Washington Institute for Near East Policy, February 10, 2021, <https://www.washingtoninstitute.org/policy-analysis/assad-regime-has-failed-restore-full-sovereignty-over-syria>.

56 *Briefing to the Security Council on the Humanitarian Situation in Syria*, (June 29, 2020) (statement of Mark Lowcock, undersecretary-general for humanitarian affairs and emergency relief coordinator), <https://reliefweb.int/sites/reliefweb.int/files/resources/200629%20Syria%20USG%20Security%20Council%20statement%20final.pdf>.

57 “Security Council Rejects 2 Draft Resolutions Authorizing Cross-border, Cross-line Humanitarian Access in Syria,” UN Security Council, Meetings Coverage, SC/14066, December 20, 2019, <https://www.un.org/press/en/2019/sc14066.doc.htm>.

58 *Briefing to the UN Security Council on the Humanitarian Situation in Syria*, (March 29, 2021).

59 *Briefing to the UN Security Council on the Situation in the Middle East* (November 29, 2018) (statement of Dmitry Polyanskiy, first deputy permanent representative, Russian Federation), https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_pv_8411.pdf.

60 Gillard, “The Law Regulating Cross-border Relief Operations,” 351–382.

on humanitarian aid for their survival. The UN has reported on several occasions that the Syrian government has denied consent for legitimate humanitarian relief operations, such as aid to besieged areas.⁶¹ The Russians therefore attempt to challenge the neutrality and humanitarian nature of aid delivered through the cross-border mechanism in hopes that this, in addition to their main argument on the need to restore Syria's sovereignty, would amount to a "valid reason."

Sanctions

Sanctions imposed by Western countries on targeted entities within Syria, including individuals suspected of engaging in war profiteering, war crimes, and various human rights abuses, often appear in discussions around the cross-border mechanism, and mostly mentioned by Russia and China. The concerns around sanctions and their impact on the humanitarian situation inside Syria warrant dedicated investigation and should not be disentangled from the broader discussions around the humanitarian crisis in Syria; however, presenting sanctions and cross-border programming in particular as intertwined constitutes an imprudent political move that aims to further deflect the discussion away from humanitarian considerations on the ground. Russia and China employ their opposition to the cross-border mechanism by threatening to put an end to it to also retaliate against Western sanctions on the Assad regime.

The effect of this tactic is that it grossly distorts what should be an operational discussion around the cross-border modality into a political battleground that promotes infighting among UNSC members rather than compromise on the basis of humanitarian need. It sets a dangerous precedent by which humanitarian instruments are deployed as bargaining chips to achieve political ends. Russia's willingness to eliminate cross-border operations through criticism of targeted sanctions is not only irrelevant to the cross-border debate, it also is particularly problematic given Russia's near certainty that Western donors, who are the disproportionately largest funders of humanitarian assistance in government-held territory and across Syria, will not cease their financing despite their political opposition to the Assad government. This tightens Russia's grip over humanitarian aid, despite its negligible financial contributions to aid within Syria. It further creates a situation where Russia can determine the fate of millions of civilians who depend on cross-border assistance through a veto in the UNSC without any fear of impact on the assistance distributed in areas controlled by its ally.

CONCLUSION: FAILURE TO RENEW THE RESOLUTION WILL LEAD TO A HUMANITARIAN CATASTROPHE

Humanitarian stakeholders have produced an overwhelming amount of evidence that the cross-border mechanism is critical to reach millions of people across northern Syria with life-saving assistance at a time of unprecedented need and economic devastation. Cross-border actors and Damascus-based international NGOs are united on the position that all humanitarian corridors must remain open. The original premise that brought the cross-border instrument into fruition—that areas exist outside of the control and reach of the Syrian government, necessitating delivery of aid through cross-border channels—remains true to this day. While Russia has sought to frame the cross-line option as a zero-sum alternative, cross-line actors themselves insist that it would fail to mitigate the impact of closing Bab al-Hawa. If the UNSC does not renew the resolution, a humanitarian catastrophe would unfold as NGOs would struggle to plug the gaps left by a massive UN withdrawal from coordination, funding, procurement, and access negotiations. Moreover, the Syrian government's track record of aid obstruction foretells how it will continue to manipulate the cross-line mechanism to serve its narrow political objectives, with limited incentives to change its behavior in a scenario in which the cross-border authorization is ended. The UNSC has an obligation under international law to preserve the cross-border resolution and ensure that affected populations are reached with assistance.

In spite of all of the evidence, Russia will insist on prioritizing its political support of the Syrian government over humanitarian considerations and seek to realize the defeat of this resolution; therefore, it is essential to depoliticize the discussion as much as possible. To advance this goal, the UN must continue to provide a realistic and holistic depiction of the humanitarian situation across Syria in briefings to the UNSC, official reports, and bilateral engagement with member states. A robust discussion should focus on empowering humanitarian stakeholders to lead, with support from the penholder countries of Ireland and Norway, whose role allows them an elevated position within the deliberations on the resolution. Such a discussion can naturally expose the flaws in the Russian narrative that the Damascus-led response can step in immediately to lead a whole-of-Syria response, despite conflict dynamics and political constraints that prevent this from coming to fruition. A unanimous front among all

61 *Implementation of Security Council Resolutions 2139 (2014), 2165 (2014), 2191 (2014) and 2258 (2015)*, Report of the Secretary-General, S/2016/272, March 23, 2016, <https://reliefweb.int/sites/reliefweb.int/files/resources/N1607835-2.pdf>.

humanitarian actors, with a strong push from the UN, will place pressure on the Russian attempt to block aid to Syrians that can only be reached in a cross-border manner.

The Biden administration has signaled a core focus on human rights issues in stark contrast to its predecessor, and it will be key for it to afford space to humanitarian actors to engage with the administration on the cross-border resolution and other humanitarian affairs related to the Syria portfolio. Only a political solution to the Syrian crisis will create the conditions whereby conflict is eliminated and sustainable alternatives to the cross-border setup can be pursued in the long-term. In the meantime, all access corridors must be strengthened and expanded to support Syrians to survive and recover from the compounding crises they will continue to face for the foreseeable future.

The report concludes with general recommendations, ways to address aid obstruction, suggestions for stakeholders in the event the resolution does not pass, and recommendations for those involved in cross-line work.

General Recommendations

- The Biden administration must use all tools at its disposal to thwart a Russian and Chinese veto of the cross-border resolution; otherwise, the US government and all other donor governments providing aid will witness a humanitarian catastrophe in northwestern Syria in which millions of people will lose access to life-saving aid.
- The Biden administration must fill vacancies of key positions required for coherent and strategic US policy on Syria, including the position of the secretary's special representative for Syria engagement, which has not been filled at the State Department since November 2020. Relevant vacancies will also allow the Biden administration to engage with Washington, DC-based NGOs, which are critical to inform discussion of the cross-border resolution.
- Donor governments must collectively increase flexible, multiyear funding for the Syrian humanitarian response, particularly the United States and United Kingdom, which significantly decreased their financial pledges at the 2021 Brussels Conference on Syria.
- All UNSC members must ensure that the cross-border deliberations place humanitarian considerations above political calculations. The penholders of this resolution, the Irish and Norwegian governments, should make all efforts to depoliticize the space and ensure that humanitarian organizations have sufficient opportunities to lead in key discussions within the Security Council related to the cross-border resolution.
- The US and European governments must continue to insist on separating the sanctions debate from negotiations for renewal; nevertheless, the US government must find ways to mitigate unintended consequences of sanctions on humanitarian entities. Depoliticizing the cross-border discussion, creating an alternative space to discuss sanctions, and addressing legitimate grievances will prevent Russia from unjustly using sanctions as ammunition against humanitarian instruments such as the cross-border mechanism.

Recommendations to Address the Challenge of Aid Obstruction

- The Biden administration must substantially increase its involvement in the humanitarian affairs in Syria and issues of aid obstruction by the Syrian government. Given that the US government has been the largest funder of humanitarian aid across Syria, including the Damascus hub, it bears a unique responsibility to work much more closely with UN agencies and international NGOs to ensure the accountable delivery of aid free from exploitation and intervention by Syrian state authorities.
- The US government, the EU, and all donor countries, along with UN agencies, and international NGOs, should revive and implement the key findings and recommendations from organizations that have exhaustively documented aid obstruction in Damascus, such as Human Rights Watch, Chatham House, and Amnesty International.
- The US government and all donor agencies should require the UN and international NGOs operating from Syrian government territory to formalize collective positions, approaches, and redlines that help push back against Damascus's obstructive practices. Donor governments under the leadership of a key member such as the United States should jointly review and advise on guidelines produced by UN agencies and international NGOs on aid obstruction. In the absence of a formal Damascus international NGO coordination forum, these organizations must also explore ways to work in a more robust and collective fashion to introduce consistency and predictability in engagement with Syrian authorities.
- While the US government and all donors funding aid to Damascus should be flexible and acknowledge that time

is required for implementing agencies to make gains in dealing with the Syrian government on issues such as access negotiations, they should push Damascus-based organizations to act in a strategic, cohesive, and coordinated manner when engaging Syrian state authorities to prevent and mitigate the obstructive practices mentioned in this analysis.

- In addition to addressing the systematic aid obstruction of the Syrian government, the Biden administration should utilize diplomatic channels to ensure that the Turkish government and Autonomous Administration provide unimpeded access to and reduce obstacles for humanitarian actors in areas that they control.

Recommendations to Stakeholders in the Event of Nonrenewal

- The UN should maintain as much involvement as possible on the cross-border response to continue to advise and support humanitarian financing, procurement, coordination, and access, even if its direct role is diminished. Given the fact that there is a lack of clarity around the legal conditions under which the UN is authorized to operate on a cross-border basis, the UN should apply legal interpretations that enable its continued involvement in the cross-border response in accordance with the imperative of providing unhindered aid as per international law.
- UN bodies that operate in Turkey, including OCHA, and donor governments should continue to engage with Turkish authorities to ensure they preserve the same level of access for cross-border actors from Turkish territory to Syria and minimize bureaucratic impediments imposed on NGOs with offices in Turkey.
- The Turkish government should use leverage over de facto authorities and armed groups within northwest Syria to minimize their interference in humanitarian operations and obstructive practices toward humanitarian organizations operating in the region.
- Any funding mechanisms that are designed and endorsed by donor governments to operate in a scenario of UN withdrawal from the cross-border response must aim to

maintain funding to Syrian NGOs and simplify compliance requirements when possible, and provide capacity training for organizations so that they can meet those compliance requirements.

- The US government, the EU, and donor agencies should ensure that any possible funding redirected to international NGOs entail fair and proportional funding to Syrian NGO partners of international NGOs. To mitigate the asymmetry of power that will result from the loss of direct UN funding to Syrian NGOs, all cross-border donors should preserve strategic lines of communication with Syrian NGOs and hold international NGOs accountable to pursue equitable partnerships.

Recommendations to Stakeholders Involved in Cross-line Work

- The United States, France, the UK, and the penholders should continue to ensure that all discussions in the Security Council avoid framing cross-line and cross-border programming as oppositional to one another, and continue to emphasize the importance of utilizing both instruments to address humanitarian gaps.
- The UN should report transparently and accurately in all forums (within and beyond the Security Council) and at all levels on the challenges and ability of all actors to implement cross-line operations at the scope and scale expected to sufficiently reach affected populations with assistance.
- The United States and all donor agencies should avoid provision of funding for cross-line operations that fail to uphold the autonomy and independence of UN agencies and NGOs, and they should require that all cross-line actors receiving funding be able to demonstrate their compliance with humanitarian principles. Donors, UN agencies, and international NGOs should also explore partnerships to implement cross-line operations with longstanding, grassroots Syrian organizations⁶² operating in government-held territory that have been able to accountably deliver services to local populations.
- The US government and all other donor agencies funding future cross-line operations should work with the UN

62 Ammar Azzouz, "The Role of Local Charities in Reconstructing Syria," Analysis, Chatham House, January 2019, <https://syria.chathamhouse.org/research/the-role-of-local-charities-in-reconstructing-syria-1>.

to create a robust reporting and monitoring system to ensure the impartiality and neutrality of cross-line work. Such a system would help track and verify the delivery of relevant assistance to populations in need and mitigate the likelihood of a scenario in which the Syrian government and its auxiliary entities, including SARC, would extend obstructive and political practices to the cross-line mechanism.

- The UN should formalize coordination channels with cross-border actors, despite objections of the Syrian government, to inform NGOs about planned cross-line shipments, supplies, and quantity of items, and targeted locations and beneficiaries. This would ensure the continuation of a well-coordinated response.
- Cross-line actors should ensure accountability to affected populations and engage with the populations of concern they wish to serve in those areas. They must take into consideration the grievances and concerns of these populations, particularly their fear of receiving aid from entities affiliated with parties to conflict, to ensure their safety, dignity, and access to aid.
- NGOs engaging in cross-border operations and NGOs conducting cross-line work should pursue effective channels for information-sharing: to ensure cross-line operations are efficient, adequate, and accountable in ways that respond to needs on the ground; and that all actors work in complementary ways that address gaps in service provision.

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