

RECEIVED

ACTION

COPY

AA ✓

056/ccc

JUL - 1 2014

Note to the Secretary-General

14-05700

EXECUTIVE OFFICE
OF THE SECRETARY-GENERAL

UPDATE ON HUMANITARIAN ACCESS IN SYRIA

1. On 26 June, I briefed the Council on the implementation of resolution 2139 concerning the humanitarian situation in Syria following the issuance of your fourth monthly report on 20 June. I informed the Council that violence and attacks on civilians by all parties to the conflict and human rights abuses continued unabated, with devastating consequences for those affected. I also highlighted the deteriorating humanitarian situation, with up to 10.8 million in need of assistance, an increase of 1.5 million in just six months. The water and electricity supply network has come under attack and has suffered significant damage, leaving millions of people without regular water and electricity supply; this is of grave concern over the summer period. I also detailed how arbitrary restrictions and obstacles by the parties, including bureaucratic procedures imposed by the Government, limit or obstruct the delivery of aid.

2. The Syrian Permanent Representative noted that the fourth report pursuant to resolution 2139 had only presented a partial depiction of the humanitarian situation in Syria. In particular, it had exaggerated the number of people in need, did not reflect the steps that the Syrian Government had taken to ensure that aid was distributed and did not adequately highlight how the actions of extremist or terrorist groups contributed to the deterioration of the humanitarian situation.

3. During the closed consultations, the Council was united in expressing its concern at the deteriorating humanitarian situation in Syria and the continued reports of attacks on civilians over the last months. Most Council members lamented the consistent arbitrary denial of access for humanitarian actors. In that regard, Council members broadly agreed that resolution 2139 had not worked as intended, particularly in terms of accessing hard-to-reach areas, and that there was a need for another resolution that would improve access, including through facilitating cross-border access. The drafters of the first resolution (Luxembourg, Jordan and Australia) provided an overview of the negotiations, noting that they were being done in close coordination with OCHA. One key element of the current draft resolution is a proposal for a facilitation or monitoring mechanism to enable the identification of humanitarian supplies that would then cross through four possible border points (two with Turkey, one with Jordan and one with Iraq) which are not controlled by the Syrian Government on the Syrian side of the border. During the consultations I was asked how such a cross-border mechanism might work. I emphasized the need for it to be 'light touch' and independent of the Syrian Government's current administrative arrangements which are constraining humanitarian operations in Syria. Russia stated that it "completely agreed" with the proposed criteria. Council members were also worried about the developments in Iraq and their impact on Syria. The United States and Russia highlighted the importance of tackling the issue of terrorism.

4. The Government of Syria informed Russia in early June, that it would consider authorizing the use of additional crossings, subject to certain conditions. These included the establishment of international border monitors under your authority. However the conditions for the use of the border crossings, set out in a letter from the Syrian Government to the drafters of the resolution, were onerous and deemed unworkable. These conditions included: that the entry and distribution of relief materials be undertaken in line with response and

File
01/07/14

Hum/04/001

RECEIVED

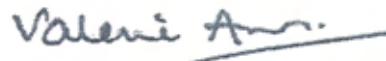
JUL - 2 2014

distribution plans agreed between the Government of Syria and the United Nations; approval by the Government of Syria of lists of relief materials; and limitations on the use of implementing partners.

5. The Security Council is now negotiating the text of a general resolution under Chapter VI of the United Nations Charter, but using Chapter VII language, which includes a proposal to facilitate cross border access. This would render the proposed resolution legally binding according to OLA. The border crossings being discussed include Bab al Salam and Bab al Hawa on the border with Turkey; Al Yaroubiyeh on the border with Iraq; and Tal Shihab on the border with Jordan. The text would also allow for the possibility of expanding operations to other crossings in the future and should be tabled for a vote the next few days.

6. While the negotiations are ongoing, we continue to examine the practical and logistical implications of the proposals to ensure that we are able to swiftly start UN cross-border operations should a resolution be passed. Humanitarian agency and NGO partners have already agreed a 'Whole of Syria' approach which includes improved access both across lines and across borders. We have also discussed the proposals with representatives of neighbouring countries to address their concerns about the proposed arrangements for a facilitation/monitoring mechanism for cross border operations. The proposal is for monitors to be present at the 'loading' facilities in neighbouring countries to check that only humanitarian supplies are being loaded. The Humanitarian Coordinator, Yacoub el Hillo, continues his discussions with the Syrian Government to ensure our ability to have full, safe and unhindered humanitarian access to all people in need inside the country.

7. I will continue to keep you informed as the situation evolves.



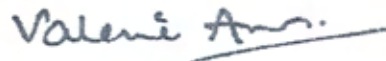
Valerie Amos
1 July 2014

cc: Mr. Eliasson
Mr. Feltman
Ms. Malcorra

Note to the Deputy Secretary-General
Update on Humanitarian Access in Syria

Please find attached a note to the Secretary-General on Humanitarian Access in Syria.

I would appreciate if you could kindly submit this to the Secretary-General.

A handwritten signature in dark ink, reading "Valerie Amos" with a horizontal line extending from the end of the name.

Valerie Amos
1 July 2014

Syria Cross-Border Facilitation Mechanism: Proposed Arrangements

Frequently Asked Questions

The Security Council is considering the establishment of a mechanism to facilitate the passage of the relief consignments and personnel using certain border crossings which lie outside of the control of the Syrian government. This note outlines the position that has been communicated by OCHA vis a vis this proposal.

What should be the purpose of the mechanism?

The overarching purpose of the mechanism should be to facilitate the provision of humanitarian assistance by the United Nations and its implementing partners to people in need in Syria through the use of the most effective routes.

How would a cross-border facilitation mechanism work?

A small number of civilian staff under the appointed by and accountable to the Secretary General would be present at convoys' loading points. Their role would be to undertake an expedited visual and physical inspection to verify that the contents and related personnel of a relief consignment operated by the UN and its implementing partners match those of the manifest.

Does this mean the UN would take responsibility for cross-border traffic?

No. The mechanism should not perform any other tasks than above stated one at convoys' loading points. It should not undertake monitor commercial goods, the passage of NGO convoys outside of the UN umbrella, facilitate the passage of people or perform any broader customs or policing functions.

How would the border facilitation mechanism relate to SCR 2139?

These arrangements could be one step towards ensuring compliance with the demand made in SCR 2139 that "the Syrian authorities to promptly allow rapid, safe and unhindered humanitarian access for United Nations humanitarian agencies and their implementing partners, including across conflict lines and across borders, in order to ensure that humanitarian assistance reaches people in need through the most direct routes".

Any arrangements made regarding cross-border operations should not in any way limit or replace existing IHL obligations or the binding obligations of Security Council Resolution 2139 to allow passage across *all* relevant conflict lines and borders. Under IHL the parties to the conflict have an obligation to allow and facilitate the rapid and unimpeded passage of humanitarian relief to all people in need, and to respect and protect humanitarian personnel and assets at all times and ensure their maximum freedom of movement.

The Security Council should continue to insist that the parties comply with all of these obligations. It should also continue to focus on the broader implementation of SCR2139 and on accountability for violations thereof.

What would be the operational framework of the cross-border facilitation mechanism?

It should be light, flexible, expeditious and cost effective. It should not be a source of undue delay or control of the relief operation.

It should notify (rather than seek approval from) the Syrian authorities of the manifest, and the fact that the consignment and personnel match the manifest, at the time of the departure of the convoy.

Operations subsequent to the crossing of the border should be undertaken by the United Nations and implementing partners designated by the United Nations based on their technical capacity and presence in areas of need

Operations subsequent to the crossing of the border (e.g. routes, methods of delivery, etc.) should be based exclusively on humanitarian needs as assessed by the United Nations and its implementing partners and not subject to any further negotiation or agreement. Humanitarian assistance must be delivered to people in need without discrimination of any kind, or political or other interference by any party to the conflict.

Would the mechanism affect the existing NGOs operations into Syria?

Any arrangements put in place for the UN and its implementing partners should carefully consider the need not to control, limit or in any way negatively impacting NGOs ongoing operations as well as commercial traffic at crossing points. Consultations with NGOs currently undertaking such operations will be carried out to this end.

Independently from the cross-border facilitation mechanism, the UN is enhancing its efforts to provide more support to NGOs operations, including through the establishment of a specific ERF mechanism.

What would be the composition of cross-border facilitation teams?

The mechanism should be established under the auspices of the UN Secretary General.

The facilitation teams should be composed of unarmed civilians with relevant humanitarian expertise. The entity managing the monitoring mechanism should be free to select the composition of the monitoring teams based exclusively on their experience and expertise, without regard to nationality or other considerations.

The precise number of team members at each loading point would vary according to the anticipated scale of humanitarian operations but should be limited to the number necessary to undertake an expedited visual and physical inspection.

Where would the cross-border facilitation mechanism be established?

Under the current proposal being considered by the Security Council, the arrangements would be established at loading points of convoys that would use four border crossings referred to in the latest Secretary General's reports, namely Al Salameh' and Bab Al-Hawa' (Turkey-Syria), Tal-Shihab (Jordan-Syria) and Al-Yarubiyah (Iraq-Syria). The arrangements should include the possibility of expeditious expansion to other relevant crossings where appropriate.

The presence of the mechanism should be exclusively on the territory of the relevant neighbouring states.