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Resuming Aid in Syria:

Navigating Hay'at Tahrir al-Sham (HTS)
and Reconciling a Divisive Aid Economy

DISCUSSION PAPER

Executive Summary

As the first days of a post-Assad Syria begin to settle, how aid should resume will be a key policy question for Syrians, aid actors and member states alike. The United Nations (UN), I/NGOs and Syrian civil society will need to reset relations with the state and navigate emerging governance structures. There is an opportunity to learn from the last decade of divisive aid politics and aid economy. This paper aims to support the immediate resumption of aid delivery in Syria with a focus on two key issues: (1) How to navigate Hay'at Tahrir al-Sham's emerging governance role, and; (2) How to start conversations on addressing Syria's divisive aid economy. It concludes by setting out several points of discussion for Syrians, aid actors, and member states alike on solutions-oriented dialogue during this next phase in Syrian national politics. Proactive thinking on these issues has the potential to lay the foundations for transformative future recovery and development efforts in Syria.

Key Discussions

- The likely involvement of Hay'at Tahrir al-Sham (HTS) in Syria's future governance will require careful handling, particularly in relation to their Foreign Terrorist Organisation (FTO) designation and international sanction status. Frameworks for working under HTS in Idleb must now be expanded, and countrywide Joint Operating Procedures (JoPs) should be developed for aid actors to engage. A "humanitarian carve out", UNSC resolution 2664 (2022)¹ enables humanitarian organisations to operate without fear of being cited for inadvertent sanctions violations much as that present in Afghanistan and other states.
- The UN's past relationship with the al-Assad Government will need to be carefully considered in decisions to resume aid. Interim measures will need to be taken by international donors and the UN to address past impartiality concerns. There is an opportunity to redraw and reunite the Syria aid architecture, which has been fragmented across several countries and cross border access points for over a decade. Whilst unprecedented, the creation of an independent and neutral dialogue-focused aid reconciliation contact group could help rebuild trust and ensure principled assistance during this crucial transitional period.
- Syrians will and should design their future aid response. Engaging local communities in aid processes will ensure sustainability. A common Humanitarian Deed of Commitments (HDC) could be developed to create a common language for the response, setting the foundations for the relationship between state and international aid. In parallel, any transitional government should prioritise the development of a new and inclusive national legal framework to enhance civil society's role, replacing the Syrian Law of Association (Law No. 93) ² (1958).
- Solutions-oriented reconciliatory dialogue across international and national actors has the potential to transform the aid landscape in Syria, also setting the conditions for a stronger political process and eventual recovery and development. This paper defers to the views of all Syrian civil society and Syrian communities first and foremost.

1 This resolution was renewed as [UNSC 2671](#) in December 2024.

2 Article 1. For a full copy of the law see: www.icnl.org/research/library/files/Syria/93-1958-En.pdf

Introduction

Delivery of aid in a post-December 8th Syria is urgently needed and should be resumed as quickly as possible. However, thoughtful decision-making is needed in this early period to support a wider national reconciliatory process, as well as lay the operational foundations for future development engagement with the state. The transitional nature of the new political climate will pose challenges. Specifically, HTS as a (presently) designated terrorist organisation and its current and likely roles in both Syria's present caretaker and future transitional governments. Second, aid access under the al-Assad regime has been a highly politicised and contested issue both in Syria and the international donor community. Without regime controls, new possibilities for more direct and equitable distribution channels are likely to emerge providing that effort is simultaneous to proactive management of pre-existing state patronage systems within the aid economy³. Such a shift could facilitate greater transparency, accountability, and innovation in aid delivery, allowing international donors and aid actors to implement more cohesive strategies for future recovery and development.

The Current State of Aid in Syria

The regime's brutal response to the civic uprising of 2011 has led to a prolonged civil war and humanitarian crisis that has lasted over a decade. Due to the regime's opposition to most non-governmental organisations, humanitarian aid delivery has been challenging and faced exceptionally restrictive state controls. There was a de facto criminalisation of humanitarian operations in non-regime-controlled areas, or through non-regime sanctioned entities, and those that disobeyed faced penalties of detention, torture, and death⁴. Whilst various UN agencies, I/NGOs, and local organisations made efforts to provide aid, the civic space inside Syria remained severely limited by ongoing state repression. As a result, many organisations chose to work cross border, or "extra legally", usually from a neighbouring country and under the denial of access principle to ensure the safety of their staff to deliver. International scrutiny and sanctions also compounded these access complexities, underscoring the substantive challenges in addressing Syria's humanitarian and longer-term development needs and improving its civic landscape.

Al-Assad's approach was based on over half a decade of Ba'athist controls on humanitarian and development aid access and civil society. Since the Syrian Ba'ath Party came to power in 1963, successive governments have closely monitored and restricted non-governmental organisations and international support⁵. By doing so, it effectively used aid as a tool for political patronage and to consolidate power. This system has marginalised communities and potential opposition, and it has turned large parts of the aid system into a means of political control. The regulatory framework for non-state service delivery and civic space in Syria stands as an important example of how this policy has worked in practice. Notably, the Syrian Law

³ See for example: <https://www.newarab.com/analysis/how-un-aid-syria-increasingly-going-regime-cronies>

⁴ See for example: <https://www.theguardian.com/global-development/2020/aug/19/syria-is-deadliest-place-to-be-an-aid-worker-amid-global-30-rise-in-attacks>

⁵ Please see [Note A](#) at the end of this paper for the exception of the Damascus Spring in 2000 and the potential for lessons learned from this period.

of Association (Law No. 93) ⁶, has seen no major reform since its creation in 1958. As late as 2010, association registration was reportedly manually processed, with no computer access in the office responsible for enforcing Law No. 93⁷. Law No. 93 also poses several other key challenges: it prohibits associations from forming connections with related organisations at local, national, and international levels, and imposes heavy restrictions on funding, including fundraising and receiving support from national and international sources.

As a result, international donors, Syrian civil society, I/NGOs, and the UN will need to address past impartiality concerns in aid delivery. Among the principal lines of discourse on aid access within Syrian civil society has been the claim that UN aid delivery was an arm of the al-Assad government⁸. For example, there have been numerous accusations that UN contracts have favoured businesses tied to the al-Assad regime and that international funds have been redirected into regime-linked ventures. UN agency recruitment of Syrian nationals to senior UN positions who have (or are perceived to have) close ties to senior families within al-Assad's inner circle have only aggravated such suspicions. Other significant operational constraints for the UN have included restrictions on movement to deliver in non-regime-controlled areas, enforced collaboration with Syrian government partners⁹, and a limited ability to independently verify aid distribution.

HTS will also pose challenges to supporting aid delivery and development assistance in the coming weeks and months. Aid groups operating in Idleb have faced substantial criticism from Syrian communities and international donors about their relationship with the de facto governance structures of HTS. Specifically, there have been concerns about aid misuse and diversion¹⁰, and it remains the case that HTS is a designated FTO in many member states. Even if it were de-listed, donors would still have to contend with the challenge of ensuring that their assistance reaches those in need without benefiting HTS or violating international sanctions. Transparency, accountability, and safe access for aid workers have also been critical concerns to prevent aid from inadvertently supporting militant activities or fuelling conflict. Donors have focused on emphasising rigorous monitoring and collaboration with trusted local partners to mitigate these risks. However, local complaints around aid co-option have persisted. How HTS will govern at a national level also remains an open question.

6 Article 1. For a full copy of the law see: www.icnl.org/research/library/files/Syria/93-1958-En.pdf

7 Anecdotal reports from Syrian CSO contacts.

8 See for example: <https://insecurityinsight.org/wp-content/uploads/2023/06/United-Nations-Targeted-by-Allegations-of-Complicity-with-the-Assad-Regime-SMM-June-2022.pdf>

9 For example, Asama al-Assad's organisation, The Syria Trust for Development, has been a key channel for humanitarian aid delivery for the UN.

10 For example: <https://www.hrw.org/news/2024/12/04/syria-civilians-risk-amid-renewed-hostilities> or <https://www.washingtoninstitute.org/policy-analysis/how-syrias-diversity-friendly-jihadists-plan-building-state>

Dialogue on Aid Delivery

Moving Forward

Based on the above factors, this paper proposes several discussion points that may help facilitate solutions-oriented dialogue and common language to address some of the challenges identified for a new and transformative aid landscape in Syria.

Interim Strengthened Due Diligence to Facilitate the Release of Immediate Humanitarian Funding.

- Aid organisations must demonstrate a commitment to humanitarian principles and have specific operational frameworks in place that ring fence international funding from any aid group interactions with proscribed and/or sanctioned individuals and/or groups, guided by the boundaries of UN Resolution 2664 (2022) [which provides a “humanitarian carve-out” – a standing humanitarian exemption – to the asset freeze measures imposed by United Nations sanctions regimes]. Lessons can be learned from aid operations that have worked under proscribed groups in other contexts, as well as working under HTS previously, specifically in Idleb.
- In the absence of a functioning and/or unclear state to register and regulate civil society organisations, including I/NGO aid operations, an independent aid reconciliation body could provide interim regulations for aid delivery partners and serve a central civil society registration function.
- All UN commercial and procurement contracts should be re-reviewed with a conflict sensitivity lens in order to examine actual and perceived links to business and other ventures linked to the former al-As-sad regime. A review of UN partner selection processes should also be conducted to address the new regulatory environment and relaxation on state controls.
- All aid delivery partners should be requested to demonstrate strengthened SOPs (Standard Operating Procedures) tendering and procurement – as well as HR management and recruitment.

Local Engagement and Ownership:

- Syrians will – and should – lead the design of the future development of their country. Making purposeful decisions that put local communities and stakeholders at the heart of planning and implementation processes will be key to the relevance and sustainability of aid efforts in Syria going forward. Diversity of representation across ethnic, religious, and political lines in decision making bodies at national and local level will be essential.
- International donors, the UN, and Syrian civil society should be aware that in any transitional governance process, there will likely be a default reliance on Ba'athist legal frameworks in the interim. The current frameworks in place for civic space are extremely limited. A new body, either under or independent of the extant Ministry of Social Affairs and Labour (MoSAL) will need to create the structures for conducive civil society growth and protections, including provisions for aid delivery actors.

Reconciliation and an end to divisive aid politics:

- Aid politics has been divisive in Syria. UN aid delivery actors, due to the nature of their past relationship with the state, will need to recognise that they will face legitimacy questions. If the UN seeks a role as a constructive partner in reconciliation, development and peace efforts, recognition of concerns will help support and re-assert its legitimacy. Potential options to consider addressing this include:
 - i. An independent international consultation process with Syrian civil society partners on developing a road map for reform of the aid delivery system in Syria. This could include a Syria aid architecture review to resolve and reintegrate parallel aid delivery systems from formerly regime- and opposition-held areas.
 - ii. Syrian civil society and the UN will need international support to rebuild bridges and trust. In the short-term, international donors and the UN could consider requesting an exceptional interim independent aid reconciliation contact group. Donors could provide resources for its coordination and running. A contact group would provide a neutral common platform for donor, partner, community and UN engagement during the transitional period.

Trust, Humanitarian Principles and Development Actor Relations with the State:

- Common language that is owned by all stakeholders will be essential to drive discussions on how any transitional government can interact with international funding and donor assistance.
- One option to begin this process could be the creation of a deed of commitments (to humanitarian principles). This could be publicly signed by all relevant stakeholders (for example, UN agencies, civil society, and armed groups such as HTS and the SDF). This would be a step towards rebuilding trust, as well as enhancing the literacy and practice of humanitarian principles, international humanitarian law, and international human rights law. This would also set the foundations for future common language on development engagement.
- In parallel, a framework for the release of development funding during this transitional political period could be developed to decide on topics such as capacity building and technical assistance to Syria's caretaker government. This could be led by an international donor grouping, based on technical support from UNDP, the World Bank and relevant agencies, with direct inputs from Syrian civil society.

Endnote

Note A: An exception to this restrictive regime arose in 2000 when Bashar al-Assad succeeded his father and initiated a period known as the “Damascus Spring”¹¹. This brief era spurred hopes for reform and political dialogue, marked by the emergence of numerous “muntadat” or forums¹². Participants in these forums articulated various political and social demands in the “Manifesto of the 99”¹³, including the abolition of emergency and martial laws, the release of political prisoners, safe return for political exiles, and the establishment of political parties and civil organizations. These organizations aimed to deliver independent development and services to their communities. However, the optimism for a new political phase and an expanded civic space quickly faded as the regime curtailed these reforms, arresting activists and reinstating stringent restrictions.

¹¹ Zisser, Eyal. (2003). A false spring in Damascus. 44. 39-61.

¹² The most famous of these forums were the Riad Seif Forum and the Jamal al-Atassi National Dialogue Forum.

¹³ <https://syria-report.com/statement-of-99/>



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Contact:
publications@coar-global.org