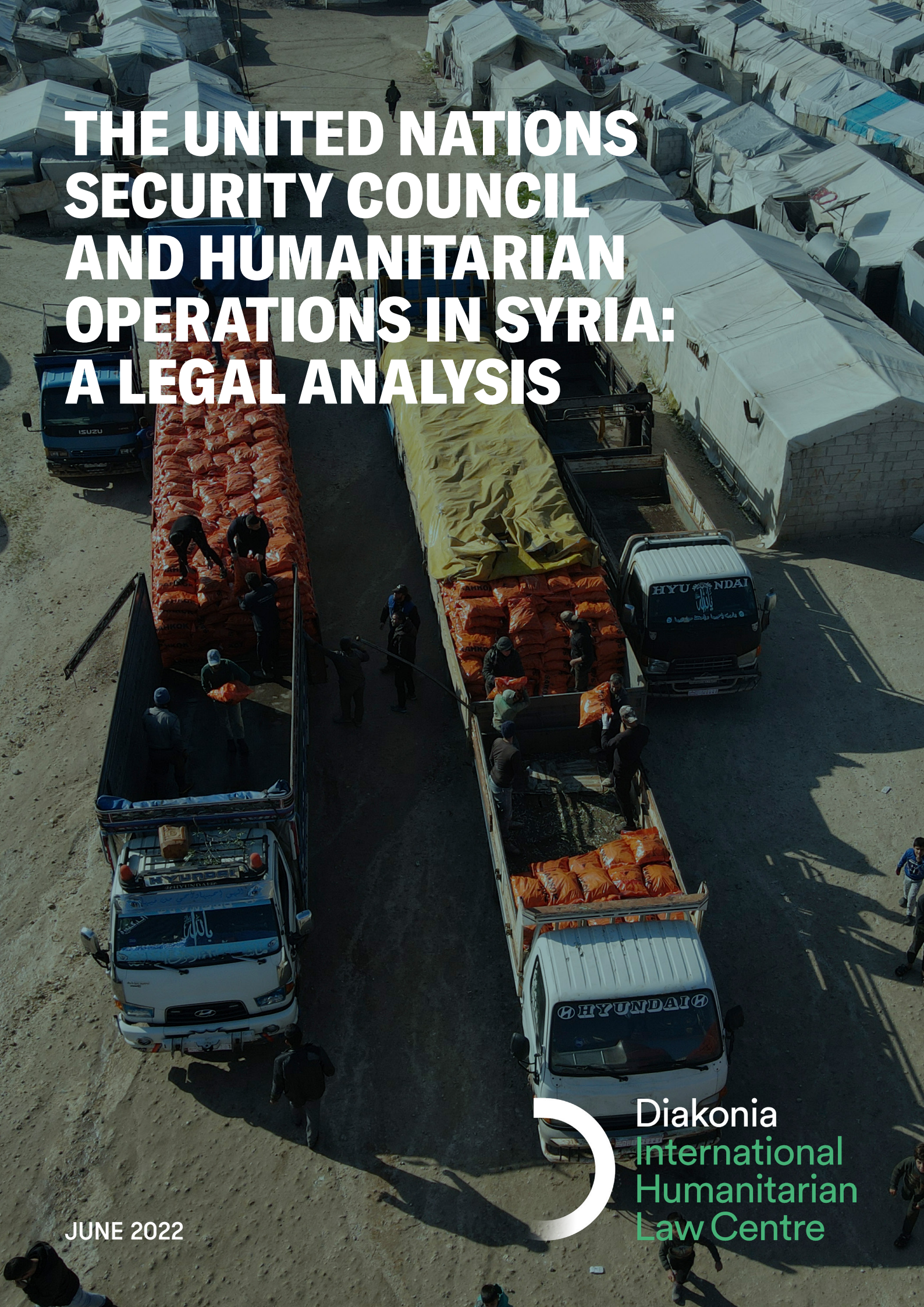
THE UNITED NATIONS SECURITY COUNCIL AND HUMANITARIAN OPERATIONS IN SYRIA: A LEGAL ANALYSIS



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INTRODUCTION

A defining characteristic of the conflict in Syria has been the severe restrictions on the provision of humanitarian assistance. Operations have been impeded by a range of constraints, including active hostilities; repeated attacks against those providing humanitarian and, in particular, medical assistance; proliferation of parties to the conflict; and the instrumentalisation of assistance by all belligerents. It is unquestionable that a principal impediment has been the constraints imposed by the government of Syria, particularly, but not exclusively, to relief operations for people in opposition-held areas. These were so severe that, following repeated requests to allow and facilitate rapid and unimpeded access that went unheeded, in July 2014 the Security Council took the unprecedented step of adopting a resolution – Security Council Resolution 2165 (2014) (SCR 2165) – that authorised cross-border and cross-line operations without the need for the government's consent.

The adoption of SCR 2165 was an extremely important step in addressing humanitarian needs in Syria. It is also extremely significant from a normative point of view. It is the first occasion on which the Council has been so directly involved in the provision of humanitarian relief in armed conflict, consequently, this could be an important precedent for the future. The application of SCR 2165 in practice has received some attention, most notably in the Secretary-General's monthly reports to the Council on the relief delivered pursuant to the arrangements established by SCR 2165. These provide an accurate picture of the quantities of goods reaching people in need. They do not, however, explain how and why key stakeholders – the Security Council, humanitarian actors, and relevant States – interpreted and implemented key elements of the SCR 2165 arrangements, including the border crossings it covered, the actors whose operations it authorised, and the modalities for conducting operations.

This Report focuses on these aspects. SCR 2165 is likely to be referred to in future as a possible approach for overcoming severe access constraints. However, central elements of its actual implementation are simply not apparent from the written record, but it is precisely these questions that those seeking to respond in future situations will have to have to address.

The objective of this Report is twofold: first, and more operationally, shedding light on the precise arrangements and, to the extent possible, reflecting on how certain approaches have facilitated or hindered the delivery of humanitarian action. Second, from a more normative perspective, reflecting on how, if at all, SCR 2165 has affected the rules of international humanitarian law (IHL) regulating humanitarian relief operations.

A. KEY ELEMENTS OF THE RULES OF INTERNATIONAL HUMANITARIAN LAW REGULATING HUMANITARIAN RELIEF OPERATIONS AND THEIR APPLICATION TO THE CONFLICT IN SYRIA

1. The rules of IHL regulating humanitarian relief operations

Since 2011, the violence in Syria between the State of Syria – later supported by the Russian Federation – and numerous organised armed groups has constituted a non-international armed conflict. Subsequently, an international armed conflict emerged as a result of the intervention of third States without the consent of the territorial State. These events have brought into play the rules of IHL, including those regulating humanitarian relief operations.

a. The key elements of the rules

The key elements of the rules of IHL regulating humanitarian relief operations are straightforward and the same in both international and non-international armed conflicts:[1]

- Primary responsibility for meeting the needs of civilians lies with the party to the conflict in whose control they find themselves.

- If this party is unable or unwilling to meet these needs, States and humanitarian organisations may offer to carry out relief actions that are humanitarian and impartial in character and conducted without any adverse distinction.

- The consent of affected States – most notably the State in whose territory the operations would be implemented, but also any other States through whose territory they would transit – is required, but may not be arbitrarily withheld.

  States have no latitude to withhold consent to offers to conduct humanitarian relief operations in two situations: first, in situations of occupation. If an occupying power is not in a position to ensure the adequate provision of supplies essential to the survival of the civilian population of the occupied territory, it must accept offers to conduct relief operations that are humanitarian and impartial in character.

  Second, the United Nations Security Council may adopt binding measures requiring parties to consent to humanitarian relief operations or, more radically, impose relief operations. To date this has only occurred once, in relation to Syria, as will be elaborated in this Report.

- Once relief actions have been authorised, parties to the conflict and relevant non-belligerent States must allow and facilitate rapid and unimpeded passage of relief consignments, equipment and personnel. They may prescribe technical arrangements under which such passage is permitted.

IHL thus foresees two successive steps: first, an acceptance of offers to conduct humanitarian relief operations; and, second, once consent has been obtained, an obligation to allow and facilitate rapid and unimpeded passage of supplies, equipment and personnel involved in such operations.

Most frequently, problems arise at the second stage: States have accepted offers to conduct humanitarian relief operations but subsequently fail to do what is required or necessary to allow and facilitate their rapid and unimpeded passage. The conflict in Syria, however, led to a far closer scrutiny of the first step: the question of the initial consent to or authorisation of humanitarian relief operations.

b. A shift from a development to a humanitarian response

Only a small number of humanitarian actors had been operating in Syria prior to the outbreak of the armed conflict in 2011. The UN agencies, funds and programmes and international non-governmental organisations (INGOs) that had been present had been working principally in the development sector. This meant that other organisations that wished to commence operating to respond to conflict-related needs had to obtain Damascus' consent. The government's reluctance to accept offers to conduct humanitarian operations, particularly when these were for persons in areas not under its control, led to a closer scrutiny of the rules of IHL, and public international law more generally, that regulate this aspect of relief operations.

1. For a comprehensive analysis see Akande and Gillard, The Oxford Guidance on the Law Regulating Humanitarian Relief Operations in Situations of Armed Conflict, (2016), (Oxford Guidance).

In addition, the principles guiding humanitarian operations, including in terms of the relationship between humanitarian actors and the State in whose territory operations will be conducted are significantly different to the framework for development operations. In the latter, there is coordination and cooperation with the host State that is being supported. Humanitarian principles, on the other hand, and the principle of independence in particular, require actors conducting humanitarian operations to retain autonomy of decision and operation from the host State. Indeed, the term 'host State' is not used, and the State where operations are conducted is simply referred to as a party to the conflict.

These factors had two consequences in Syria: first, key humanitarian actors - UN and NGOs - were not operating in Syria as the violence and consequent humanitarian needs escalated, so the consent of the government to commence operations had to be sought at a time when the government was trying to clamp down on opposition and regain control. Second, the government was unaccustomed to engaging with international actors operating in its territory that were unwilling, in the name of humanitarian principles, to take direction from it. These factors are likely to have contributed to the government's reluctance to authorise relief operations, particularly when these were, in accordance with IHL and the humanitarian principle of impartiality, conducted for people in areas not under its control. There was also a clear strategic aim in causing severe hardship to these civilian populations: the government considered that by depriving them of humanitarian assistance it would undermine their support for the opposition groups it was fighting.

c. A note on terminology: 'cross-border' and 'cross-line' operations

In view of the Syrian government's reluctance to authorise relief operations from areas under its control to opposition-held areas, actors striving to respond there sought alternative modalities. One key option were operations from neighbouring States – Jordan and Turkey, and, to a lesser extent, Lebanon and Iraq – into areas under opposition control just over the Syrian border. Referred to as 'cross-border' operations, these allowed relief from neighbouring States to reach people in need without transiting through areas under government control.

'Cross-border' operations is a term that describes the modalities of these operations, in the same way that the expression 'cross-line' refers to relief operations conducted within one State that transit from territory under the control of one party to the conflict to the territory under the control of its opponent - in the case of Syria from the territory under government control to the territory under opposition control.

These are not legal terms. They are not referred to in any treaty or instrument. The rules regulating relief operations outlined above apply equally to both types of operations. The central question is not the modality of the operations – cross-border or cross-line - but the requirement of consent of the State where they will be conducted.

d. A closer look at the requirement of consent

The question of consent has been central to the conduct of humanitarian relief operations in Syria, and, in particular, the question of whether the government's consent is required as a matter of law for relief operations conducted from neighbouring States that do not transit through the territory under its control.

<u>i. International armed conflicts</u>

In international armed conflicts, Article 70 of Additional Protocol I (AP I) requires the consent of 'the Parties concerned' in the relief actions, in the plural. This expression refers to, most notably, the State party to an armed conflict in whose territory the humanitarian relief operations would be conducted. The consent of enemy States, or of other States party to the conflict, is only required if the humanitarian relief operations would have to transit through territory under their control.

<u>ii. Non-international armed conflicts</u>

The position in non-international armed conflicts is more complex. There is a divergence of views as to whether the consent of the State party to the conflict is required for humanitarian relief operations intended for civilians in areas under the control of organised armed groups that can

be reached without passing through territory under the State's control. Two treaty provisions regulate relief operations in non-international armed conflicts: Common Article 3(2) of Geneva Conventions (GCs) and Article 18(2) of Additional Protocol II (AP II).

Common Article 3(2) GCs provides that an 'impartial humanitarian body [...] may offer its services to the Parties to the conflict'. The provision is silent, however, as to whose consent is required. Some interpret Common Article 3(2) GCs as implicitly allowing humanitarian relief operations to be conducted if the party to the conflict to which an offer is made, be it a State or an organised armed group, accepts it, regardless of the position adopted by its opponent. On this view, provided the humanitarian relief operations do not have to transit through territory under the State's control, its consent is not required.

Others consider that the silence of Common Article 3(2) GCs should not be interpreted in this manner, particularly in view of the significant infringement of territorial sovereignty of the State that humanitarian relief operations conducted in its territory without its consent would entail. In any event, at best this approach would only be applicable to the 'impartial humanitarian bodies' referred to in Common Article 3(2) GCs. Other actors offering their services, such as States, would have to meet the more onerous requirements of Article 18(2) AP II.

Article 18(2) AP II is more explicit on the question of consent, requiring the consent of 'the High Contracting Party concerned'. This appears to be a clear reference to the State party to a non-international armed conflict.

However, it has been suggested that the State party to a non-international armed conflict is 'concerned' by humanitarian relief operations intended for civilians in territory under the control of an organised armed group, and consequently, that its consent is required, only if the relief operations must transit through territory under its control. If the territory under the control of an organised armed group can be reached from another country directly, the consent of the State party to the conflict is not required.[2]

This interpretation of Article 18(2) AP II is questionable for a number of reasons. In the first place, the suggestion that a State is not 'concerned' by humanitarian relief operations taking place on its territory, even if it is in areas beyond its control, appears contrary to basic considerations of territorial sovereignty. Second, this interpretation would suggest that there may be circumstances where no High Contracting Party is concerned by a humanitarian relief operation, making the express reference to the consent of 'the' High Contracting Party in Article 18(2) AP II redundant.

It is important to bear in mind that as a matter of operational practice, the acquiescence of all parties to an armed conflict that control territory where operations will be conducted or through which they must transit is necessary in order to carry out the operations in a manner that is safe for humanitarian staff and beneficiaries.

2. The position of the United Nations as of 2013

Whatever the merits of the views just outlined, as far as UN agencies, funds and programmes were concerned, the issue was settled by the UN Office of Legal Affairs in March 2013. Without entering into a legal analysis, the then Under-Secretary-General for Legal Affairs, Patricia O'Brien stated that:

> '3. As a matter of principle, the United Nations requires the consent of a territorial State in order to carry out operations in the territory of that State. However, there is no legal impediment to the UN system engaging with actors other than the established Government where necessary to carry out aspects of a mandate, as long as such engagement does not entail any formal recognition of the status of such authorities. [...]
>
> 4. To the extent that the UN already has the agreement of the Government to

2. See Oxford Guidance, Section D.

> conduct operations in Syrian territory, the Organization may continue to conduct such operations, even if they are in areas under the control of the opposition authorities. As a practical matter, it may be that the UN would need also to get the consent of the *de facto* authorities to conduct operations in areas under their effective control. However, as long as we continue to have the consent of the Government, from a legal point of view, there is no obstacle to the UN continuing its operations in such areas. With regard to any new operations to which the Government has not as yet, consented, Government approval must be obtained before they can be carried out.'[3] (Emphasis in original)

As far as the UN was concerned, this instruction put an end to discussions of the possibility of conducting operations in areas under opposition control without Damascus' consent. It also had a chilling effect on the activities of the UN's implementing partners and actors that participated in UN coordination processes, as UN agencies considered the decision precluded them from providing funding or even indirect support in the form of coordination of operations to actors that were operating without Damascus' consent.

Other humanitarian actors, including most notably, the International Committee of the Red Cross (ICRC) and Médecins sans Frontières were not affected by this decision and adopted their own independent positions on whether to conduct operations without Damascus' consent.

It was against this background, and an increasingly public debate on the legal framework, that also entered the media in the form of a letter to The Guardian in April 2014 signed by a number of international lawyers, asserting that consent was not required for cross-border operations,[4] that the Security Council assumed an unprecedented role in the conduct of relief operations into and within Syria.

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3. Note from Patricia O'Brien, Under Secretary-General for Legal Affairs, to Jeffrey Feltman, Under Secretary-General for Political Affairs, 21 March 2013. On file with author.
4. The Guardian, 14 April 2014, 'There is no legal barrier to UN cross-border operations in Syria', https://www.theguardian.com/world/2014/apr/28/no-legal-barrier-un-cross-border-syria.

B. SECURITY COUNCIL INVOLVEMENT

The United Nations Security Council meets about the situation in Syria at United Nations Headquarter

In the past two decades the Security Council has addressed humanitarian relief operations in situations of armed conflict with increasing frequency. Ordinarily, it does so in general terms, usually calling upon parties to armed conflicts to grant humanitarian access.[5] These calls are essentially an exhortation to belligerents to comply with their obligations under IHL.

On a small number of occasions in the 1990s, the Council adopted binding measures under Chapter VII of the UN Charter in relation to humanitarian assistance. In these cases, although it addressed impeded relief operations, the Council never actually required the territorial State to agree to operations. Instead, its focus was on creating security conditions conducive to the delivery of assistance – a related but distinct issue that, in the cases in question, eventually led to the use of force.[6]

In Syria, spurred by the severity of the suffering of the civilian population caused by extended and severe limitations on humanitarian relief operations, the Council adopted a far more proactive approach - particularly in the period from 2013 to 2014. As will be elaborated in this Report, over the years the Council unanimity that had made this possible has given way to serious disagreements among certain permanent Council members, and also opposition by certain elected Council members, to maintaining the arrangements as originally established in SCR 2615. In 2022, as elaborated in Section B.3 below, they are significantly more limited in scope than when initially adopted, and their replication in other contexts appears extremely unlikely. Nonetheless, the arrangements remain relevant to ongoing humanitarian operations in Syria, and aspects thereof may be relevant to possible approaches in other contexts.

The Council adopted a progressively more 'intrusive' approach to the conduct of relief operations in Syria at three key junctures: in the Presidential Statement (PRST) of October 2013; in Security Council Resolution 2139 of February 2014; culminating in Security Council Resolution 2615 of July 2014.

1. The Presidential Statement of 2 October 2013

In response to the escalating deterioration of the humanitarian situation in Syria and the serious restrictions on humanitarian relief operations, on 2 October 2013 the Council adopted a PRST that focused on belligerents' obligation to allow and facilitate relief operations in unprecedented detail.[7]

While usually the Council merely calls upon parties to facilitate unhindered access, in the years immediately prior to this PRST it had shown an increasing willingness to suggest specific measures parties should take. In the PRST of October 2013, it did so in the greatest detail to date, setting out a list of measures that it urged the Syrian authorities to take immediately to facilitate the expansion of relief operations. These addressed the principal issues that were impeding the conduct of relief operations at the time – and which in fact remained problematic throughout the conflict. They included expediting the approval for international and domestic NGOs to operate; and issuing visas, permits and import authorisation for humanitarian staff and goods.

The PRST also expressly addressed cross-border operations – an operating modality that some had been pressing for in view of the severe restrictions imposed by the Syrian authorities on cross-line operations. The PRST called upon the Syrian authorities to 'promptly facilitate safe and

5. For a collection of Security Council practice on humanitarian relief operations see UNOCHA, Aide-Memoire for the Consideration of Issues Pertaining to the Protection of Civilians in Armed Conflict, (2016), Part I.C, 'Humanitarian Access and Safety and Security of Humanitarian Workers'.
6. Security Council resolution 781 (1992) on Bosnia-Herzegovina, and Security Council resolution 794 (1992) on Somalia.
7. S/PRST/2013/15, 2 October 2013.

unhindered access to people in need, through the most effective ways, including across conflict lines and, where appropriate, across borders from neighbouring countries in accordance with the UN guiding principles of emergency humanitarian assistance.'

Although the PRST mentions the possibility of cross-border operations, the reference to the UN guiding principles on humanitarian assistance is an implicit reference to the requirement for Syria to consent to the relief operations. These principles are annexed to General Assembly 46/182 of 1991, and of particular relevance is the requirement in Principle 3 that 'humanitarian assistance should be provided with the consent of the affected country.'[8]

2. Security Council Resolution 2139 (2014)

In February 2014, in view of the limited impact of the October 2013 PRST, and in response to the continuing plight of the Syrian population, including the thousands of civilians trapped in besieged areas, the Council unanimously adopted Resolution 2139 (2014).

The Resolution addressed various protection concerns. With regard to relief operations, it elaborated and significantly strengthened a number of the issues addressed in the October 2013 PRST. It also made several important and binding demands.

In Operational Paragraph 5, the Council called upon all parties to lift the sieges of populated areas and demanded that all parties allow the delivery of humanitarian assistance and medical assistance; cease depriving civilians of food and medical supplies indispensable to their survival; and enable the rapid safe and unhindered evacuation of all civilians who wished to leave.

Operational Paragraph 6 adopted the same language of obligation. Here the Council demanded that all parties, including, in particular, the Syrian authorities, promptly allow rapid safe and unhindered humanitarian access for UN humanitarian agencies and their implementing partners, including across conflict lines and across borders.

As outlined in Section A.1 above, the consent of affected States – most notably the State in whose territory the operations would be implemented, is required, but may not be arbitrarily withheld. This means that there may be circumstances in which it may be permissible to withhold it. The effect of Operational Paragraph 6 was to require Syria – and other relevant States - to consent to relief operations. Even if it may have had 'legitimate' grounds for not agreeing, Resolution 2139 requires it to consent. As elaborated in the next section, SCR 2615 goes one step further: it removes the need for consent altogether and imposes relief operations.

The demand was addressed to 'all parties': this covered all parties to the conflict in Syria, but also neighbouring States, from whose territory relief operations would transit, and whose consent is also required by IHL. Such States were also obliged to consent. At the time this was considered politically 'helpful' as it meant that neighbouring States no longer exposed themselves to claims of interference in the conflict by Syria by allowing unauthorised operations to be initiated from their territory.

3. Security Council resolution 2615 (2014)

Despite SCR 2139 (2014), and as outlined in the monthly reports submitted by the Secretary-General, the situation on the ground did not improve. This led the Council to unanimously adopt Resolution 2615 on 14 July 2014. This resolution took the unprecedented step of imposing humanitarian relief operations into and within Syria without the need for the government's consent.

8. General Assembly resolution 46/182, 19 December 1991, Strengthening the Coordination of Humanitarian Emergency Assistance of the United Nations.

a. The initial arrangements

In Operational Paragraph 2 of SCR 2165 the Security Council

> 'd]ecide[d] that the United Nations humanitarian agencies and their implementing partners are authorized to use routes across conflict lines and the border crossings of Bab al-Salam, Bab al-Hawa, Al Yarubiyah and Al-Ramtha, in addition to those already in use, in order to ensure that humanitarian assistance, including medical and surgical supplies, reaches people in need throughout Syria through the most direct routes, with notification to the Syrian authorities, and to this end stresses the need for all border crossings to be used efficiently for United Nations humanitarian operations.'

SCR 2165 thus overrode the rules of IHL, authorising UN humanitarian agencies and their implementing partners to conduct humanitarian operations into Syria from the four named border crossings, in addition to 'those already in use' at the time of the adoption of the resolution, without the need for the consent of the government of Syria. The same arrangements were also imposed for 'routes across conflict lines' within Syria.

In parallel, SCR 2165 established

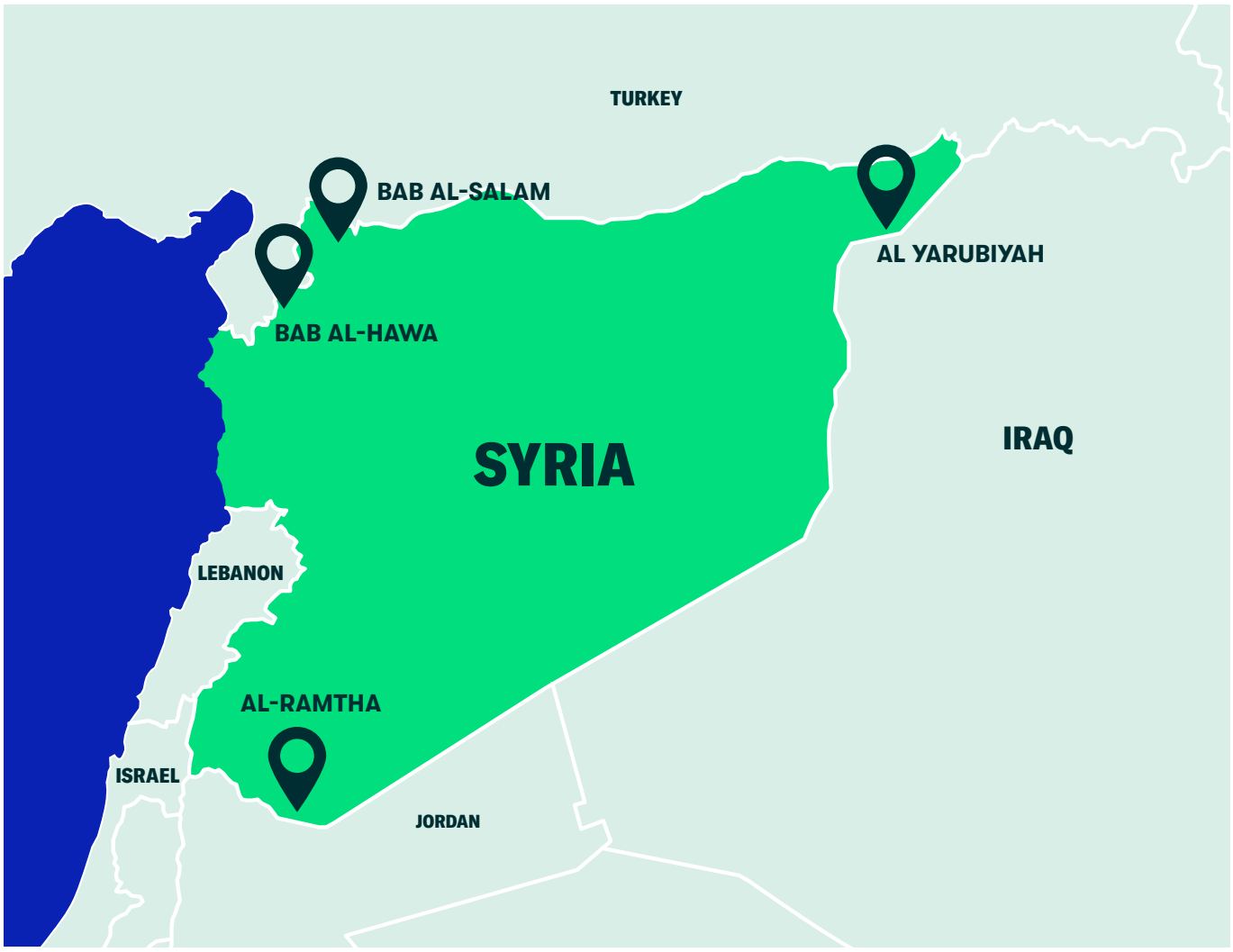
> 'a monitoring mechanism, under the authority of the United Nations Secretary-General, to monitor, with the consent of the relevant neighbouring countries of Syria, the loading of all humanitarian relief consignments of the United Nations humanitarian agencies and their implementing partners at the relevant United Nations facilities, and any subsequent opening of the consignments by the customs authorities of the relevant neighbouring countries, for passage into Syria across the border crossings of Bab al-Salam, Bab al-Hawa, Al Yarubiyah and Al-Ramtha, and with notification by the United Nations to the Syrian authorities, in order to confirm the humanitarian nature of these relief consignments.'[9]

Finally, in Operational Paragraph 6 the Council

> '[a]lso decide[d] that all Syrian parties to the conflict shall enable the immediate and unhindered delivery of humanitarian assistance directly to people throughout Syria, by the United Nations humanitarian agencies and their implementing partners, on the basis of United Nations assessments of need and devoid of any political prejudices and aims, including my immediately removing all impediments to the provision of humanitarian assistance [...].'

The resolution thus addressed all modalities for the provision of relief: cross-border operations, cross-line operations and operations 'throughout Syria' – namely, those that do not cross borders or conflict lines.

9. Security Council resolution 2165 (2014), Operational Paragraph 3.



b. Renewals of the arrangements – a progressive reduction of the named border crossings

The Security Council established these arrangements for an initial six-month period. From 2014 to 2018, it renewed them six times without modification, other than extending their duration from six months to a year.[10] Then, in January 2020, the Council significantly reduced the scope of the arrangements, removing the border crossings of Al-Ramtha and of Al Yarubiyah, and only extending the authorisation for six months.[11]

The Al-Ramtha crossing is on the border between Jordan and Syria and had not been employed since the summer of 2018, when Syrian government forces resumed control of the Syrian side of the border. The Al Yarubiyah crossing is on the border between Syria and Iraq. This crossing was still in use when the arrangements were modified in January 2020, and these two crossings were excluded from the renewal.

In July 2020, following difficult negotiations, the arrangements were narrowed further, and a third crossing, that of Bab al-Salaam on the border between Turkey and Syria was removed. This was also still in use at the time.[12] These arrangements were renewed for a year.

In July 2021, the existing arrangements were renewed for a further year.

10. Security Council resolution 2191 (2014), Operational Paragraph 2; Security Council resolution 2258 (2015), Operational Paragraph 2; Security Council resolution 2332 (2016), Operational Paragraph 2; Security Council resolution 2393 (2017), Operational Paragraph 2; and Security Council resolution 2449 (2018), Operational Paragraph 3.

11. Security Council resolution 2504 (2020), Operational Paragraph 3.

12. Security Council resolution 2533 (2020), Operational Paragraph 2.

Resolution	Named Crossings	Duration	Vote
SCR 2165 (2014)	Bab al-Salam, Bab al-Hawa, Al Yarubiyah and Al-Ramtha	6 months	15-0-0
SCR 2191 (2014)	Bab al-Salam, Bab al-Hawa, Al Yarubiyah and Al-Ramtha	12 months	15-0-0
SCR 2258 (2015) SCR 2332 (2016) SCR 2393 (2017) SCR 2449 (2018)			15-0-0 15-0-0 12-0-3 13-0-2
SCR 2504 (2020)	Bab al-Salam, Bab al-Hawa	6 months	11-0-4
SCR 2533 (2020)	Bab al-Hawa	12 months	12-0-3
SCR 2585 (2021)	Bab al-Hawa	12 months	15-0-0

Over the years the consensus that existed at the time of the adoption of SCR 2165 in 2014, has given way to extremely politicised discussions within the Council. The periodic renewals have been marked by fraught and polarised negotiations. Russia, in particular, has questioned the ongoing need for the arrangements in view of the changing realities on the ground - most notably, the Syrian government's resumption of control of certain border areas - and the violation of Syrian sovereign and integrity that the arrangements entailed. These tensions have led to last minute renewals – even though the arrangements have never had to be suspended pending a renewal - and non-unanimous voting. Inevitably, the negotiations have also got caught up in broader tensions between the five permanent Security Council members. This was particularly the case in July 2020, when a series of competing draft resolutions were put to the vote: two by the then penholders Germany and Belgium, and two by Russia, which included both the more limited number of crossings that was ultimately adopted, as well as language on the impact of unilateral sanctions, a point extraneous to the cross-border operations but that China was keen to include, and Russia to accommodate.

The final stages of the negotiations that led to the most recent renewal in July 2021 were essentially held behind closed doors between Russia and the US. Once again, efforts to 'reopen' names crossings that had been excluded in previous renewals failed, and while the resolution was ultimately adopted unanimously, there were markedly different readings of the duration of the extension it effected. Some States considered that the arrangements had been renewed for a period of twelve months and that no other action was required from the Council. Others, and most vocally Russia considered that the renewal was for six months, with the possibility of extending for a further six, if the Council was satisfied with the information in the Secretary-General's report. As it turned out, the Secretary-General issued the report, and with no fanfare – in interview to Al Jazeera - Russia stated it was satisfied.[13] No further action from the Council proved necessary.

13. Al Jazeera, UN extends Syria cross-border aid without Security Council vote, 11 January 2022.

The arrangements remain in place until 10 July 2022. It is impossible to speculate how Russia's invasion of Ukraine in February 2022 will affect the likelihood of renewal of the arrangements. What is clear is that humanitarian needs in Syria remain severe, and the conflict in Ukraine has already disrupted wheat imports from Ukraine and Russia and WFP's own supply lines.

These political dynamics have been briefly flagged as they highlight the inevitable politicisation of humanitarian issues when addressed by the Security Council.

C. HOW HAVE THE ARRANGEMENTS BEEN IMPLEMENTED IN PRACTICE?

Bab al-Hawa Crossing

This section of the Report addresses six key aspects of the arrangements established by SCR 2165, analysing how they have been implemented in practice. Some of these questions – most notably which crossings are covered by the arrangements - remain relevant to on-going relief operations in Syria. Other questions are more of precedential value, and help clarify how the system operated, as well as bring out lessons learned.

1. Which border crossings are covered by the Security Council Resolution 2165 arrangements?

A first and central question is understanding which border crossings are covered by the SCR 2165 arrangements.

Operational Paragraph 2 of SCR 2165 authorises use of 'the border crossings of Bab al-Salam, Bab al-Hawa, Al Yarubiyah and Al-Ramtha, in addition to those already in use'. The original arrangements thus covered the four named crossings, as well as other unnamed ones that were already in use when the resolution was adopted in July 2014.

As set out above, over the years the Security Council progressively reduced the number of named crossings covered by the arrangements. However, this did not affect the authorisation of the use of other crossings 'already in use' in 2014. The resolutions renewed the arrangements by simply referring to the relevant operative paragraphs of SCR 2165, and stating period for which they were renewed. For example, in SCR 2191 (2014) the Council

> '2. Decides to renew the decisions in paragraphs two and three of Security Council resolution 2165 (2014) for a period of twelve months, that is, until 10 January 2016 [...]'

When named crossings started being removed from the arrangements, it was only the crossings that were being discontinued that were mentioned. For example, in SCR 2504 (2020) the Council

> '3. Decides to renew the decisions in paragraphs 2 and 3 of Security Council resolution 2165 (2014), for a period of six months, that is, until 10 July 2020, *excluding the border crossings of Al-Ramtha and of Al Yarubiyah;*' (Emphasis added)

This means that the arrangements for the remaining named crossings, as well as the crossings already in use, were renewed.

While the named crossings have been the focus of attention both in the Secretary-General's periodic reports and in the negotiations of the extensions of the arrangements, the language of SCR 2165 clearly indicates that the authorisation also covered other crossings already in use in 2014. There would have been no reason to include an express reference 'to crossings already in use' in the resolution, if the intention had not been to also authorise their use.

Nonetheless, questions have been raised periodically as to whether the authorisation to conduct cross-border operations in SCR 2165 only covered named crossings. One possible source of misunderstanding might be the fact that UN Monitoring Mechanism (UNMM) arrangements were only established at the named crossings.[14]

It is important to appreciate the different approach adopted in Operational Paragraph 2 SCR 2165, which authorises the cross-border operations, and Operational Paragraph 3, which establishes the UNMM. The authorisation in Operational Paragraph 2 expressly covers the four named crossings in addition to crossings always in use. The UNMM, instead, is only established at the four named crossings.

2. What were the crossings 'already in use' in July 2014?

At the time of the adoption of SCR 2165 in July 2014, humanitarian supplies and, in some cases personnel, were entering Syria from neighbouring States from a number of border crossings. In 2014, the security situation within Syria, including at some border areas was extremely fluid, as were

14. Security Council resolution 2165 (2014), Operational Paragraph 3.

the political concerns of the neighbouring States, which at times were concerned that allowing relief operations from their territory would lead Syria to accuse them of intervening in the conflict. As a result, some border crossings were open only sporadically.

As set out in the OCHA Map of April 2014 – Annexed to this Report – and as also indicated in the Secretary-General's monthly reports to the Council pursuant to SCR 2139, in the months preceding the adoption of SCR 2165, relief supplies were entering Syria from a number of crossings, including:

From Turkey:
Nusayba/Qamishli, Bab al Salam and Bab al-Hawa

From Lebanon:
Al Masnaa and Al Arida

From Jordan:
Tal Shihab and Al Naseeb

From Iraq:
Fishkhabour.[15]

Why were these other crossings already in use not mentioned by name in SCR 2165? It is not clear, but a variety of factors are likely to have contributed to this. The focus of the attention of the States most closely involved in the negotiations was on identifying the crossings where the UNMM would be located – the four named crossings. This is because - as proved to be the case - it was expected that the bulk of the imports would enter through these crossings. More practically, while a number of crossings were being used, not all of them were consistently operative, so rather than devoting time and energy to a discussion of crossings that might not even be open, it might have been considered simpler just to refer to them in general terms.

Political considerations must also not be overlooked. While they may have allowed small scale cross-border operations to take place, some of the neighbouring States were concerned about the repercussions this might have on their relationship with Damascus, and that they might be accused of interference in the conflict. Shining a light on all the crossings in use by naming them, would have exacerbated these concerns. Political considerations also existed *vis-à-vis* Damascus. While the Council unanimously imposed the operations, the optics of only specifically mentioning the four key crossings where the UNMM would be established, and only referring to the other crossings already in use in generic terms could, to a degree, give the impression of a more limited interference in Syria's sovereignty.

Regrettably, the lack of clarity led to doubts by some actors as to which crossings were covered by the arrangements, with some operational consequences.

3. Which humanitarian actors were covered by the SCR 2165 arrangements?

Operational Paragraph 2 of SCR 2165 authorised the 'United Nations humanitarian agencies and their implementing partners' to conduct cross-border and cross line operations. Who was considered a UN 'implementing partner' for these purposes? Over the years the expression has been interpreted broadly to include NGOs that work as implementing partners for the UN in Syria but also in operations in other contexts.

The ICRC is not a UN implementing partner, so has not resorted to the SCR 2165 arrangements. All its operations have been conducted with the consent of Damascus.

4. How have cross border operations been conducted in practice?

UNMM facilities have been established at the four crossings named in SCR 2165.[16] UN agencies, funds

15. Various transliterations of Arabic names are used. SG's monthly reports to the Security Council, UN Docs S/2014/208, S/2014/295, S/2014/365, S/2014/427 and S/2014/525. Other documents refer to additional border crossings being used which were open sporadically, including most notably crossings from Turkey at Kobane and Tel Abyad.

16. The facilities at Al Yarubiah only became operational in the spring of 2018 as before then the security environment was not conducive to using that crossing. Report of the Secretary-General on Implementation of Security Council resolutions 2139 (2014), 19 April 2018, UN Doc S/2018/369, and https://response.ochasyria.org/unmm/.

and programmes have relied exclusively on the UNMM arrangements to bring relief items into Syria. NGOs have used both the UNMM facilities and also other channels, including some commercial crossings as well as the arrangements coordinated by the Turkish Red Crescent, both at the named crossings and at other crossings already in use at the time of the adoption of the resolution in July 2014.

Significantly, the cross-border operations have been conducted by bringing commodities into Syria: at UNMM facilities the commodities are transhipped from Lebanese, Turkish or Iraqi vehicles onto Syrian ones, with Syrian drivers. Virtually no staff has accompanied the goods across the borders. Operations have essentially been implemented by local partner organisations, with the exception of the North-East of Syria, where a number of INGO operate by direct implementation.

There is no reason why the language of SCR 2615, which refers to 'humanitarian assistance, including medical and surgical supplies', should be read as only allowing the entry of commodities, but not also personnel. None of the statements made by Council members at the time of the adoption on SCR 2165 and in debates at the time of renewals, suggest that the authorisation did not also include personnel.

The reasons underlying this approach are operational and political. Restrictions came from a number of quarters. Some of the neighbouring States from which the operations were being conducted imposed limitations on the number of staff who could cross into Syria. For example, while the arrangements have changed over the years, at one point Turkey allowed a maximum of five Syrian national staff members per NGO to cross in and out of Syria. It did not permit international staff to do so 'for security reasons'. Jordan never allowed international staff to enter Syria, and only exceptionally allowed Syrian staff to enter for specified purposes.

Security considerations played an extremely important role in limiting staff presence. Over the years, the areas through which staff would have had to travel witnessed active fighting, and at some points in the conflict the risk of kidnapping by non-state armed groups was extremely high and the consequences dire. As far as the UN system was concerned, this meant that security clearance to deploy into Syria required authorisation from the highest levels. This was granted extremely rarely and, even then, only for visits of a few hours, and never overnight, as this was assessed as posing unacceptable risks. Many INGOs adopted similar positions, not bringing staff into Syria for security reasons.

Political considerations have also been central in decisions not to use the SCR 2165 arrangements to bring staff into the country, particularly as far as UN agencies were concerned. *Vis à vis* those UN agencies whose entire Syria response – cross-border, and in country – is managed from the country office in Damascus, including, most significantly, WFP, despite SCR 2165, the Syrian government retained considerable leverage to hold the country office in Damascus 'accountable' for every action of the organisation in country. The government was opposed to SCR 2165, and was in a position to 'penalise' the Damascus-based agencies by curtailing their cross-line and other in-country operations, including by withholding authorisations, not granting visas, or expelling staff. Deploying personnel across the borders was likely to aggravate Damascus' irritation, so avoiding this was a way of limiting political backlash. The Syrian government was also in a position to make the Damascus-based UN agencies 'pay the price' for the activities of the UN agencies, funds and programmes based in neighbouring countries, which consequently also refrained from deploying personnel cross-border. Similar considerations also affected the few INGOs that conducted both cross-border and cross-line operations.

Over the years, UN agencies and other actors relying on the cross-border arrangements have development sophisticated arrangements for monitoring distributions and other aspects of the implementation of operations to make up for the absence of staff on the ground. Nonetheless, it is undisputed that this type of quasi-remote programming is less than ideal. It contributed to allegations of diversion of goods, and, significantly, constrained the engagement with all the parties on the ground that is necessary to implement operations in a principled and safe manner.

While ways were found to overcome these constraints to the extent possible, it is important that, going forwards, the Syria experience not be misconstrued as an indication that as a matter of law, humanitarian assistance operations only cover commodities and not staff.

5. What about cross line operations?

Operational Paragraph 2 of SCR 2165 authorised the UN and its implementing partners 'to use routes across conflict lines' as well as the cross-border operations. In practice, however, cross-line operations were never conducted without the specific authorisation of the Syirian government.

While, as a matter of law, SCR 2165 had also obviated the need for Damascus consent for cross-line operations, the realities on the ground overrode this. It was quite simply impossible for actors within Syria to attempt to cross lines without its authorisation. They would not have been allowed through at best, and would have faced serious security risks. This was not something the leadership of any organisation – UN or INGO – was going to test.

6. Looking beyond the entry of goods – the establishment of coordination arrangements

While the primary objective of SCR 2165 was to ensure the provision of cross-border (and cross-line) humanitarian assistance, it has also facilitated humanitarian action in other important ways.

The SCR 2165 arrangements have had a 'legitimising' effect for operations conducted by a range of different modalities from neighbouring States without Damascus' consent. The resolution has given them a degree of 'protection' in the eyes of the neighbouring States from where they were conducting the operations, and of donors.

Significantly, SCR 2165 also led to the establishment of the 'Whole-of-Syria' coordination arrangements. While it was not the resolution itself that established the arrangements, by authorising operations from neighbouring States it allowed the UN to engage with, coordinate, and speak for actors that could previously have been considered as operating in violation of international law. The Whole-of-Syria architecture, including the Strategic Steering Group, has meant that all actors operating in Syria – by whatever modality – have informed and shaped the humanitarian response.

D. FUNDING FOR ‘UNAUTHORISED’ CROSS-BORDER OPERATIONS

Distribution of Humanitarian Aid provided by Palestinian Arabs in the camps of the North of Syria.

The position of donors funding operations authorised by SCR 2165 is simple: as the operations are permissible, there is no question that funding them is too. It is the funding of 'unauthorised' operations – i.e. those that occurred without Damascus' consent before the adoption of SCR 2165, and those conducted outside the SCR 2165 framework – that require more careful analysis.

As elaborated below, whether States or inter-governmental organisations such as the UN or the EU that fund 'unauthorised' operations violate international law depends on the status of the actor conducting the operations: whether it is a subject of international law, like inter-governmental organisations, such as UN agencies funds and programmes, or not, like INGOs.

1. Rules of public international law relevant to 'unauthorised' humanitarian relief operations

As set out in Section A.1 above, IHL requires the consent of the State in whose territory operations are to be conducted, but does not set out the legal consequences if humanitarian actors operate without such consent. One thing is clear and must be emphasized: operating without consent does not mean that humanitarian personnel or relief supplies, equipment under their control lose their civilian status and consequent protection from attack.

IHL regulates when and how humanitarian relief operations may be conducted. Other areas of public international law determine the lawfulness of relief operations conducted without consent ('unauthorised' operations). Counter-intuitively perhaps, a violation by a State of its obligations not to arbitrarily withhold consent to relief operations, or to allow and facilitate their rapid and unimpeded passage does not give rise to an entitlement to conduct 'unauthorised' operations.

a. 'Unauthorised' operations conducted by States or inter-governmental organisations

States and inter-governmental organisations, such as the UN and the EU, must comply with the rules of public international law on sovereignty and territorial integrity. Humanitarian relief operations conducted by States or inter-governmental organisations into the territory of another State without that State's consent, violate the latter's sovereignty and territorial integrity and are therefore unlawful.[17]

b. 'Unauthorised' operations conducted by NGOs

Private actors, such as international and local NGOs, are not directly bound by the rules of public international law on sovereignty and territorial integrity. If they conduct 'unauthorised' humanitarian relief operations into the territory of a State, they do not violate public international law.

However, such operations may violate the national law of the State where they are carried out. International and local NGOs and their staff normally do not benefit from privileges and immunities, so could face proceedings under the domestic law of the State where they conducted 'unauthorised' operations. In the case of Syria, unlawful entry into the country was criminalised in 2013, reportedly to deter foreign fighters, but the offence could also cover the staff of INGOs providing relief without the government's authorisation.

2. Lawfulness under international law of funding 'unauthorised' operations by NGOs

Funding of humanitarian relief operations is not addressed by IHL. The lawfulness of funding of 'unauthorised' operations must be determined by the rules of public international law on the responsibility of States and inter-governmental organisations for internationally wrongful acts. These rules were codified in 2001 and 2011 respectively by the International Law Commission (ILC).[18]

For the sake of simplicity, as UN agencies, funds and programmes, as outlined in Section A.2 above, do not conduct 'unauthorised' operations into Syria, this Report only focuses on the lawfulness of funding of such operations by INGOs.

17. The wrongfulness of 'unauthorised' operations may, exceptionally, be precluded in extremely limited circumstances, that do not arise in Syria. See Oxford Guidance, Section I.

18. ILC Articles on the Responsibility of States for Internationally Wrongful Acts (2001), (ARS) and ILC Articles on the Responsibility of International Organizations for Internationally Wrongful Acts, (2011), (ARIO).

As just noted, the conduct of unauthorised relief operations by States or inter-governmental organisations would violate international law. The position is different however if they fund 'unauthorised' operations conducted by INGOs.

There are two possible bases for concluding that the provision of funding would violate international law: first, if INGOs' unauthorised operations could be attributed to the State or inter-governmental organisations providing the funding; or, second, if the provision of such funding could amount to aiding and assisting the commission of an internationally wrongful act.

As elaborated below, neither possibility arises in relation to humanitarian operations in Syria. Consequently, the provision of funding by States or inter-governmental organisations to INGOs conducting 'unauthorised' operations does not violate international law.

a. Attribution to a State or inter-governmental organisation of the acts of a private actor – instruction, direction or control

Under international law only the acts of State organs or agents exercising public authority are attributed to a State, not the conduct of private actors, such as INGOs. However, in certain exceptional circumstances, private action can be attributable to a State if the private entity acted under the State's 'instruction, direction or control'.[19]

A State can 'instruct' a private entity to act on its behalf, and when it does so it assumes responsibility for its acts. However, the threshold for concluding that a private entity is acting under a State's 'direction or control' is high. This point has been addressed by the International Court of Justice (ICJ), which found that even if a State's role was 'preponderant or decisive' in the financing, organising, training, supplying and equipping of the private actor, the selection of its targets and the planning of the whole of its operations, this was nonetheless insufficient for attributing the private actor's acts to the State.[20]

Moreover, and centrally to the present discussion, the ICJ also specifically addressed the question of funding and concluded that funding of the activities of a private actor does not render its acts attributable to the State donor.

b. Aiding or assisting the commission of an internationally wrongful act

A second possible ground on which a State or inter-governmental organisation could be responsible for the acts of another entity is if the support provided can be considered as aiding or assisting the commission of an internationally wrongful act.

> According to the ILC articles on the responsibility of States
>
> 'a State which aids or assists *another State* in the commission of an *internationally wrongful act* by the latter is internationally responsible for doing so if:
>
> (a) that State does so with knowledge of the circumstances of the internationally wrongful act; and
>
> (b) the act would be internationally wrongful if committed by that State'.[21] (Emphasis added)

19. Article 8 ARS provides that:
'[t]he conduct of a person or group of persons shall be considered an act of a State under international law if the person or group of persons is in fact acting on the instructions of, or under the direction or control of, that State in carrying out the conduct'.
Article 7 ARIO is the equivalent provision. The basis for liability is narrower than Article 8 ARS:
'[t]he conduct of an organ of a State or an organ or agent of an international organization that is *placed at the disposal of another international organization* shall be considered under international law an act of the latter organization if the organization exercises effective control over that conduct.' (Emphasis added)
The ARIO thus include the additional requirement that the entity in question 'be placed at the disposal' of the international organisation. This is typically the situation where national military contingents are placed at the disposal of the UN by Member States. It is extremely difficult to see how this provision could apply to NGOs conducting humanitarian activities. Consequently, the likelihood of inter-governmental organisations being responsible for the activities of NGOs that they fund is even lower than in the case of States.

20. ICJ, Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America), Merits, Judgment, I.C.J. Reports 1986, para 48.

21. Article 16 ARS. Article 14 ARIO is the corresponding provision, and contains similar requirements, which mean that it does not cover funding or other assistance provided to NGOs by an inter-government organisation such as the UN.

This basis for liability is not relevant to funding provided by States or inter-governmental organisations to INGOs conducting 'unauthorised' border operations for two reasons. First, because this liability only arises if assistance is provided to a State or an *inter-governmental organisation*, and not to INGOs. Second, because, the liability only arises in relation to assistance in the commission of 'internationally wrongful acts' and as explained above, unauthorised operations by INGOs are not *internationally* wrongful acts.

c. Lawfulness under domestic law of funding of unauthorised operations conducted by INGOs

As noted above, the unauthorised operations of INGOs could violate domestic Syrian law, for example, they could constitute the offence of unlawful entry into the country. It is beyond the scope of this Report to analyse Syrian law in any detail. However, it is possible that these offences are framed broadly enough for the funding of such activities to also be unlawful, as a form of aiding and abetting the commission of the crime. This would mean that State and inter-governmental donors could be violating Syrian law.

This said, States and inter-governmental organisations and their staff benefit from immunity from domestic legal processes, including before Syrian courts, so proceedings may not be brought against them.

It must be recalled that INGOs conducting 'unauthorised' operations and their staff can face liability for violating domestic Syrian law, and do not have the protection of immunity from judicial proceedings.

3. What position have donors taken to date?

States and inter-governmental organisations thus do not violate public international law if they fund NGOs conducting 'unauthorised' relief operations, although such support might violate Syrian domestic law. However, such funding could further exacerbate tensions with the government of Syria. It may claim that States and inter-governmental organisations providing such funding are interfering in its domestic affairs, and it may respond by making it even harder for humanitarian actors that are operating from within Syria to work.

The question of funding of 'unauthorised' operations by INGOs became particularly relevant in relation to cross-border operations that continued to be conducted through named crossings that were removed from the SCR 2165 arrangements following the 2020 and 2021 renewals. How did donors react?

In this respect too, the UN adopted a conservative approach. Following the exclusion of the Al Yarubia crossing on the border with Iraq from the SCR 2165 arrangements in 2020, it did not renew funding arrangements with INGO implementing partners. It also terminated the coordination activities it was conducting in relation humanitarian operations in this part of the country. This is even though, as just outlined, the conditions that must be met for inter-governmental organisations, such as the UN, to violate international law by providing support to INGOs' 'unauthorised' operations are even stricter than those relating to support by States.

Other donors, on the other hand, continued to provide bilateral funding to the operations by INGOs that no longer fell within the scope of the SCR 2165 arrangements.

It is likely that similar dynamics will be replicated in relation to INGO operations into the North West of Syria should the SCR 2165 arrangements not be renewed in July 2022.

E. CONCLUDING REFLECTIONS

It is unquestionable that the SCR 2165 arrangement played an extremely important role in alleviating the plight of hundreds of thousands of civilians in Syria. What is the normative legacy of SCR 2165 and what more general lessons can be drawn from the experience?

As far as the legal framework is concerned, while on this occasion the Security Council did override the rules of IHL requiring consent, it was clear that this was exceptional. No suggestions were ever made that SCR 2165 had any effect on the rules of IHL beyond the specific case of Syria.

On the contrary, the experience has drawn attention to the requirement of consent. This has led affected States in contexts other than Syria, and Security Council members that are supportive of the approach adopted in SCR 2165, to systematically emphasise the need for consent, including as a guiding principle of humanitarian action under GA resolution 46/182.

A more positive legacy on the legal front is that the experience has generated greater awareness and analysis of the rules of IHL regulating humanitarian relief operations. Attention to this area of law was overdue, as in many, if not most, armed conflicts, far more deaths occur as a result of the humanitarian crisis created by the conflict rather than from hostilities.

In terms of the implementation of the arrangements, the situation on the ground was such that, regardless of the decisions of the Security Council, the government of Syria remained in a position to dictate how operations in or from areas under its control would be undertaken. The government could also exert enough political pressure on organisations operating both cross-line and cross-border to lead them to significantly limit the way they made use of the SCR 2165 arrangements – including most notably by not bringing staff into the country.

These are dynamics that are likely to reoccur in any other situation where similar arrangements might be imposed: while cross-border operations into areas not under the control of the State might take place without its consent, a State so determined to impede operations as to have got to the point of the Council imposing them upon it, is likely to continue hindering them in the areas under its control or political influence.

Going forwards, care will have to be taken to ensure that the approaches that were taken in Syria, as a result of understandable, if regrettable realities, will not become standard practices.

The UN secretariat and agencies, funds and programmes proved timorous at every juncture: in their approach to whether consent was required, in their reliance on the SCR 2165 arrangements, and on their approach to indirect support to INGOs. Partly, this was due to conservative – but binding - legal advice, given with an eye on not overly antagonising the Syrian government, or setting precedents they might not wish to have to follow in future situations.

What does the experience show about the role of the Security Council in promoting humanitarian access? The initial consensus that existed on facilitating humanitarian operations gave way to fraught negotiations influenced by extraneous considerations. This is confirmation that humanitarian issues are very likely to be politicised when addressed by the Council.

Without underestimating the severity of the constraints, Damascus' obstructionism, and its clear policy of not allowing medical supplies and equipment into opposition-held areas, it is legitimate to wonder whether greater progress might have been achieved if efforts to negotiate humanitarian access had taken place in a separate stream, away from the political limelight of the Security Council chamber.

Finally, what has been the impact of SCR 2165 to date in other situations where access was severely constrained?

Fears were expressed that the 'authorisation' of humanitarian operations by the Council in this instance might lead other recalcitrant States to claim that they are not under any obligation to agree to or allow relief operations unless and until the Security Council has authorised them by a binding decision. This has not happened to date.

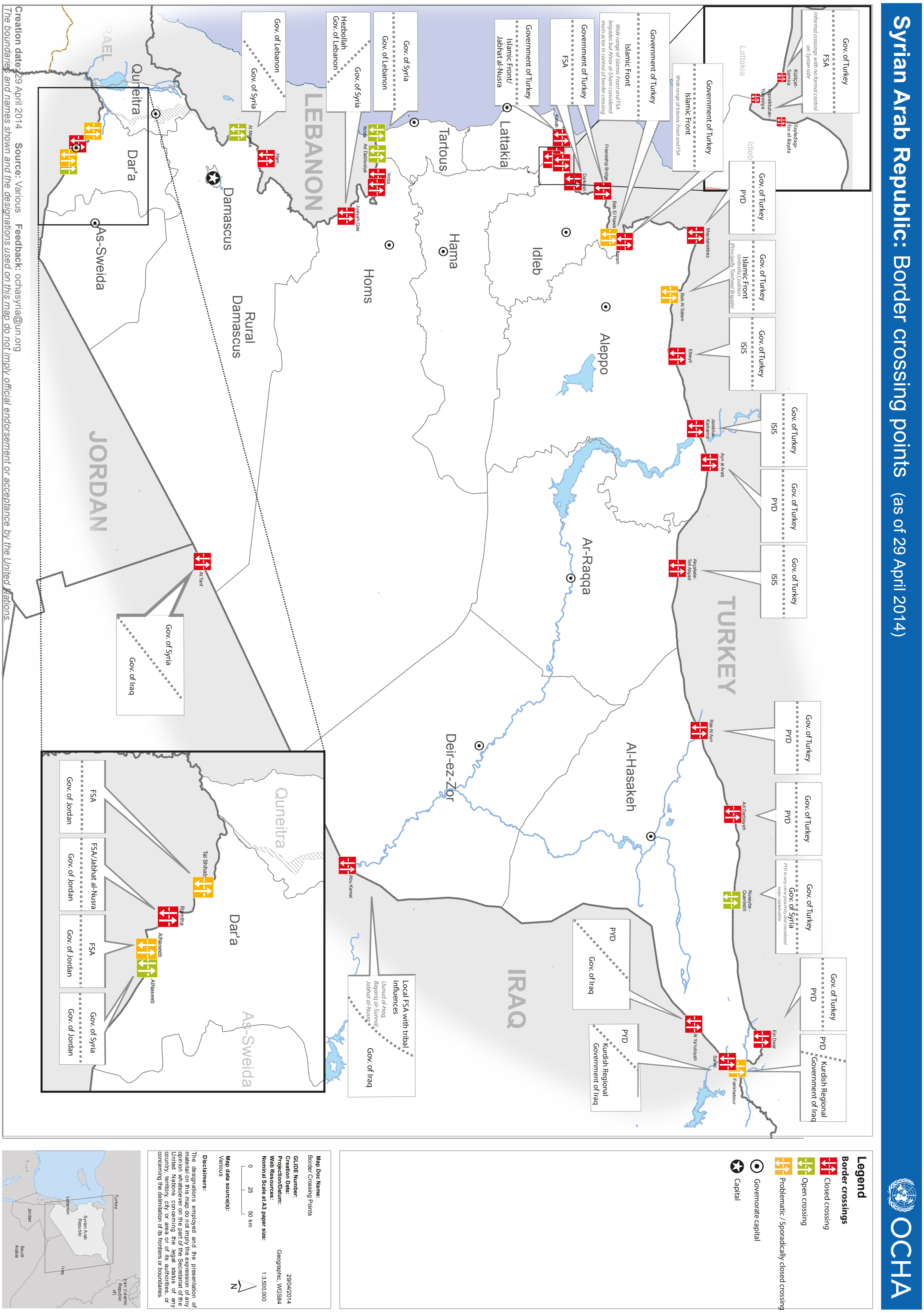
However, the focus in the Syrian context on the need for initial authorisation of relief operations,

has led to a tendency to emphasise this aspect of the rules regulating relief operations even in situations when it is not relevant, as consent has already been given. At that stage, the relevant rules are those requiring belligerents to allow and facilitate rapid and unimpeded passage of relief operations – which do not require authorisation of every movement. This approach risks giving belligerents far more granular control over relief operations than foreseen by IHL.

The SCR 2165 precedent has led some humanitarian actors to seek Council involvement in resolving difficult situations, without having first gone through the often frustrating and slow process of negotiating access. Political action – which can be too blunt, and which does not by its very nature comply with humanitarian principles – is not a substitute for this delicate process. Quite aside from the reality that in 2022 Council dynamics are such that measures akin to those in SCR 2165 are extremely unlikely to be adopted in the foreseeable future.

Trucks Loaded with Humanitarian Aid.

ANNEX



Syrian Arab Republic: Border crossing points (as of 29 April 2014)
OCHA
Legend
Border crossings
Closed crossing
Open crossing
Problematic / Sporadically closed crossing
Governorate capital
Capital
TURKEY
IRAQ
JORDAN
LEBANON
Aleppo
Idleb
Lattakia
Tartous
Hama
Homs
Damascus
Rural Damascus
Dar'a
As-Sweida
Quneitra
Ar-Raqqa
Deir-ez-Zor
Al-Hasakeh
Gov. of Turkey
PYD
ISIS
FSA
Islamic Front
Government of Turkey
Gov. of Syria
Gov. of Lebanon
Hezbollah
Gov. of Iraq
Gov. of Jordan
FSA/Jabhat al-Nusra
Kurdish Regional Government of Iraq
Local FSA with tribal influences
Map Doc Name:
Border Crossing Points
Creation Date: 29/04/2014
Projection/Datum: Geographic, WGS84
Nominal Scale at A3 paper size: 1:3,500,000
Map data source(s):
Various
Disclaimers:
The designations employed and the presentation of material on this map do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries.
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Diakonia International Humanitarian Law Centre Lebanon
Al Alam St. Badaro, Beirut

lebanon-ihl@diakonia.se
www.diakonia.se/ihl