

Addressing protection needs in Syria: overlooked, difficult, impossible?

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Key messages

- Humanitarian agencies have been denied access in Syria and political actors are failing to ensure that belligerents meet their responsibilities under International Humanitarian Law (IHL).
- The humanitarian community needs to strengthen its collective analysis of the protection situation in order to develop a strategy to address protection threats.
- Local organisations and diaspora groups are reaching communities in need, and the time has come to seek creative partnerships with less established and less experienced groups if doing so increases the reach of aid.

The conflict in Syria is now in its third year. The death toll has reached well over 120,000 and more than 9.3 million people are in need of assistance inside Syria, including at least 6.5m internally displaced people (IDPs). Another 2.5m have fled to other countries.¹ Children have been particularly hard-hit, with an estimated 5.5m affected by a conflict which for many has become a fact of life.² Clearly, even if the conflict ended

1 OCHA, 'Syria: 6 Facts at the Start of the 4th Year of Syria's Conflict', 14 March 2014, www.unocha.org/top-stories/all-stories/syria-6-facts-start-4th-year-syria%E2%80%99s-conflict.

tomorrow Syria would not return to normality any time soon.

This Policy Brief is based on a first round of field research conducted as part of a two-year project exploring the 'protection gap'. In recent decades international law, policies and norms around the protection of civilians have expanded significantly.³

2 UNICEF, 'Under Siege: Years of Conflict in Syria', March 2014, www.unicef.org/publications/files/Under_Siege_March_2014.pdf.

3 Ashley Jackson, *Protecting Civilians: The Gap Between Norms and Practice*, Policy Brief 57 (London: ODI, April 2014).

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Photo: Yarmouk Camp, Damascus, Syria
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However, there is a significant gap between legal and policy developments and the actual protection civilians can expect in conflict. This is currently nowhere more apparent than in Syria.

Violations of International Humanitarian Law

The main responsibility to protect civilians lies with states. Under International Humanitarian Law (IHL) parties to a conflict, both states and non-state armed actors, have an obligation to protect civilians and fighters *hors de combat*, as well as individuals and objects under special protection, such as fighters, humanitarian and medical personnel, hospitals and cultural property. In Syria this obligation has been flagrantly ignored.⁴ The level of violence directed at civilians has shocked even seasoned aid workers, and protection of civilians (PoC) seems to be an empty concept. The various systems designed to protect civilians are failing. Belligerents do not respect their obligations and other states, in particular members of the UN Security Council and those governments backing the parties to the conflict, have failed to ensure respect for IHL.

Much criticism has been levelled at humanitarian agencies and their inability to respond to urgent protection needs. While humanitarian actors are not primarily responsible for the protection of civilians, they nevertheless bear some responsibility for addressing the consequences of violations. Yet the response to protection threats has been limited; instead, the focus has been on access and the provision of material assistance. Why?

Access

From the beginning of the conflict humanitarian organisations have largely focused on access, and much time and energy has been spent discussing the merits of one approach over another. In early 2013 Médecins Sans Frontières (MSF) sparked a debate within the humanitarian community when it argued that impartial aid to opposition-held areas should no longer be subject to the consent of the Syrian

government.⁵ With the debate focused on the modalities of access, some argued for cross-line activities with the consent of all parties, while others urged cross-border activities in the absence of consent from the Syrian authorities. Agencies with a presence in Damascus were accused of lacking impartiality by assisting predominantly government-held areas, and those crossing the border relied on groups with motivations other than humanitarian. While agencies operating across the lines in Syria were not necessarily against cross-border activities, the image projected by the discussion was one of division and fragmentation within the humanitarian community. Yet whichever way the debate turned, and regardless of how assistance was delivered, it was clear that insufficient aid was coming into Syria.

While the access debate is now less pronounced it has not gone away. Access is key to providing assistance and protection in Syria, and it is thus understandable that aid actors demand it.⁶ At the same time, the humanitarian community's preoccupation with the technical aspects of access and mounting frustration at its inability to respond to needs is reflective of the wider failure to bring political pressure to bear on those violating IHL. Belligerents do not allow unimpeded access, and political actors are failing to ensure that they meet their responsibilities under IHL. It remains to be seen whether Security Council Resolution 2139 (2014), which demands that all parties allow the delivery of humanitarian assistance, will make a tangible difference in terms of access. Meanwhile, security concerns for humanitarian workers, in terms of direct targeting and general insecurity, indiscriminate attacks, targeted intimidation, detention and changing frontlines, significantly constrain the ability of aid organisations to do their work.

The number of killed and abducted aid workers has increased sharply,⁷ rendering internal security procedures more complex and organisations more risk-averse. There has been a proliferation of armed groups on the side of the opposition, and humanitarian organisations have found it hard to establish the necessary networks

4 See for example UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 2014; ICRC, 'Syria: Humanitarian Convoys Must Not Be Targeted', News Release, 10 February 2014; American Bar Association Rule of Law Initiative, *Reasons for Displacement: Documenting Abuses Against Syrian Civilians*, 2013; *Syria Integrated Needs Assessment*, December 2013.

5 MSF, 'Syria: Humanitarian Assistance Deadlocked', Press Release, 6 March 2013, <http://www.doctorswithoutborders.org/article/syria-humanitarian-assistance-deadlocked>.

6 In the absence of access remote management can be a solution, but in Syria even remote management is extremely difficult.

7 Since the outbreak of the conflict 33 Syrian Arab Red Crescent (SARC) volunteers and 13 UN staff members have been killed. Several MSF and ICRC staff were abducted in late 2013 and early 2014; their whereabouts are unknown.

to negotiate access. There are also bureaucratic hurdles, such as lengthy procedures to obtain a limited number of visas and the daily need to negotiate passage across checkpoints. The Syrian government refuses to authorise the presence of international organisations other than the limited number already present, and obliges them to work principally through the Syrian Arab Red Crescent (SARC). Despite the recent Security Council Resolution on access, only a limited number of international organisations have requested authorisation to base themselves in Damascus.

On the other side, some armed groups demand that international organisations send only national staff rather than expatriates, that they hire staff suggested by the armed group or that certain activities be scrapped as they are deemed un-Islamic. The Office for the Coordination of Humanitarian Affairs (OCHA) has struggled to gain ground on access, partly because the Syrian government perceives the UN, and OCHA in particular, as biased. Lack of access has also meant that precise information on protection threats is difficult to obtain. For example, despite repeated requests and widespread allegations of unlawful arrests the Syrian government has only twice granted the International Committee of the Red Cross (ICRC) access to its prisons (in Damascus and Aleppo), and that was during the early stages of the war.

Protection

From the beginning aid agencies were careful not to use the term ‘protection’, let alone design specific protection programmes. Protection and associated service provision are perceived to be extremely sensitive: almost a political statement in themselves. Asking for a visa for a ‘protection officer’ is a futile endeavour. The humanitarian response focuses primarily on providing material assistance, and since protection is deemed too sensitive as a stand-alone sector with specific activities organisations opt for protection mainstreaming, with the exception of child protection, which seems less threatening and far more difficult to argue against.

Some have argued that humanitarian organisations have been overly timid in their advocacy for better protection of civilians. By being too vocal or too critical, agencies based in Syria fear losing what little access they have, while those operating across borders fear jeopardising delicate arrangements with rebel groups and attracting the ire of Damascus. Speaking out publicly is certainly not the only or at

times the best option to enhance protection, and most humanitarian organisations will think carefully about where the line between public statements and discreet lobbying lies. In Sri Lanka the UN was criticised for its lack of public criticism and behind-the-scenes advocacy with the government in the final phase of the separatist conflict in the north. In Darfur, a ‘non-permissive advocacy environment’ with high levels of insecurity, inconsistent access and government attempts to curtail what it considered ‘political’ activities, advocacy on sensitive civilian protection issues led to an increase in government harassment and intimidation.⁸ In Syria the humanitarian voice seems more fragmented than in other conflicts, in part because of the limited ongoing collective analysis of the protection situation and the lack of a joint strategy to address protection threats.

The presence of international organisations may in itself provide a certain level of protection. However, if – as is the case in Syria – this presence is limited in strength and reach, affected communities turn to their first line of defence: themselves. Despite severe restrictions on freedom of expression and association, community and charitable work has a long history in Syria. From the beginning of the conflict local groups and individuals started organising their own relief, and in many ways social cohesion provided the protection international organisations could not. Three years into the conflict, however, this first line of defence has been weakened. The social fabric across Syria has been torn apart through displacement, death, continued fighting and the increasing presence of foreign fighters with no ties to the communities they control, and accordingly less sympathy for their plight.

Individuals, charitable associations and the Syrian diaspora quickly mobilised when it became apparent that international organisations would not be able to respond to mounting needs. Remittances have been a lifeline to affected communities, enabling some Syrians to pay for transport across the border to seek safety elsewhere or ensuring some measure of financial support. Fabrice Weissman from MSF points to ‘the Syrian networks of doctors, local coordination committees, justice courts, and armed groups ... all of which are engaging to varying degrees in the provision of basic public services’.⁹

8 *Humanitarian Advocacy in Darfur: The Challenges of Neutrality*, HPG Policy Brief 28 (London: ODI, 2007).

9 Fabrice Weissman, ‘Scaling Up Aid in Syria: The Role of Diaspora Networks’, HPN blog post, <http://www.odihpn.org>.

At the same time, there is clear frustration among these groups at the lack of action from the international community. Unfavourable parallels have been drawn with the conflict in Libya, where the international response was vastly different, with a quick military intervention that some Syrians hoped would be just as forthcoming in Syria. These hopes have been dashed by the complex international politics surrounding the conflict. Diaspora groups, local associations and individual Syrians also point to the lack of support they have received from international organisations and donors. The argument put forward by the formal humanitarian system until very recently was that these groups had no prior experience of providing aid, were unaware of the standards normally applied and their allegiance was unknown. Many local organisations did not meet the professional standards of the established international system and had little contact with the mechanisms, principles and standards of the international humanitarian system. As a result, donors lost valuable time in the search for partners that met their criteria, instead of adapting to the context and being more flexible in their choices. Effective partners do exist: overseas organisations such as Hand in Hand for Syria¹⁰ have used wide-ranging networks within Syria to reach areas denied to international organisations for political or security reasons; despite criticism of its impact on the ground, the opposition Assistance Coordination Unit (ACU)'s medical unit was widely credited with raising the alarm on the polio outbreak in 2013.

The conflict in Syria is marked not only by lack of willingness to share information among humanitarian agencies, but also by a lack of information itself. What information is available is not shared systematically, partly due to the difficulties involved in collecting reliable data in the absence of access and active obstruction of data collection by belligerents. When they are able to collect protection data, it is understandable that humanitarian agencies think carefully about whom they share that data with. Aid agencies are also understandably concerned about potential negative consequences to their staff and beneficiaries when divulging information on their activities. Even so, information could be shared more systematically between organisations operating from Damascus, those

working cross-border and those responding to the needs of the millions of Syrian refugees in neighbouring states. Recent months have seen attempts to share information more systematically among organisations working outside Syria and to instil coherence into the regional response, though given the different contexts involved this will be extremely challenging.

Conclusion

Syria is a conflict of missed opportunities. Early in 2011 there was an opportunity for the government in Damascus to engage with an emerging opposition before more radical groups took centre stage. It chose not to do so. The opposition missed an opportunity to consolidate its position, show unity and demonstrate that it was a viable option for Syria's future. The UN Security Council missed several opportunities to pass resolutions that would have made it clear that killing civilians was not only unacceptable (except it seems when done with chemical weapons), but also that there would be consequences. Humanitarian organisations were overwhelmed from the start and struggled to develop a coherent response while missing the opportunity to work with diaspora and local groups.

Humanitarian organisations face immense challenges in Syria and it would be unrealistic to assume that they are in a position to respond to the whole spectrum of needs, even if they were given unimpeded access, and of course the humanitarian response is no substitute for a political solution. Challenges are manifold and complex and therefore require unusual, creative and perhaps at times untested responses. The formal system has to be more assertive and bolder in its position towards states, donors and belligerents, but also more flexible in its choice of responses. Trying to keep to commonly held professional standards is important, but it is also important to acknowledge that this might not always be possible. Established organisations should more systematically seek out partners that are not part of the formal system; their networks are filling a gap that international organisations cannot and this should be recognised. The answer is not to drop or change everything the formal system has been doing, but to look for creative means to adapt to a situation that requires creative and unusual answers. Unfortunately, the conflict in Syria is likely to continue. The humanitarian community needs to ensure that its response is adapted to the challenges to come.

¹⁰ See <http://www.handinhandforsyria.org.uk/about-us/#sthash.V0I2upxi.dpbs>.