



Public Statement: Cross-Border Humanitarian Assistance in Syria and the Syrian Regime's Consent

Following the Security Council's failure to renew its mandate for cross-border humanitarian assistance from Türkiye to northwest Syria, the Syrian Regime has granted consent for the UN to provide such assistance for six months.

While phrased by the Regime as a 'sovereign decision,' its consent to humanitarian assistance operations in Syria was unnecessary for third-party remote programming operations in the Syrian conflict, which are not contrary to Syrian sovereignty or territorial integrity. Even if consent was needed, in the Syrian situation, it could have been given by those in territorial control of northwest Syria.

Nonetheless, where consent is needed, the duties not to arbitrarily deny offers of principled humanitarian assistance, and to facilitate unimpeded access for aid operations, are basic obligations under international humanitarian law. Against the assumption in 2014 that its consent was needed, the Syrian Regime's failure to honor these obligations was the reason for the initial introduction of the Security Council mandate.

The Syrian Forum remains deeply concerned that the Regime's consent supposedly remains contingent upon the condition not to engage with parties deemed to be 'terrorist' actors in northwest Syria. The Syrian Forum recalls that any restrictions on humanitarian access must comply with necessity, proportionality, legality, and non-discrimination principles. Any consent must not impose unnecessary restrictions upon the ability of humanitarian actors to engage and negotiate independently and impartially with all relevant actors needed to reach those most vulnerable in northwest Syria.



Considering the uncertainty surrounding the future of cross-border aid in Syria, the Syrian Forum urges the international community to avoid further blackmail by enforcing its legal rights in relation to third-party humanitarian assistance operations in Syria. Additionally, the Syrian Forum calls upon UN member states to refer the entire issue concerning the necessity of a Security Council resolution to provide humanitarian aid to those in need to the International Court of Justice (ICJ) to achieve legal clarity and guidance on the obligations of states in ensuring the provision of humanitarian assistance in the absence of a Security Council mandate. This step would promote a comprehensive and principled approach to meeting the urgent needs of the affected population while addressing the legal uncertainties surrounding cross-border aid in Syria.

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