

On Syria Aid, Don't Bet on the Security Council

by [Andrew J. Tabler \(/experts/andrew-j-tabler\)](/experts/andrew-j-tabler), [Anna Borshchevskaya \(/experts/anna-borshchevskaya\)](/experts/anna-borshchevskaya)

Jul 19, 2023

ABOUT THE AUTHORS



[Andrew J. Tabler \(/experts/andrew-j-tabler\)](/experts/andrew-j-tabler)

Andrew J. Tabler is the Martin J. Gross Senior Fellow in the Program on Arab Politics at The Washington Institute, where he focuses on Syria and U.S. policy in the Levant, and Director of the Institute's Junior Research Program.



[Anna Borshchevskaya \(/experts/anna-borshchevskaya\)](/experts/anna-borshchevskaya)

Anna Borshchevskaya is a senior fellow at The Washington Institute, focusing on Russia's policy toward the Middle East.



Brief Analysis

Seventeen Russian vetoes have hobbled the council's ability to keep humanitarian assistance flowing, so Washington and its allies should look to the General Assembly instead—or take matters into their own hands on the Turkish border.

After nearly a decade of UN Security Council wrangling over the provision of humanitarian aid to opposition-held areas of Syria, Russia has vetoed a draft resolution to renew the assistance mechanism for the seventeenth time, turning the matter over to its client regime in Damascus. Without a [Plan B for aid deliveries \(https://www.washingtoninstitute.org/policy-analysis/time-develop-plan-b-syria-aid\)](https://www.washingtoninstitute.org/policy-analysis/time-develop-plan-b-syria-aid), Washington and its partners could be forced to accept this outcome. Earlier today, the acting U.S. deputy representative at the UN General Assembly gathering in New York urged the draft penholders at the Security Council to find a compromise, but this route has little chance of success and would be insufficient even if a renewal option is found.

Instead, the United States should use its political will at the General Assembly to keep aid provision unimpeded and impartial, especially given the region's ongoing efforts to recover from February's devastating earthquake in Turkey and Syria. At the same time, it should develop plans with Turkey for delivering aid to northwest Syria even without a clear UN mandate, and for pushing back on recent Russian aggression in Syria, which has ramped up in the months since Washington issued a sanctions waiver for earthquake relief.

Russian Veto, Regime Response

On July 11, Moscow vetoed a draft Security Council resolution that would have extended cross-border assistance for nine months, while the United States, Britain, and France voted against a competing Russian draft. Two days later, the Assad regime issued a letter granting the UN permission to send aid via the northwest Bab al-Hawa crossing for six months, but only “in full cooperation and coordination with the Syrian Government.” The letter then laid out the terms of this cooperation.

For one, the UN must not communicate with “terrorist organizations...and their affiliated illegal administrative entities in northwestern Syria,” naming the “so-called ‘Interim Government or the Salvation Government’”—a reference to Hayat Tahrir al-Sham (HTS), the jihadist group that controls much of Idlib province. The letter also insisted that the International Committee of the Red Cross (ICRC) and the Syrian Arab Red Crescent (SARC)—essentially an Assad-controlled parastatal organization—be empowered to “supervise and facilitate the distribution of humanitarian aid in areas controlled by terrorist organizations in northwest Syria.”

On July 14, the UN Office for the Coordination of Humanitarian Affairs (OCHA) noted that the regime’s letter provides a legal basis for delivering aid but rejected both of the above demands—a sound conclusion given the impermissibility of placing political conditions on humanitarian aid, not to mention the fact that the ICRC and SARC have not been active in northwest Syria in over a decade. Subsequent private consultations did not produce an alternative, however, so the issue was sent to the General Assembly for discussion earlier today.

Earthquake Waiver Backfires

Since 2014, the United States has rightly made unimpeded aid provision a priority at the UN given the Assad regime’s brutal suppression of the Syrian uprising and loss of control over northern border crossings with Turkey. A Security Council mechanism to enable cross-border aid became acutely necessary given repeated accounts that the regime was manipulating humanitarian assistance in its territory and across lines of control with opposition-held areas.

Today, the necessity for such mechanisms is even more acute. Humanitarian needs in northwest Syria have increased considerably as living conditions in most areas have declined—a situation sharply aggravated by the February 6 earthquake. Washington and its allies responded with a generous six-month waiver of sanctions against the regime and other entities in order to **[provide disaster relief \(https://www.washingtoninstitute.org/policy-analysis/helping-syrian-earthquake-victims-not-assad\)](https://www.washingtoninstitute.org/policy-analysis/helping-syrian-earthquake-victims-not-assad)**, but this move came at a substantial diplomatic cost. Some of Washington’s regional partners, most notably Saudi Arabia, apparently read the waiver as a license to engage in **[feckless normalization efforts \(https://www.washingtoninstitute.org/policy-analysis/dont-throw-good-arab-money-after-bad-syria\)](https://www.washingtoninstitute.org/policy-analysis/dont-throw-good-arab-money-after-bad-syria)** with Assad—despite the regime’s continued violations of UN resolutions, atrocities against civilians, and recent foray into **[Captagon production and smuggling \(https://www.washingtoninstitute.org/policy-analysis/dethroning-lebanons-king-captagon\)](https://www.washingtoninstitute.org/policy-analysis/dethroning-lebanons-king-captagon)** throughout the region.

At the same time, Russia unexpectedly increased its overflights and other harassment of U.S. and allied forces in Syria beginning in February, seemingly trying to push them out of their positions in east Syria and al-Tanf garrison. In response, the U.S. military has repeatedly called on Moscow to cease such actions and deployed potent F-22 jets to deter further aggression.

The blowback from the earthquake relief exemption now looms large over U.S. policy in Syria. The six-month sanctions waiver expires on August 8, and decisionmakers in Congress and abroad are waiting to see if the Biden administration will extend them as the European Union did earlier this week.

Political Will at the General Assembly

Over the years, experts have repeatedly argued that cross-border aid can be delivered into Syria without the Security Council's authorization. In April 2014, a letter signed (<https://www.theguardian.com/world/2014/apr/28/no-legal-barrier-un-cross-border-syria>) by thirty-five leading international lawyers and legal experts stated, "We judge that there is no legal barrier to the UN directly undertaking cross-border humanitarian operations and supporting NGOs to undertake them as well." That conclusion was reaffirmed earlier this year in another letter (<https://www.crossborderislegal.org/>) that included input from former judges with the International Court of Justice and International Criminal Court. Both letters pointed out that the UN is already a legitimate humanitarian actor, and that the consent of Syrian opposition groups who control the territory in question is sufficient in certain cases, making permission from the Syrian government unnecessary. They also noted that governments cannot legally withhold consent for inhumane reasons such as weakening the enemy's resistance or starving out a civilian population—tactics that the Assad regime has used numerous times over the years.

Various scholars have gone on to argue that the General Assembly, rather than the Security Council, could pass an effective and durable cross-border aid resolution (e.g., see persuasive articles from June 2021 (<https://www.justsecurity.org/77034/the-un-has-options-beyond-the-security-council-for-cross-border-aid-to-syria/>) and January 2023 (<https://www.foreignaffairs.com/world/weaponization-humanitarian-aid>)). As the International Court of Justice observed (<https://www.icj-cij.org/public/files/case-related/131/131-20040709-ADV-01-00-EN.pdf#page=18>) in July 2004, the Security Council is responsible for matters of international peace and security, but the General Assembly often takes "a broader view" that includes humanitarian issues. Moreover, the assembly has adopted aid resolutions in the past, such as Resolution 60/225 (<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N05/501/10/PDF/N0550110.pdf?OpenElement>) (2005) on assistance to survivors of the Rwandan genocide, and four resolutions (<https://press.un.org/en/2022/ga12477.doc.htm>) last December aimed at "fortifying" the lagging global relief system.

These and other factors give Washington and its allies ample justification for pushing the UN to keep aid flowing to northwest Syria with or without the Syrian government's consent, at least until Damascus sets aside politicized restrictions like those laid out in its July 13 letter. And if a decisive General Assembly resolution proves impossible, Washington should still work with Turkey on plans to facilitate cross-border aid deliveries.

Syria in the Bigger Strategic Picture

When discussing Russian intransigence on important security issues around the world, many Western policymakers argue that Moscow's setbacks in Ukraine may increasingly force it to compromise on such matters. Yet Russia's veto of the Syrian aid mechanism and suspension (<https://www.cnbc.com/2023/07/17/russia-ukraine-grain-deal-what-does-it-mean-for-global-food-prices.html>) of the Black Sea Grain Initiative have seemingly checkmated Washington and its allies once again, highlighting Moscow's continued ability to weaponize humanitarian issues and achieve its foreign policy objectives in other theaters. This ability will no doubt persist barring anything short of a complete battlefield loss (<https://www.washingtoninstitute.org/policy-analysis/year-war-ukraine>) in Ukraine. Only then would the Kremlin be inclined to fundamentally change its calculus and come to the negotiating table with the West.

The latest U.S. National Security Strategy correctly prioritizes competition with Russia and China, but in overlooking Moscow's approach to theaters like Syria, it misses the global component of this competition. While the West has greatly isolated Russia, the Middle East and Africa remain primary theaters (<https://www.washingtoninstitute.org/policy-analysis/wagner-vs-russias-defense-ministry-middle-east>) for Moscow's destabilizing activities. Moreover, the Kremlin's narratives on Ukraine and other crises resonate in these regions (<https://www.washingtoninstitute.org/policy-analysis/russias-disinformation-machine-has-middle>

east-advantage), often with practical policy consequences. For instance, Washington's Arab partners did not join Western sanctions against Russia following the Ukraine invasion; in fact, they have provided Moscow with a vital economic lifeline. It is no accident that Russia has been waging a **charm offensive** (<https://carnegieendowment.org/politika/89067>) in these regions for years, and Ukraine has come to recognize the need to step up its own narrative abroad, which is why it is looking to **open more embassies** (<https://www.bloomberg.com/news/articles/2023-06-07/ukraine-has-no-indication-of-content-of-africa-peace-plan#xj4y7vzkg>) in Africa.

To facilitate the broader goal of dealing Moscow a strategic loss, Washington must do more to convince non-Western partners that Russia's vision of the world order is a losing one. For too long, Moscow has used Syria to threaten NATO, push back on the U.S.-led global order, and portray itself as a great power. Syria is therefore a key arena in which to reduce Russian leverage. A good place to start is by going to the UN General Assembly rather than the Security Council regarding the future of aid deliveries. Discrediting Russia in the eyes of Middle Eastern and African countries is crucial as well, since their UN votes and their support for Russia's Ukraine narrative have real-world consequences.

Andrew Tabler is the Martin J. Gross Senior Fellow in The Washington Institute's Rubin Family Arab Politics Program and former director for Syria on the National Security Council. Anna Borshchevskaya is a senior fellow in the Institute's Diane and Guilford Glazer Foundation Program on Great Power Competition and the Middle East. ❖

RECOMMENDED



ARTICLES & TESTIMONY

[The Problem with al-Hol: The Future for ISIS-Affiliated Families](#)

Jul 19, 2023



Devorah Margolin

(/policy-analysis/problem-al-hol-future-isis-affiliated-families)



[Sudan's Civil War: Mediation Challenges and the U.S. Role](#)

July 26, 2023, starting at 12:00 noon EDT (1600 GMT)



Reem Abbas,
Alex Rondos,
Yasir Zaidan

(/policy-analysis/sudans-civil-war-mediation-challenges-and-us-role)



BRIEF ANALYSIS

The SDF's Approach to Erdogan's Victory

Jul 19, 2023

◆
Baraa Sabri

(/policy-analysis/sdfs-approach-erdogans-victory)

TOPICS

Great Power Competition (/policy-analysis/great-power-competition)

U.S. Policy (/policy-analysis/us-policy)

REGIONS & COUNTRIES

Syria (/policy-analysis/syria)

Turkey (/policy-analysis/turkey)