

Syria's Earthquake and the Intersection of Law Politics, and Humanitarianism

Opinion article

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المؤسسة السورية للدراسات وأبحاث الرأي العام

مؤسسة علمية بحثية مستقلة وغير حزبية، تُعنى بالدراسات السياسية والإعلامية والاستراتيجية في سورية وأبحاث الرأي العام حول تطلعات وآراء الشعب السوري في مختلف مجالات الحياة العامة، لبناء قاعدة معرفية وعلمية تساهم في ردم الهوة بين صنّاع القرار (أشخاص - مؤسسات) وبين الجمهور والربط بينهم، لتحقيق التماسك المجتمعي.

قيم المؤسسة ومبادئها

تلتزم المؤسسة بجملة من القيم المهنية والأخلاقية، هي:

- ❖ معايير حماية الحقوق والحفاظ على سرية المعلومات وخصوصية الأفراد والمؤسسات
- ❖ بناء الثقة المتبادلة بين العملاء والمؤسسة، وتحقيق الشفافية في التعامل على جميع المستويات.
- ❖ مراعاة قيم المجتمع السوري الدينية والثقافية.
- ❖ الابتعاد عن أي صيغ أو أساليب تُعرض على العنف أو تنتهك مبادئ المساواة أو العدالة أو تحط من كرامة الإنسان أو تحث على التمييز.
- ❖ العمل بموضوعية ومهنية وسياسة منفتحة واعية تخدم القضايا الوطنية السورية.

"Syria's Earthquake and the Intersection of Law, Politics, and Humanitarianism"



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- **Introduction**

On February 06, 2023, a 7.8 magnitude earthquake struck several governorates in Turkey and Syria, including Aleppo, Lattakia, Hama, and Idlib. The earthquake caused widespread damage, including collapsed buildings and infrastructure, and resulted in many deaths and injuries. In response to the earthquake, the Syrian government issued Decision No. 244, on 10/02/2023 which declared the affected areas as stricken areas. However, the legal implications of this decision are unclear, and there are concerns about the government's response and its impact on the humanitarian situation in affected areas.

- **Legal analysis of the government's response**

The Council of Ministers' decision to consider the affected areas in the governorates of Aleppo, Lattakia, Hama, and Idlib as disaster areas is based on Civil Defense Law No. 39 of 2003. This law allows for measures to be taken to protect the population, property, and public and private facilities, provide safety of transportation and communications, and ensure the functioning of public facilities to confront public disasters and address their dangers. However, declaring disaster areas has no legal meaning, and the executive authority (the government) does not have any legal status like that of declaring a state of emergency or a state of mobilization.

declaring a disaster area is a political term that is related to the mechanism for requesting international relief aid and is subject to international standards that limit the powers of national authorities in how to dispose of this aid. Therefore, it falls under the section of political tensions and calculations. The appropriate legislation to apply to the areas affected by the earthquake disaster is the declaration of a state of emergency (Mark 51 of 1962) and the imposition of martial law. However, from a practical point of view, it is very unlikely that the authority would declare a state of emergency, even temporarily, in a region because of the political embarrassment and the psychological barrier caused by the long state of emergency, which lasted half a century since March 8, 1963. The Syrian laws in force did not show the effects of the Council of Ministers considering certain areas of the territory of the Syrian Arab Republic (disaster areas).

According to Law No. 39 of 2003, civil defense is part of the national defense. Its purpose is to protect the population, property, and public and private facilities, provide safety of transportation and communications of all kinds, and ensure the functioning of public facilities through the measures taken in peace and war to prevent and confront the dangers of various

war actions and public disasters, address their dangers, and raise the morale of citizens. Civil defense measures include preparing plans for protection from the various dangers of war, fires, and general disasters, and organizing means of confronting them and dealing with the effects resulting from them. The Supreme Council of Civil Defense shall be formed with the Prime Minister as President, one of the concerned ministers assigned by the Prime Minister as Vice-President, the Minister of Defense as a member, and others.

The State of Emergency Law allows a state of emergency to be declared when public order in the territory of the Republic or part of it is endangered due to the occurrence of public disasters. The President of the Republic declares a state of emergency by a decree taken in the Council of Ministers in session under his chairmanship and with a two-thirds majority of its members. When declaring a state of emergency, the prime minister is called a martial ruler, and all internal and external security forces are placed at his disposal. The ruler-martial may appoint one or more deputies linked to him. The customary ruler or his deputy may issue written orders to take some restrictions and measures, including evacuating or isolating some areas, organizing temporary accommodation for people who are evacuated, establishing hospitals and field clinics, and distributing food and relief aid.

Furthermore, the legal implications of the government's decision to declare the affected areas as stricken areas are unclear. The Syrian government declaration entails compliance with the duties of the First Additional Protocol of 1977 to the four Geneva Conventions, by Law No. 44 of 1982. However, there are no such duties that limit or increase its powers. It is the responsibility of the Prime Minister or the ministers who took this decision to clarify their intent and its human rights dimensions.

- **The government's response to the earthquake was inadequate and have violated several legal provisions.**

Under Syrian law, the government has a duty to protect its citizens and ensure their safety in the event of a natural disaster. The Syrian constitution also guarantees the right to life and safety for all citizens. However, it seems that the government failed to take necessary measures to protect its citizens during the earthquake, which resulted in the loss of many lives.

Additionally, the government's reported refusal to accept international aid may constitute a violation of international law, as well as Syrian law. The right to aid and assistance in times of natural disasters is a fundamental principle of international law, and Syria is bound by this principle as a member of the United Nations.

Furthermore, the reported diversion of relief aid to government supporters and the mismanagement of aid by the government may also violate Syrian law and international law. The government has a legal duty to distribute aid fairly and efficiently to all citizens affected by the disaster, without discrimination or favoritism.

In conclusion, the government of Bashar al-Assad have violated Syrian law, the Syrian constitution, and international law in its handling of the earthquake disaster. The government has a legal obligation to protect its citizens and provide them with necessary aid and assistance in times of natural disasters, and any violations of these obligations should be addressed and rectified.

- **Political analysis of the government's response**

The government's response to the earthquake is driven by political motivations, including its control over certain areas and the impact of the earthquake on its citizens. The government's actions are also evaluated considering its broader strategy in the conflict, including its relationship with opposition groups and the international community. The government's decision to declare the affected areas as stricken areas may be seen as an attempt to assert its control over these areas and limit the influence of opposition groups. However, this decision may also have negative implications for the humanitarian situation in affected areas.

The Syrian government's response to the earthquake also raises political questions about its priorities and agenda. The government's decision to launch a financial loan to restore earthquake-damaged housing in regime-controlled areas, while not extending a helping hand to citizens residing in northern Syria, is concerning.

This decision indicates a preference for prioritizing regime-controlled areas and neglecting those residing in areas outside the government's control. Furthermore, the government's decision to charge residents for the costs of strengthening cracked or damaged buildings, despite promises of compensation and support, highlights the regime's disregard for the plight of its citizens.

the Bashar al-Assad regime, which took advantage of the humanitarian crisis in Syria to rehabilitate its image and normalize relations with other countries and organizations. The regime also marketed the narrative that economic sanctions were preventing it from meeting the needs of the Syrian people, and successfully secured a six-month suspension of those sanctions. Additionally, the regime used the closure of border crossings in northwestern Syria as a political card to pressure the international community and avoid a Security Council resolution requiring the crossings to be opened for aid, in order to improve its image in the eyes of the world.

- **Humanitarian implications of the government's response**

The earthquake in Syria has had a significant humanitarian impact, particularly on vulnerable populations, including women, children, the elderly, and people with disabilities. The earthquake has caused widespread damage to infrastructure and housing, leaving many people without access to essential services such as healthcare, electricity, and clean water.

The earthquake has also resulted in a significant loss of life, with many people still missing and feared dead. The lack of adequate medical care and supplies has exacerbated the situation, particularly for those who were injured in the earthquake.

The humanitarian situation in Syria is already precarious due to the ongoing conflict and displacement of people. The earthquake has further exacerbated this situation and has made it even more difficult for aid organizations to provide assistance to those in need.

The government's response to the earthquake has significant implications for the humanitarian situation in affected areas. The closure of crossings and the provision of aid to citizens in opposition-held areas are two of the key issues that need to be addressed. According to the regime's media, the National Bank for Microfinance, affiliated with the Assad regime, launched a financial loan under the name "Saned" to restore earthquake-damaged housing in regime-controlled areas. This may indicate a lack of support for citizens in opposition-held areas.

Moreover, the deputy governor of Damascus claims that the governorate is preparing to provide "technical support, advice and implementation under the supervision of the governorate for free." However, the strengthening of cracked or cracked buildings is at the expense of the residents of these damaged residential buildings. This is contrary to what is required by Article 24 of the Syrian Constitution, which stipulates that the state, in solidarity with society, shall guarantee the burdens resulting from natural disasters.

From a legal standpoint, the Syrian government has a responsibility under international humanitarian law to help and protection to its own citizens, regardless of their location within the country. This includes ensuring that humanitarian aid can reach those in need, regardless of their location.

The Syrian government's decision to close crossings to humanitarian aid coming into areas outside of its control, including Idlib, is a violation of international humanitarian law, specifically the principles of humanity, neutrality, and impartiality. By restricting the flow of humanitarian aid, the government is preventing necessary assistance from reaching those in need, including women, children, and the elderly.

Furthermore, the government's failure to help its own citizens residing in northern Syria can also be viewed as a violation of its obligation to protect and provide for its citizens. Under international human rights law, states have a responsibility to ensure that the basic needs of their citizens are met, including access to food, shelter, and medical care. The government's failure to provide such necessities to its citizens in need constitutes a violation of their human rights.

• Conclusion

In conclusion, the Syrian government's response to the earthquake raises significant legal, political, and humanitarian issues. While the government is bound by both domestic and international laws to provide aid to affected populations, its response has fallen short of these obligations. The government's actions have also been shaped by a range of political motivations, including its desire to maintain control over the country and its citizens.

To address the needs of the Syrian people in the aftermath of the earthquake, it is critical that the government, opposition groups, and the international community work together to coordinate a sustained and effective humanitarian response. This will require a commitment to upholding the legal and moral obligations to protect civilians and provide aid to those in need.

Given the failed record of Bashar al-Assad's regime in receiving and distributing aid to those in need, it is imperative for international organizations to intensify their efforts in the areas controlled by the Syrian opposition in northwestern Syria and to support the local population. This would ensure that aid reaches those who need it the most and help prevent the regime from further exploiting humanitarian crises for political gain.