

The catastrophic response to the earthquake in Syria: the need for corrective actions and accountability



The Feb 6, 2023 earthquake has devastated areas in northwest Syria controlled by the Türkiye-backed Syrian National Army and extremist Hayat Tahrir Sham, and respectively run by their civilian affiliates, the Syrian Interim Government (SIG) and the Syrian Salvation Government. The earthquake brought further suffering to 4.5 million people, of whom 2.8 million or 62% have been forcibly displaced from other areas,¹ trapped on less than 5% of Syria's land, and who have already endured years of violence and atrocities by the Assad government and violations of rights and freedoms under de-facto militant authorities. The earthquake-caused full or partial damage to 55 health facilities.¹ This inflicts crippling damage to a local health system that has been severely weakened by years of deliberate attacks by the Assad government, part of a strategy of weaponisation of health care that is chronically plagued by limited capacity and resources.^{2,3} The health system is unable to meet the increasingly complex needs of the population and is largely dependent on international assistance, as is the population. Under Russian and Chinese vetoes, only one border crossing, Bab al-Hawa, remains open for UN humanitarian access.

How have influential national, regional, and international conflict and humanitarian actors responded to this situation?⁴ Politicisation, indifference, platitudes, and negligence best characterise the response. The Assad government dropped an opportunity for national mobilisation, reconciliation, and solidarity.^{5,6} It neither announced national mourning nor mobilised international mechanisms of assistance for affected opposition areas. Rather, it politicised the crisis, calling for lifting sanctions and claiming, without evidence, that these sanctions undermined the response while continuing to bomb northwest Syria.^{7,8} It initially demanded that assistance to northwest Syria be channelled through Damascus⁹ but later agreed, under international pressure, to open two new border crossings to northwest Syria for 3 months to allow more aid, reportedly fearing that the UN Security Council (UNSC) would authorise a longer period.⁸ Military and civilian authorities in northwest Syria did not fully mobilise or contribute well to search-and-rescue operations other

than personnel and equipment, showing the severe governance and institutional fragility of opposition governments and their focus on security. SIG halted aid from Kurdish-controlled northeast Syria for 2 days, supposedly until they received clearance from Türkiye.¹⁰ Both the Assad government and opposition militant factions reportedly engaged in so-called skimming aid.¹¹ The real mobilisation came from civil society.¹²⁻¹⁴ The 2600 volunteers of the Syria Civil Defence, or White Helmets, reached the major 60 affected sites within 10 h of the earthquake.¹⁵ They pulled around 2900 survivors from under the rubble, digging with their hands and limited equipment, some provided by local communities and businesses. Finding more survivors required heavy and specialised equipment and expert search teams that only the UN or other countries could provide. None came. The USA, already present inside Syria and able to deliver modern search-and-rescue equipment, refrained.^{8,9} The EU activated the Civil Protection Mechanism at the request of the Assad government but this did not include northwest Syria.¹⁶ Regional response was also weak. Türkiye closed the Bab al-Hawa crossing for the first 48 h, probably due to the chaos of its own disaster and the absence of international push for access. Only Qatar, Saudi Arabia, and Iraqi Kurdistan initially sent aid to northwest Syria. The UN response has received the most critique, as it did not mobilise search-and-rescue teams or specialised equipment to northwest Syria during the first critical 3 days.^{17,18} The UN claimed logistic and road difficulties.⁴ However, the Gaziantep-based logistics cluster's interactive map showed no obstacles to the arrival of aid from the UN hub site near the Turkish city of Reyhanli, 5 km from the Syrian border.⁸ Furthermore, UN operations resumed through this crossing without major road work. On the fourth day, a pre-planned humanitarian convoy with six trucks carrying non-earthquake supplies arrived. Impoverished Syrian communities, including from northeast Syria, provided almost as much as international aid (302 Syria trucks, 196 UN trucks, and 116 international trucks as of February 19, according to the Syria Response Coordinators Group).¹⁹ Deeply disappointed, local communities hoisted the UN flag upside down over collapsed buildings.



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The UN failure was predetermined and predicated on several factors:⁸ reduced humanitarian aid stockpiles in the UN Hatay warehouse supplying northwest Syria, under decreased funding; inadequate disaster preparedness; not developing mechanisms to deal with non-state actor-based control in northwest Syria, despite working there since 2014; and inadequate capacity in the UN Gaziantep office, supporting northwest Syria, compared with the Damascus office. An absence of leadership was the crucial factor. This was true for close-to-the-ground leadership, with Gaziantep-based Deputy Regional Humanitarian Coordinator for the Syria crisis vacant, but more so for the UN's global leadership.²⁰ Knowing the dire situation in northwest Syria, António Guterres, UN Secretary General, and Martin Griffiths, Under Secretary General for Humanitarian Affairs, could have activated the UN Disaster Assessment and Coordination and International Search and Rescue Advisory Group for northwest Syria and mobilised emergency access and aid through Bab al-Hawa or other non-UNSC-authorized crossings, or urged countries to do so. Waiting for Assad to approve two new nearby border crossings in a visit by the WHO Director-General 6 days after the earthquake was too late to save lives and politically and legally unnecessary, as it gave Assad leverage he had lost in 2014 with the UNSC Resolution 2165, authorising cross-border assistance without government approval. The Assad government's delay in approving was reportedly deliberate and aimed to instrumentalise this tragedy for political purposes.²¹ Leadership in crisis means prioritising saving lives over all other considerations. Martin Griffiths admitted "We have so far failed the people in north-west Syria. They rightly feel abandoned. Looking for international help that hasn't arrived."²² For many people, including ourselves, the apology was too little, too late.

Undoubtedly, the response failures in northwest Syria, including of the UN Secretariat, have directly caused avoidable deaths, injury, and morbidity. This will increase the burden of disabilities and worsen the situation for both communicable and non-communicable diseases to which a weakened health system cannot respond.^{2,23,24}

As we approach the 12th anniversary of this conflict, we must leverage the shock and learning from the earthquake crisis to address immediate priorities, but also issues accumulated over the conflict.^{25,26} We identify three sets of actions. First, meeting urgent post-earthquake humanitarian and health needs, which remain enormous

amid insufficient aid, while addressing long-standing shortcomings of humanitarian operations, particularly increasing funding, providing more resources to local rescue and health responders who used most of their supplies in the first 10 days after the earthquake, so they can restore their operational capacity to respond to ongoing needs, preventing aid diversion to the Assad government and other conflict parties, and ensuring unfettered and sustained cross-border access.²⁷ Crossline access from government-controlled areas is neither adequate nor sustainable given a track record of aid obstruction. Unlike the opinion of hyperconservative UN lawyers requiring UNSC authorisation for UN access and aid delivery across borders to opposition areas,⁶ prominent international jurists and legal scholars indicated in 2014, and recently reiterated on the basis of a Guernica 37 Chambers study, that UN cross-border operations to northwest Syria require neither a UNSC mandate nor the Assad government's permission.²⁸⁻³⁰ We call on the UN leadership to recognise and implement this approach. If they are unwilling, concerned governments should work to establish alternative, effective mechanisms to deliver cross-border aid and avoid the time-wasting aid-renewal debates at the UNSC every 6 months.⁶ Ensuring long-term cross-border aid is key to restoring the trust of affected communities in the UN and international community.

Second, the need to alter the conditions of conflict and precarity that have amplified the earthquake's effects and undermine the resilience of communities. To avoid creating new humanitarian needs in communities, now more impoverished and weakened after the earthquake, the Assad government must stop all attacks on northwest Syria. António Guterres should strongly demand a verifiable ceasefire and push stalled UN-brokered discussions on political settlement, which should address the forced disappearance of nearly 110 000 people³¹ and ensure accountability for violations of international law, according to UN resolutions. A good-intention political measure that can also improve health-system capacity to address unmet needs is releasing the more than 3360 forcibly disappeared health workers, which are claimed mostly by the Assad government.²⁶

Third, we owe it to the people victimised by the catastrophic response to correct response failures and pursue justice for victims. This crisis has not provoked calls, commonly heard after even singular wrongful

deaths, for identifying responsibilities, resignations, reviews, and prosecution. Syrian lives matter too. We call for launching an independent UN-mandated commission to investigate actions and inactions, identify responsibilities, and propose corrective actions, including within the UN system, to establish a reparation fund for wronged victims and mechanisms for disbursement, and to provide international legal support to affected families to explore litigation options. Such actions actualise the much touted but poorly operationalised accountability to affected populations, thus using power responsibly by taking account of, giving account to, and being held to account by the people they seek to assist.³² It is through accountability and justice that we can begin to ask affected communities for forgiveness.

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