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# Role of International Humanitarian Law in Evading the War of Syria: Whether Humanitarian Law has been successful in providing Refuge to the people in War Torn Syria

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## ABSTRACT

*The Syrian crisis has become the defining humanitarian challenge of mankind. Entered on the seventh year of catastrophic war and destruction in 2018, the people of Syria do not feel safe in any environment. Not only the use of chemical weapons, bombardments, and airstrikes both by the host coalition forces and rebel side but wanton destruction in the city of Aleppo, Raqqa, Sada-ul-qayiyah, Deirez-Zor depicts that as long as conflict rages people of Syria will suffer. The protection needs of people who fled the areas of war and are displaced within Syria are varied and complex. Though there has been the implementation of protection programming and funding access, significant obstacles have come across Syria, ever seen announced the cessation of hostilities in 2016; there has not been an improvement in access. The 7-year conflict has been characterized by a lack of safe, unimpeded and sustained access for civilians.*

**Keywords:** Syria, Refugee, ICRC, UNSC, Red Crescent

The worst pathetic scenario is that the young, innocent children in Syria believed that “Holding a gun gives them prestige”. Due to the fear of getting killed, Syrian families convince their children to join armed groups. Syrian children are indirectly involved in the production or dismantlement of military arms, and explosives. The 2016<sup>2</sup> UN humanitarian appeal for the Syria crisis and refugee response is the largest the world has seen. In 2015, 57 percent of the appeal for affected groups inside Syria and 41 percent of the refugee appeal for those who crossed borders went unfunded. Available documented evidence and the perceptions of humanitarians indicate that the system is not meeting the life-saving needs of conflict-affected Syrians. Out of miscalculated conception of protecting the people of Syria a peaceful protest had begun into a full-fledged civil war. Humanitarian action is instrumentalized and is used as a substitute for real political action.

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<sup>1</sup> Author is a Student in India.

<sup>2</sup> Unicef humanitarian report on Syria, June 2022) <https://reliefweb.int/report/syrian-arab-republic/unicef-syria-crisis-situation-report-humanitarian-results-2016>

The ICRC in co-operation with the Syrian Arab Red Crescent<sup>3</sup> are helping the civilians, restoring water supplies and supporting medical services. But the worst reality of health care in the war torn Syria is that 50% hospitals are constantly under attack.

- The most recent incident relating to ICRC Syria is that any evacuation in Afrin or Eastern Ghouta must follow the basic humanitarian rules –
  - a) Civilians can choose to stay or leave. All measures undertaken to safeguard the family unity.
  - b) Evacuations are temporary- civilians are provided with clear information on the prospect of return. They are protected against attack in all circumstances. Civilians, detainees and persons no longer directly participating in hostilities must be treated humanely
  - c) Humanitarian actors are granted access to the destination sites
- ICRC, Syrian Arab Red Crescent (SARC) and UN teams in Eastern Ghouta delivered 2,400 food parcels, 3,248 wheat flour bags that can sustain 12,000 people for one month despite the fighting that took place close to the convoy in Damascus<sup>4</sup>.
- 6.3 million People are internally displaced; ICRC and SARC provided 1.3 million people with food, safe drinking water and items such as blankets, winter clothes, mattresses.
- Key issues resolved to be dealt by the ICRC and SARC in the matter of Syria are:
  - a) Greater respect for international humanitarian law. But countless hospitals hit, humanitarian workers killed and civilians were shoot. Humanitarian obligations must not be ignored. Demilitarized zones must be established near hospitals and schools.
  - b) A political solution is urgently sought. Frontline humanitarian negotiations must be coupled from military and security arrangement to negotiate a cease fire.
  - c) Thousands of families remain separated. The issue of missing or uncertainty (whereabouts) of civilians must not become an issue of political concession.
  - d) Regional impact of conflict must not be forgotten, shockwaves felt in neighboring countries of Lebanon, Turkey, Saudi-Arabia etc

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<sup>3</sup> *Syrian Arab red crescent appeal to increase access June 2022* modified on 1 September 2022) <https://reliefweb.int/report/syrian-arab-republic/syrian-arab-red-crescent-and-ifrc-appeal-increased-access-and-safety>

<sup>4</sup> *Robert Mardini, ICRC Regional Director for near and middle east 2016*, modified on 1 September, 2022 [https://humanitarian.forum.europa.eu/speakers/robert-mardini\\_en](https://humanitarian.forum.europa.eu/speakers/robert-mardini_en)

- e) By the end of June 2022, UNICEF had reached 7.1 million people including 4.9 million children (2.5 million girls) across 14 governorates with health, nutrition, education, and protection services as well as safe water, sanitation, cash assistance and other social protection and adolescent participation interventions and supplies. This includes 1.3 million children (687,292 girls) in difficult to access areas.
- f) The nutrition situation remains a critical concern, with high inflation and increased food and fuel prices. Proxy rates of severe acute malnutrition (SAM) in government-controlled areas were 0.4 per cent for boys and 0.5 per cent for girls, similar to rates in the first quarter of the year. In NW Syria, however, surveillance data shows SAM<sup>5</sup> rates have increased from 1.5 to 2.0 per cent in 2022. Nutrition clinics are reporting SAM rates of 1.1 per cent in Al-Raqqa and 0.99 per cent in Al-Hasakeh.
- g) UNICEF has ensured safe water for 2,084,571 people in 2022 through the rehabilitation, restoration and maintenance of water systems, contributing to broader community resilience and early recovery. This includes 75,000 in hard-to-reach areas of Idleb and 356,317 people in NW Syria.
- h) In 2022, UNICEF<sup>6</sup> requires \$334,430,071 to provide life-saving assistance to 9.1 million people (including 5.5 million children) across Syria according to the Humanitarian Action for Children. \$111,076,786 has been made available so far, leaving a \$223,353,285 (67 per cent) gap.

Entire generation of children and civilians has been traumatized and brutalized over the last 6 years. 150 general principles of Humanitarian Law have been eroded. There has been a failure to provide a political solution to Syria<sup>7</sup>. The victims of war need profound humanitarian needs. The biases against the Middle Eastern countries gear up the historical analogy. The smell of dreaded weapons, bloodshed and clarendous catastrophic war spiralled into one of the worst humanitarian disasters. So much of Syria was in utter ruin. Making political excuses for the brutalities suffered by innocent civilians is not in any way justified. When mass murder happens in a country that requires action, activism and intervention, the protection of civilians and humanitarian relief cannot be subsided. There has been no legitimate military object behind the conflict; the rebel and armed forces are targeting the population.

The humanitarian system has largely failed in Syria. UNSC should examine issues on the basis

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<sup>5</sup> <https://www.worldvision.org/refugees-news-stories/syrian-refugee-crisis-facts>

<sup>6</sup> <https://www.unicef.org/emergencies/syrian-crisis>

<sup>7</sup> *Statement report of Valerie Amos and Samantha Para, US Ambassador to UN 2016*, modified on 29 August 2022 <https://www.unocha.org/story/syria-valerie-amos-aid-convoy-homs>

of dispute and not on national strategies. There should be development and re-development of political activism and reject the idea that humanitarian sufferings as a result of conflict is not in any way less deserving of our sympathy, likewise in a natural disaster. In my opinion, as a student now, the penultimate question remains what plague would be raised or rectified to free the people of Syria from the catastrophic and brutal hardship?

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