

A Way out of the Syrian Carnage

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ONE DAY, WE MAY LOOK back at the war in Syria and say the increasingly hollow words “never again” just as we did after the Second World War, the Rwandan Genocide, and the massacre in Srebrenica. Four and a half years into the crisis, the consequences of inaction are already staring us in the face.

During my visit to Aleppo in February 2013, I witnessed desperate men and women digging through the rubble of their destroyed homes, searching for their children, relatives, or friends. Their neighborhood had been hit by missiles the previous night. I could not believe the conflict would get any worse, but it has continued to do so every single month since my visit. More than two years later, an estimated 12.2 million people are in need of humanitarian assistance in Syria, and more than four million people have fled to neighboring countries.¹ Many of those still in Syria have no chance of escaping, as Syria’s neighbors, overwhelmed by an influx of refugees, are now closing their borders.²

In more than 30 years of humanitarian and human rights work, I have visited many of the worst war and disaster zones, but never have I witnessed the scale of suffering currently present in Syria. We are faced with the largest humanitarian crisis of our generation—and our response has been terribly inadequate. As my colleagues and I conclude in a report released by the Norwegian

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Refugee Council (NRC) and several other organizations earlier this year, we are failing Syria.³ Inaction and suffering are not inevitable. We should not allow the feeling of hopelessness to prevent us from acting and finding a way out of the Syrian carnage.

INTERNATIONAL FAILURE

In February 2014, the United Nations Security Council unanimously passed Resolution 2139, bringing much-needed hope to Syrian civilians.⁴ The resolution called for increased access to humanitarian aid for people in Syria, while simultaneously demanding an end to attacks against civilians by all sides. It was soon followed by Resolutions 2165 and 2191, which authorized UN aid operations to enter Syria from neighboring countries with or without consent from the Syrian government.⁵ Together, these resolutions provide a framework for how we could end the suffering of civilians in Syria. However, parties to the conflict, powerful members of the UN Security Council, and other UN member states have thus far ignored them.

298 As emphasized in the *Failing Syria* report, the UN Security Council not only has the legal authority to demand action to implement these resolutions, but its member states and their allies also have the political, diplomatic, and financial influence to ensure that these changes actually take place. Yet the Security Council—hampered by political rifts—and the parties to the conflict have all failed to implement the resolutions, leaving civilians to pay the price.

The UN resolutions, as well as international law, require that parties to the conflict cease all indiscriminate attacks against civilians, stop shelling and bombarding populated areas, and cease firing on schools and medical facilities.

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However, unlawful attacks continue to claim thousands of civilian lives.⁶

Regional and international powers continue to fuel the conflict by sending arms and ammunition to various actors on the ground. The resolutions also demand that parties to the conflict immediately lift sieges

and allow aid agencies safe access to people in need. By July 2015, more than 422,000 people were living in communities besieged by either government or armed opposition groups, while more than 4.6 million people continue to live in areas defined by the UN as hard to reach.⁷ For too long, we have silently

allowed hunger to be used as a barbaric tool in the conflict, in breach of the UN resolutions and the laws of war.⁸ In besieged areas such as the Palestinian refugee camp Yarmouk just outside Damascus, civilians have had to resort to eating leaves and weeds; many have died of hunger. Civilians have in effect been confined to these areas, and entry of people, food, and goods has been prohibited for long periods.⁹

PROTECTING OUR PRINCIPLES

Continued violence, deliberate restrictions on aid delivery imposed by parties to the conflict, and administrative hurdles in neighboring countries all limit humanitarian access to Syrian women, men, and children in need. These present serious and sometimes insurmountable challenges to the lifesaving work of humanitarian organizations.

The principles of humanity, neutrality, impartiality, and independence, derived from international humanitarian law, endorsed by the UN General Assembly, and codified by the International Red Cross and Red Crescent, represent the cornerstone of humanitarian work. Together these principles aim to help distinguish aid agencies from the political and military environments in which they operate. But the challenges we face in Syria make it difficult to protect these principles. Bureaucratic hurdles and the lack of access to communities in Syria often prevent aid agencies from conducting independent needs assessments and make it hard to ensure the impartial delivery of aid.

We also face the dilemma of balancing the need to save lives with other operational considerations. The principle of humanity should not be used to justify rapid interventions that may do more harm than good by undermining other principles, such as impartiality and neutrality. Such interventions may alleviate suffering in the short term, but they may also create long-term negative consequences, which include a loss of trust from civilians, authorities, and armed opposition groups, who might misinterpret humanitarian action as support for the activities or objectives of military or political actors on the ground. This lack of trust and the resulting disconnect between humanitarian organizations and their constituents may not only result in reduced access and ability to deliver lifesaving assistance, but could also endanger the lives of aid workers where access is negotiated.

At the same time, inaction and the decision not to deliver aid to certain areas with people in need flouts the principle of humanity. Allegations of partiality may result as well, due to suspicions that aid agencies are deliberately

neglecting certain groups or locations and are serving the political or strategic interests of particular actors. For these reasons, it is necessary to examine how we can effectively address challenges to principled humanitarian action and secure our ability to continue to stay and deliver.

NO ACCESS TO AID

The Norwegian Refugee Council (NRC), alongside other organizations working in Syria, is struggling to reach those in need. Heroic Syrian aid workers continue to deliver assistance everyday, and lives are being saved thanks to this work. Nevertheless, such work is dangerous, and too many aid workers have lost their lives trying to help others.¹⁰ This has resulted in some organizations pulling out or deciding not to work in certain areas, leaving many civilians in need without any assistance.¹¹

In addition to such security risks, there are too many unnecessary and often deliberate bureaucratic obstacles to aid delivery.¹² Parties block aid by preventing humanitarian workers from traveling within Syria. Many organizations face problems with registration, obtaining visas for staff, opening field offices, and working with independent local organizations. In many parts of Syria, armed opposition groups are often unwilling or unable to ensure the necessary security for humanitarian workers. Some groups create delays at checkpoints or even actively target humanitarians, in breach of international law. Protocol II to the Geneva Conventions, applicable to situations of non-international armed conflict, requires that relief action for civilian populations in need be organized.¹³ Humanitarians also benefit from general civilian protection under the same protocol.¹⁴

Many organizations have no choice but to deliver aid through neighboring countries. In July 2014, Security Council Resolution 2165 finally authorized the UN to undertake cross-border aid operations.¹⁵ Still, bureaucratic hurdles in the countries neighboring Syria hamper the efficient delivery of sufficient cross-border assistance. Not only do many border crossings remain closed to many aid agencies, but humanitarian convoys also tend to experience long delays at borders. Additionally, limits are often placed on the number of aid workers who can cross in and out of Syria and on which local Syrian aid actors international organizations can work with.

The Jordanian government should be praised for championing better access for humanitarians within the UN Security Council.¹⁶ However, more can be done to ensure that international aid agencies can independently select local

Syrian partners operating in southern Syria and to facilitate the movement of Syrian aid workers to and from Syria. Similarly, the Turkish government continues to generously host more than 1.8 million Syrian refugees and has promoted cross-border assistance into Syria (the countries share a 900 kilometer border, offering easy access to northern Syria). Yet significant challenges remain: border crossings are often formally closed as a result of security considerations, and, as is done in Jordan, authorities limit the number of Syrian aid workers from each organization who are permitted to cross between Turkey and Syria.

Restrictions related to the selection of local Syrian aid partners are particularly troubling. By working through Syrian counterparts that are largely selected by governments, humanitarian organizations risk being seen as an extension of governmental authorities, rather than as neutral, impartial, and independent actors. This may again limit an organization's access to certain areas and also put its humanitarian workers at risk. The alternative to working with partners is to employ Syrian staff directly; however, the travel restrictions on Syrian aid workers—which impede humanitarian organizations' ability to monitor programs, provide technical support, and train staff on the job—make this challenging.

Some aid agencies are trying new measures to overcome these challenges, including peer monitoring and the use of technology for aid purposes. While humanitarian organizations should continue to enhance remote management solutions, we also need the Syrian government, armed opposition groups, and regional governments to ease bureaucratic hurdles, enabling us to do humanitarian work in line with established principles.

Principled humanitarian aid work is also hindered by national and international counterterrorism legislation and policies, as noted by a recent NRC and UN Office

for the Coordination of Humanitarian Affairs (OCHA) study.¹⁷ Just as in Afghanistan, Pakistan, Gaza, and other places around the

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world, counterterrorism legislation creates additional problems for the delivery of impartial humanitarian assistance in Syria. For example, aid organizations working in Syria may not attempt to access civilians in particular areas under control of groups listed as terrorist organizations for fear of legal ramifications, including potential prosecution of the organization and its staff.

Beyond counterterrorism legislation, there are several unfortunate examples

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of governments explicitly arguing for the use of humanitarian aid to advance a political or military agenda.¹⁸ If humanitarian aid is perceived as a tool to advance a political or military agenda, organizations' neutrality and impartiality in the field will be questioned. As a result, access to people in need would likely be reduced, and beneficiaries' lives, as well as those of aid workers, may be put at risk.

NO ESCAPE

Furthermore, many people are still not receiving sufficient support in Syria's neighboring countries, in areas where it is easy to access those in need. The Syrian war has presented the international community with a refugee crisis of immense proportions, which should lead to a more serious debate about how best to share responsibility on the international level.

After receiving more than four million registered Syrian refugees since the start of the conflict, countries neighboring Syria have found their capacities stretched to their limits. In an appeal for support to the region, the UN, host governments, and humanitarian organizations have asked for \$4.5 billion to respond to the crisis, but as of October 2015, less than half of the money had been provided.¹⁹ The UN Refugee Agency (UNHCR) has also asked the international community to take in many more Syrian refugees for resettlement—arguing that about 10 percent of the refugees may have a need for protection outside the region. Still, countries outside the region have so far only promised to resettle about 130,000 refugees, a mere drop in the ocean.²⁰

Faced with limited international support and huge strains on their economies, Syria's neighboring countries have responded by closing their borders, thus making it increasingly difficult for Syrian civilians to escape the brutal war. These are people with a right to protection in accordance with the Refugee Convention.²¹ It is necessary to ensure that borders are consistently open to civilians fleeing Syria without discrimination. Furthermore, any establishment of so-called safe zones in Syria should not be used to justify turning Syrians back at the border.

SEARCHING FOR SOLUTIONS

The picture this essay draws is bleak. The television footage and the human stories from Syria are devastating. Still, there are clear options we can pursue to alleviate the suffering.

First, the international community can impose measures to halt the transfer of arms and ammunition where there is evidence that parties have used them to commit serious or systematic violations of international law. It can encourage and support attempts to establish local ceasefires, with the core aim of ending the fighting and protecting civilians. It can also take steps to hold all parties to the conflict accountable for breaches of international law.²²

Second, to improve humanitarian access, the government of Syria, parties to the conflict, and countries neighboring Syria need to remove the administrative and bureaucratic impediments to aid delivery. The provision of lifesaving humanitarian assistance must also be exempted from decisions related to combating terrorism.

Third, governments must radically increase their humanitarian assistance. Much more is needed to ensure that families in Syria get the support they need, that neighboring countries can respond to the crisis and keep their borders open, and that aid reaches the people who have fled the crisis. This should also include increased resettlement for refugees in coordination with UNHCR. The current scenario, with millions of Syrians living in dangerous conditions, Syrian youth lacking access to education, and the Syrian people losing hope for the future, is the precursor for a long-lasting disaster.

However, all of these steps are nothing but a Band-Aid without a sustained push for a lasting political solution. The efforts of UN Special Envoy Staffan de Mistura need to be supported. A coherent source of international pressure is necessary if we are to have any hope of getting the multiplicity of Syrian armed actors, whose views are very far apart, to the negotiation table. Members of the UN Security Council and governments with influence in Syria, such as those of Iran, Saudi Arabia, Russia, and the United States, need to find a durable solution to the crisis. This involves applying real pressure on all parties to the conflict so that they enter into talks on real solutions to this horrific war. It is time we put an end to the Syrian carnage. 

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NOTES

1. "Syria Regional Refugee Response," UN High Commissioner for Refugees (UNHCR), September 17, 2015; "Syrian Arab Republic: Crisis Overview," UN Office for the Coordination of Humanitarian Affairs (OCHA).

2. Norwegian Refugee Council and International Rescue Committee, *No Escape: Civilians in Syria Struggle to Find Safety Across Borders* (Norwegian Refugee Council and International Rescue Committee, November 13, 2014); "4 million Syrian refugees: Host countries stretched to their limits," Norwegian Refugee Council, July 2015.

3. Martin Hartberg, Dominic Bowen, and Daniel Gorevan, *Failing Syria: Assessing the impact of UN Security Council resolutions in protecting and assisting civilians in Syria* (Oxford: Oxfam International,

March 2015).

4. “Security Council Unanimously Adopts Resolution 2139 (2014) to Ease Aid Delivery to Syrians, Provide Relief from ‘Chilling Darkness,’” UN Security Council Meetings Coverage, February 22, 2014.

5. “Security Council, Adopting Resolution 2191 (2014), Renews Authorization Allowing Agencies, Humanitarian Partners Continued Aid Access across Syrian Borders,” UN Security Council Meetings Coverage, December 17, 2014.

6. “Syrian Arab Republic: Crisis Overview,” UN Office for the Coordination of Humanitarian Affairs (OCHA).

7. “Syria’s grim statistics ‘speak for themselves,’ reflect need for political settlement, Security Council told,” UN News Centre, July 28, 2015.

8. For example, see: “Practice Relating to Rule 53. Starvation as a Method of Warfare,” International Committee of the Red Cross.

9. Amnesty International, *Squeezing the life out of Yarmouk: War crimes against besieged civilians* (London: Amnesty International, March 10, 2014).

10. Humanitarian Outcomes registered 26 major attacks on aid workers in Syria in 2014, and 18 aid workers were registered killed. Only Afghanistan has had more major attacks on aid workers, with 54 major attacks. See: “Total incidents by country (1997–2014),” Aid Worker Security Database, September 30, 2015.

11. “On January 2, 2014, ISIS (later renamed Islamic State; IS) abducted 13 Médecins Sans Frontières (MSF) staff members... The abduction led to the withdrawal of MSF’s international teams and the closure of health facilities in IS held areas. MSF closed its field hospital in the mountainous region of Jabal Al-Akrad, in the west of Syria’s Idlib governorate, as well as the two health centers it was running nearby.” See: “Syria Country Profile,” Médecins Sans Frontières, October 12, 2015.

12. Hartberg, Bowen, and Gorevan, *Failing Syria*.

13. Additional Protocol II to the Geneva Conventions, 1977, Article 18 (2).

14. Additional Protocol II to the Geneva Conventions, 1977, Article 13.

15. United Nations Security Council, Resolution 2165, July 14, 2014.

16. Jordan was one of the authors behind UN Resolution 2139. For example, see: “Unanimously approved, Security Council resolution demands aid access in Syria,” UN News Centre, February 22, 2014.

17. Kate Mackintosh and Patrick Duplat, *Study of the Impact of Donor Counter-Terrorism Measures on Principled Humanitarian Action* (UN Office for the Coordination of Humanitarian Affairs and Norwegian Refugee Council, July 2013).

18. For example, see: “Council Conclusions on the EU Regional Strategy for Syria and Iraq as well as the ISIL/Da’esh,” Council of the European Union, March 16, 2015; “Factsheet: The UK’s humanitarian aid response to the Syria crisis,” gov.uk, September 23, 2015.

19. “Financial Tracking Service: Syrian Arab Republic—Civil Unrest 2015,” UN Office for the Coordination of Humanitarian Affairs (OCHA), October 12, 2015.

20. “Resettlement and Other Forms of Admission for Syrian Refugees,” UN High Commissioner for Refugees (UNHCR), October 7, 2015.

21. UN General Assembly, “1951 Convention relating to the Status of Refugees,” July 28, 1951.

22. For details on these steps, see: Hartberg, Bowen, and Gorevan, *Failing Syria*.

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