

INSTITUTE
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DEVELOPMENT



Scuola Superiore
Sant'Anna

HUMANITARIAN CONGRESS

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HUMANITARIAN ACCESS IN CIVIL WARS:
LESSONS LEARNED FROM PRACTITIONERS IN NORTH-WEST SYRIA

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1 Introduction

Humanitarian access, understood as “access by humanitarian organisations to those in need of humanitarian assistance and protection, and access by those in need to the goods and services essential for their survival”,¹ represents the necessary precondition to effectively address the needs of those that have to bear the life-threatening consequences of armed conflict.

In the last decades, the increase in non-international armed conflicts (NIAC) has presented humanitarian actors with specific challenges in accessing the affected population. Addressing such issues has now become crucial, in order to better shape the humanitarian response in present and future civil wars.

As the current research landscape has not systematically addressed this theme, this paper aims to fill the gap by considering one of the most intricate NIAC of current times: the Syrian civil war. After twelve years, the critical state in which the country still lies, with more than 15.3 million of people in need² and a highly fragmented territory, is a case in point of the legal, bureaucratic and operational burdens humanitarians face in accessing civilians in civil wars.

The focus of this work will be on humanitarian access in North-West Syria (NWS), and will build on qualitative research interviews conducted during field work in Gaziantep with NGO, UN and consultancy agency’s representatives, shedding light on the perspective of those that face daily the access constraints of contexts such as NWS. With the frontline stable since 2019, the efforts by local governance actors to build a stable governance framework, and recent developments at the United

¹ Rep. *Humanitarian Access in Situations of Armed Conflict - Field Manual 1.0*. Federal Department of Foreign Affairs - Confédération suisse, 2011.

² Rep. *Humanitarian Needs Overview - Syrian Arab Republic 2023*. OCHA, 2022.

Nations Security Council (UNSC) to allow for the cross-border passage of aid, the humanitarian response in NWS provides significant lessons learned for accessing those affected by NIACs.

2. Literature Review

Current literature on civil wars, humanitarian access and its legal implications shows significant gaps in comprehensively addressing the peculiar problems such contexts face, and in identifying means to respond more effectively.

Firstly, research considering humanitarian response and civil conflicts has mainly focused on pinpointing the impact aid can have on conflict dynamics. For various scholars, aid prolongs civil wars as it reduces the cost of fighting for rebels by: providing resources which are then exploited through aid diversion³ and looting,⁴ creating protected spaces - for instance through the creation of refugee camps in neighbouring countries -⁵ and creating an economic interest over the prolonging of the war. Narang arrives at the same conclusion through a different explanation: aid provision increases uncertainty over the adversary's strength, and as such lengthens the war effort.⁶ Others have tried to contrast these considerations, for instance Lyall's analysis of US-AID programmes in Afghanistan, showed an overall reduction in Taliban violence where such projects were conducted.⁷ Martin and McMurry have looked at the duration of ceasefires, showing how aid has a stabilizing effect when opposition groups have uncontested territorial control, whereas when such control is disputed, aid becomes a threat to ceasefires' stability.⁸ Finally, Shesterinina has mapped the various

³ Blouin, Max, and Stephane Pallage. "Humanitarian Relief and Civil Conflict." *Journal of Conflict Resolution* 52, no. 4 (2008): 548–65. <https://doi.org/10.2139/ssrn.967471>

⁴ Wood, Reed M., and Christopher Sullivan. "Doing Harm by Doing Good? The Negative Externalities of Humanitarian Aid Provision during Civil Conflict." *The Journal of Politics* 77, no. 3 (2015): 736–48. <https://doi.org/10.1086/681239>

⁵ Martin, Philip, and Nina McMurry. "Unsafe Havens: Re-Examining Humanitarian Aid and Peace Duration after Civil Wars." *MIT - Political Science, Research Paper*, 2016. <https://doi.org/10.2139/ssrn.2771303>

⁶ Narang, Neil. "Assisting Uncertainty: How Humanitarian Aid Can Inadvertently Prolong Civil War." *International Studies Quarterly* 59, no. 1 (2014): 184–95. <https://doi.org/10.1111/isqu.12151>

⁷ Lyall, Jason. "Civilian Casualties, Humanitarian Aid, and Insurgent Violence in Civil Wars." *International Organisation* 73, no. 4 (2019): 901–26. <https://doi.org/10.1017/s0020818319000262>

⁸ Martin, Philip, and Nina McMurry. *op. cit.*

actors that interact with humanitarians in civil conflicts, creating a distinct social system that shapes humanitarian response and its impact.⁹

The Syrian case has been central in many analyses of this strand of literature on civil conflict and aid, which stands as proof of its relevance. Similarly to Martin and McMurry, Carnegie et al. have questioned if aid can support rebel's legitimacy claims, concluding that such effect is present, but only in uncontested areas, while in contested ones, aid could impair the creation of a credible governance system and, finally, prolong conflict.¹⁰ Another research, based on the Syrian war, considers aid imbalances in government and opposition-held areas as a threat to post-war prospects.¹¹

Secondly, research on humanitarian access has delved into some specific issues, as the role of local organisations in securing access,¹² or by building a typology of access denial by States,¹³ but peculiar issues encountered in civil wars have not yet been addressed.

The third and most innovative literature concerning access in NIAC comes from legal studies, which have aimed at dissecting the crucial issue of territorial control by Non-State Armed Groups (NSAG). What are the legal obligations of these groups? Can they provide consent to international assistance? Is their consent enough, or is also State consent necessary? Various documents aim at clarifying the

⁹Shesterinina, Anastasia. "Identifying Contemporary Civil Wars' Effects on Humanitarian Needs, Responses & Outcomes." *Daedalus* 152, no. 2 (2023): 24–37. https://doi.org/10.1162/daed_a_01990

¹⁰Carnegie, Allison, Kimberly Howe, Adam G. Lichtenheld, and Dipali Mukhopadhyay. "Winning Hearts and Minds for Rebel Rulers: Foreign Aid and Military Contestation in Syria." *British Journal of Political Science* 52, no. 3 (2021): 1333–54. <https://doi.org/10.1017/s0007123421000156>.

¹¹Meininghaus, Esther. "Humanitarianism in Intra-State Conflict: Aid Inequality and Local Governance in Government- and Opposition-Controlled Areas in the Syrian War." *Third World Quarterly* 37, no. 8 (2016): 1454–82. <https://doi.org/10.1080/01436597.2016.1159509>

¹²Svoboda, Eva, Veronique Barbelet, and Irina Mosel. "Holding the Keys: Humanitarian Access and Local Organisations". *Humanitarian Policy Group*, 2018.

¹³Labonte, Melissa T, and Anne C Edgerton. "Towards a Typology of Humanitarian Access Denial." *Third World Quarterly* 34, no. 1 (2013): 39–57. <https://doi.org/10.1080/01436597.2012.755015>.

international law framework around humanitarian access,¹⁴ while others try to provide innovative answers to these questions. Lane suggests that the strategic use of ceasefire agreements, by imposing human rights obligations, could be a means to enhance the responsibility of NSAG.¹⁵ Regarding the issue consent, central in the Syrian case, Matyas and Vanhullebusch try to find new solutions: the first, by suggesting a new reasoning based on agency law to affirm the possibility to provide aid in absence of State consent without undermining its sovereignty claims,¹⁶ and the second, trying to bring together State-centric and humanitarian perspectives by hinting at an “interdependent exercise of the right to strategic consent” by all parties.¹⁷

In conclusion, while promising literature is trying to answer to central legal issues around access in civil war contexts such as that of Syria, more systematic understanding of the complex challenges faced by humanitarians in civil war contexts, and possible responses, is still lacking.

3 Methodology

This research is a qualitative analysis based on the survey of the literature conducted, heavily relying on reports and analysis by major organisations specialized in humanitarian assistance, and on ten interviews with practitioners working in NWS.

¹⁴ Rep. *Humanitarian Access in Situations of Armed Conflict*. Federal Department of Foreign Affairs - Confédération suisse, 2014.

Schwendimann, Felix. “The Legal Framework of Humanitarian Access in Armed Conflict.” *International Review of the Red Cross* 93, no. 884 (2011): 993–1008. <https://doi.org/10.1017/s1816383112000434>

¹⁵ Lane, Lottie. “Mitigating Humanitarian Crises during Non-International Armed Conflicts—the Role of Human Rights and Ceasefire Agreements.” *Journal of International Humanitarian Action* 1, no. 1 (2016). <https://doi.org/10.1186/s41018-016-0002-z>

¹⁶ Matyas, David. “Humanitarian Access Through Agency Law in Non-International Armed Conflicts.” *International and Comparative Law Quarterly* 69, no. 2 (2020): 451–75. <https://doi.org/10.1017/s0020589320000020>

¹⁷ Vanhullebusch, Matthias. “Do Non-State Armed Groups Have a Legal Right to Consent to Offers of International Humanitarian Relief?” *Journal of Conflict and Security Law* 25, no. 2 (2020): 317–41. <https://doi.org/10.1093/jcsl/kraa007>

Five interviews were conducted in person in Gaziantep, the main hub of remote management for NWS, while five were done online, two times because the respondents were based in NWS. Eight interviewees were current or former employees of local NGOs, one the chief of a consultancy organisation for humanitarian and development programming,¹⁸ and one UN staff member specialized in access issues.¹⁹ The choice of participants was done by submitting the questionnaire to a variety of organisations, and then by following a snowball methodology once the first interviews were done.

The interviews were loosely structured and composed of a set of fourteen questions, divided into three major parts: presentation of the organisation and its programmes, humanitarian access constraints and solutions, earthquake response and impact on access, leaving in the end space for final remarks and to suggest further possible interviewees. A slightly different set of questions was proposed to the UN worker, in light of the different typology of operations conducted by UN agencies.

Some limitations found during the research process include the widespread practice of non-disclosure agreements, due to which many potential participants in the research had to decline, and the lack of direct access on the ground in NWS, having to rely in eight out of ten cases on personnel conducting remote-management activities. In addition, interviews were conducted before the decision of the UN to strike a deal with Assad to ensure cross-border operations, therefore specific questions on its future implications were not addressed, although it could have provided further useful insights.

Another major shortcoming of this paper is its focus on addressing the concerns of humanitarian workers while leaving the voices of those directly affected by the conflict, the population of NWS, silent. Adding the perspective of those receiving aid, understanding their perception of what

¹⁸ Interview #3.

¹⁹ Interview #6.

humanitarian access is, what are the main obstacles and possible solutions, would represent a meaningful and necessary addition to further studies on the topic.

The study has focused only on the access constraints in NWS due to time constraints and difficulties in providing the same level of in-depth analysis for the three main areas of control in Syria (NWS, North-East Syria and regime-controlled areas). For this reason, further studies with a “Whole of Syria” approach, aimed at highlighting differences in humanitarian access limitations and solutions in the various territories, would be necessary to give a more complete picture.

Nevertheless, NWS remains a compelling case, from which meaningful insights can be drawn. First, a quick overview of the Syrian civil war, the major players involved in the humanitarian response and their coordination system will be provided. Then, delving into the topic of humanitarian access, the main constraints identified by interviewees, as well as possible solutions, will be analysed. The response to the catastrophic earthquake that devastated NWS in 2023 is then discussed to highlight both the inadequacy of the humanitarian response and its potential impact on humanitarian access practices. Finally, drawing from what is presented, some lessons learned will be provided to possibly enhance access to civilians in civil war contexts.

4 The Syrian War, Twelve Years On

The conflict in Syria has been unfolding since the 2011 Arab Spring. In these twelve years, a variety of actors, grievances and interests have fed into what started as a popular uprising against the authoritarian regime of Bashar al-Assad, with devastating effects for the civilian population. More than 350 thousand Syrians have died,²⁰ and more than 14 million have been displaced²¹ since 2011.

²⁰ Rep. *Civilian Deaths in the Syrian Arab Republic*. United Nations High Commissioner for Human Rights, 2022.

²¹ “Syria Refugee Crisis Explained.” UNHCR, March 14, 2023. <https://www.unrefugees.org/news/syria-refugee-crisis-explained/#:~:text=After%20over%20a%20decade%20of,homes%20in%20search%20of%20safety>

The atrocities committed by the Syrian government towards its own population, the rise and fall of ISIS, the presence of various opposition groups, and the interventions of foreign powers, as the US, Iran, Türkiye and Russia, have made Syria an ever-complex scenario, in which civilians have had to bear the costs. The governance system of Syria has been progressively disrupted, fragmenting the territory and subjecting the population to the control of different actors, while depriving them of their livelihoods and forcing them to flee.

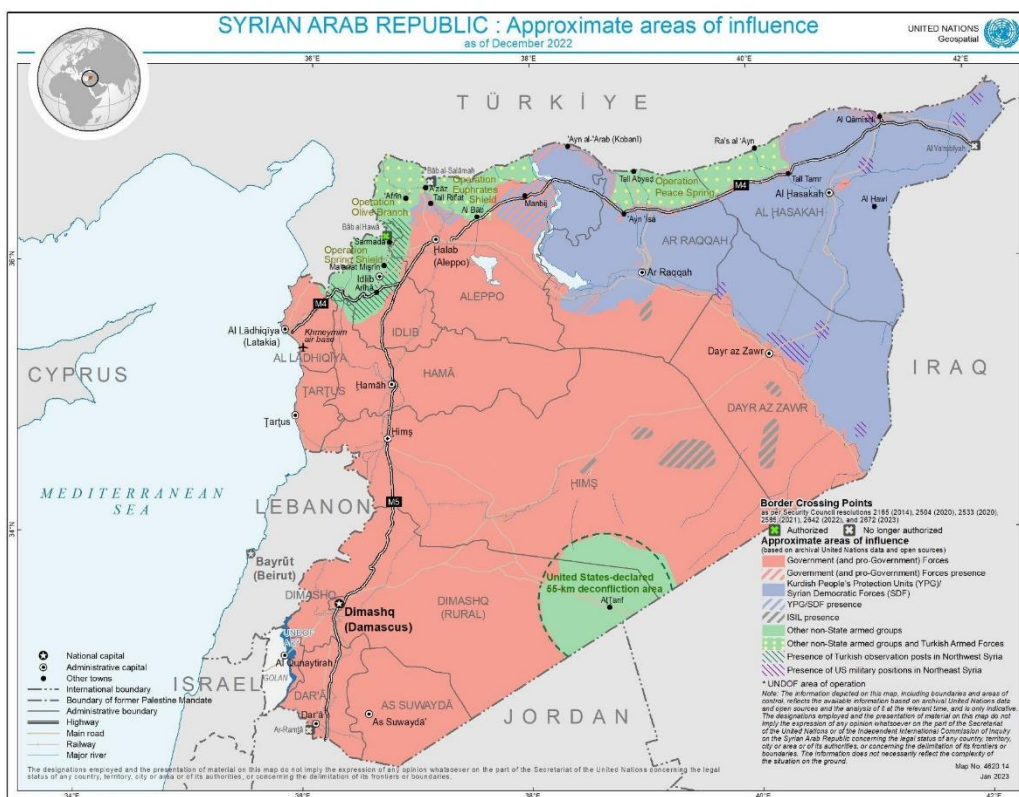


Figure - Approximate Areas of Influence as of December 2022, OHCHR

In 2020, Türkiye and Russia reached the Idlib agreement, a ceasefire after which hostilities have decreased - although never stopped - and frontlines have stabilized. As of 2023, there are three major areas of control in Syria: the North-West, the North-East and regime-held areas. Around 70% of the territory is under government control, while in the North-East the Kurdish-led Autonomous Administration of North and East Syria (AANES) has affirmed its presence.

North-West Syria has a population of 4.5 million, of which 4.1 million are considered people in need, 2.9 million are IDPs and 2 million live in camps.²² Many Syrians from areas under Assad's authority have been displaced there throughout the years. NWS is considered the last stronghold of the Syrian opposition, but it is in itself a territorially divided area. The two major regions are the ones of Idlib and Northern Aleppo, controlled respectively by the Syrian Salvation Government (SSG) and the Syrian Interim Government (SIG).

The SSG controls the greater Idlib area, comprising half of the Idlib governorate and part of the Aleppo and Latakia one, where most people in need are located. The armed group Hay'at Tahrir al-Sham (HTS), former Al-Nusra front, took control over the territory and in 2017 created its civilian branch, the SSG, which has provided for an overall strong and generally accepted form of governance.²³

In 2016 and 2018 through Operations Olive Branch and Euphrates Shield, Türkiye gained control of the area between Idlib and Manbij, also known as Northern Aleppo. Nowadays, Türkiye retains a degree of control over the territory while formally the SIG governs the area, sided by the Syrian National Army (SNA). Overall, the Northern Aleppo area is considered to have a more fragmented and unclear form of governance compared to SSG one, with the presence of various smaller armed groups comprised under the SNA umbrella.

This already complex scenario has been recently struck by an unprecedented natural disaster: two earthquakes at 7.8 and 7.7 magnitude affected southern Türkiye, NWS and some regime-controlled

²² Rep. *North-West Syria: Situation Report (13 September 2023)*. OCHA, 2023.

²³ Keser, Ahmet, and Fared Fakhoury. "Hay'at Tahrir al-Sham (HTS) from an Insurgent Group to a Local Authority: Emergence, Development and Social Support Base." *Studies in Conflict & Terrorism*, 2022, 1–21. <https://doi.org/10.1080/1057610x.2022.2082833>.

areas on the 6th of February 2023, followed by several aftershocks. In NWS, OCHA has reported more than 4,500 deaths, 10,400 injured people and at least 10,600 affected buildings, of which around 1,800 were completely destroyed.²⁴

The fragmentation of the Syrian territory as a whole and of NWS itself, with contrasting legitimacy and resource-control claims by local authorities, and the devastating impact of the earthquake, are key to understanding current practices and challenges of humanitarian access, as well as the overlapping crisis the civilian population has to face.

5 The Governance of Humanitarian Aid in North-West Syria

Different actors shape the humanitarian response in NWS. Humanitarian organisations face specific challenges based on their mandate, especially considering the difference between the United Nations and its agencies and international or local NGOs. However, “humanitarian actors are not isolated from but are both constituted by and constitutive of the interactions between the internal and external actors engaged in contemporary civil wars”.²⁵ Therefore, it is also necessary to consider the various *de facto* authorities, and how they manage aid through various institutions and procedures. Finally, these actors interact, collaborate and negotiate with one another through various formal and informal coordination mechanisms, representing a crucial part of the governance of humanitarian access in NWS.

5.1 Actors Involved

This first analysis of the actors involved in aid delivery focuses on those closer to the implementation of projects, who negotiate daily over humanitarian access, namely the UN and its agencies, NGOs

²⁴ Rep. *North-West Syria: Situation Report (28 April 2023)*. OCHA, 2023.

²⁵ Shesterinina, Anastasia. “Identifying Contemporary Civil Wars’ Effects on Humanitarian Needs, Responses & Outcomes.” *Daedalus* 152, no. 2 (2023): 24–37. https://doi.org/10.1162/daed_a_01990

and local authorities. Other actors in this process, such as donors and third-States from which aid is delivered, will be addressed in other sections of this work as less salient for the purpose of this first assessment.

5.1.1 The United Nations System

The United Nations has faced significant challenges since the beginning of the conflict to access rebel-held areas, which then crystallized as the NWS territory.

Initially, the Damascus government did not give the United Nations consent to operate there. For this reason, since 2014 the UN started to operate cross-border thanks to an innovative Resolution of the UN Security Council (UNSC): Resolution 2165,²⁶ which allowed to overcome the lack of State consent.

The initial decision allowed the use of four border crossings: Bab al-Salam and Bab al-Hawa (from Türkiye), Al Yarubiyah (from Iraq) and Al-Ramtha (from Jordan), and it has been systematically renewed every 6 to 12 months up until 2020, where Russia's veto led to the renewal only of the Bab al-Hawa crossing point.²⁷ Every year since then, when the resolution expired, massive advocacy and diplomatic efforts have been made to support what has been called a lifeline.

Indeed, in NWS the UN and its agencies (UNICEF, WFP, WHO, UNFPA and IOM) operate only through this cross-border mechanism. They do not directly implement their projects inside NWS nor have offices there, but they manage the logistics, supply and management of cross-border convoys, today mainly from the hub of Gaziantep, to then coordinate with implementing partners on the ground

²⁶ UNSC Resolution 2165/2014, S/RES/2165 (14 July 2014).

²⁷ UNSC Resolution 2504/2020, S/RES/2504 (10 January 2020) – Excluded Al-Ramtha and Al-Yarubiyah.
UNSC Resolution 2533/2020, S/RES/2533 (13 July 2020) – Excluded Bab al-Salam.

for the delivery. Only after the earthquake, UN staff has finally entered the NWS territory. Since July 2014, more than 59 thousand trucks have crossed into Syria thanks to this mechanism.²⁸

The most recent cross-border Resolution has expired on 10 July 2023, and negotiations for its renewal have failed at the UNSC level due to Russia's veto, leading to a halt of UN operations. On the 9 August, the UN announced a deal with the Syrian government to reopen the Bab al-Hawa crossing for six months and to maintain the ones of Bab Al-Salam and Al Ra'ee, opened for emergency earthquake relief, for three more. This new paradigm based on Assad's consent will be further investigated, as it could have far-reaching effects on the future of Syria and its people.

While cross-border operations are the most relevant UN intervention in NWS, the UN also manages the passage of cross-line convoys, from regime-held areas into NWS, by liaising between local authorities in NWS and in Damascus, with the full involvement of military entities that need to demilitarize where convoys pass.²⁹ This is a rare procedure, as the regime has generally tried to divert aid from the north-west: in 2022 only nine convoys have used this route.³⁰

Another important UN actor in NWS is OCHA, which manages high-level humanitarian access negotiations. It has direct lines of communication with de facto authorities in NWS and coordinates with them for other UN agencies and NGOs.

²⁸ "Northwest Syria: Cross Border Operation from Türkiye to Northwest Syria (1 - 31 August 2023) - Syrian Arab Republic." OCHA, August 23, 2023. <https://reliefweb.int/report/syrian-arab-republic/northwest-syria-cross-border-operation-turkiye-northwest-syria-1-31-august-2023>

²⁹ Interview #6.

³⁰ Othman Agha, Munqeth. "The Humanitarian Response in Post-Earthquake Syria: An Urgent Need for Depoliticisation." *IAI Commentaries*, no. 14 (2023).

The UN has therefore a pivotal and ramified role in humanitarian assistance in NWS, although its humanitarian access is subjected to the political will of either UNSC's permanent members or, with the most recent evolution, of the Syrian regime itself.

5.1.2 - Non-Governmental Organisations

Non-governmental organisations work both cross-border and inside NWS, directly implementing their projects. They have often their headquarters in third countries, mostly in southern Türkiye but some also in Jordan, and are legally registered there. NGOs then conduct their operations either through the UN border crossing mechanisms or through commercial lines that do not rely on the UNSC resolution. Indeed, NGOs have shown to be more flexible in what regards the requirement of State consent to access NWS, as they were operating through commercial lines even before the passing of the Resolution and interviewees affirmed how they would continue to do so in case the mechanism is halted.³¹

The humanitarian landscape in NWS presents a variety of both international and local Syrian NGOs, which gives the possibility to create virtuous synergies through different expertise and perspectives. International NGOs (INGOs) have usually higher technical and financial resources and can collaborate with local NGOs that from their side have the necessary contextual knowledge and local acceptance. Therefore, NGOs represent a vital actor in ensuring humanitarian access in NWS, especially as they are the only ones implementing projects on the ground.

³¹ Interviews #6, 8,10.

5.1.3 - De Facto Authorities

Both UN Agencies and NGOs need to work closely with the de facto authorities for the delivery of aid. Differences and similarities can be found in the SSG and SIG areas in what regards the management of humanitarian assistance.

In both areas, interviews report how the involvement of armed groups is limited,³² and liaising with them is not necessary to ensure access. Some coordination is done with police forces only in the case of severe security concerns.³³ Also at the UN level, the Civil-Military Cooperation (CIMIC) department is limited, as they also mainly interact with the civilian administrations for the provision of aid. The civilian administrations are the ones more involved in humanitarian aid, in particular the Local Councils (LCs), whose approval is necessary to implement projects both under the SSG and the SIG.

In Idlib, NGO workers affirmed how to implement a project, organisations need to refer first with a “NGO Office”, part of the Ministry of development and humanitarian affairs, to get approval to operate, and then with LCs to implement.³⁴ This “NGO office” is a new institution, proof of the willingness of the SSG to exert more supervision over aid delivery. Before the creation of the SSG, HTS itself ran an NGO office, which was considered corrupt and prone to aid diversion, while nowadays the system is considered to run smoothly.³⁵

In Northern Aleppo, the governance structure is weaker than the one of SSG due to the presence of different armed groups and Türkiye’s influence. Indeed, LCs are sided in the coordination of relief

³² Interview #9.

³³ Interviews #5, 6.

³⁴ Interviews #1, 4, 5, 6, 7, 10.

³⁵ Schellhammer, Lena. “Breaking the Silence - Lessons from Humanitarian Access Negotiations under Counter-Terrorism Legislation in North-Western Syria.” *Centre for Humanitarian Action*, 2021.

by AFAD (part of the Turkish Ministry of interior affairs) and the Turkish Red Crescent.³⁶ In addition, NGOs need authorization from Turkish authorities responsible for a certain area inside NWS: to operate in Afrin from Hatay, in Jarablus from Gaziantep, for A'zaz from Kilis, and for Tell Abyad from Şanlıurfa.³⁷ The role Türkiye maintains in aid delivery proves its willingness to keep a degree of control over NGOs' operations and the provision of basic goods.

Overall, local authorities have tried in the years to develop systems for a more ordered delivery of aid. Given the aid-dependent situation of NWS, for local governments ensuring a rapid and orderly delivery of humanitarian projects is a crucial way of supporting their legitimacy and maintaining a basic level of welfare of the population.

5.2 Humanitarian Coordination Mechanisms

The analysed actors have implemented different methods to coordinate between them for the delivery of aid. As will be further shown, their successes and shortcomings are considered one of the key elements that can influence humanitarian access in NWS.

To coordinate between NGOs and the UN system, the response is structured around the Syria Cross-Border Humanitarian Liaison Group. In this framework, a Cluster System and a series of Working Groups (WGs) specific for cross-border operations have been implemented in Gaziantep, separate from the UN coordination mechanism in regime-held areas. For humanitarian access, OCHA leads the Humanitarian Access WG which, according to interviewees, consists of monthly meetings where access incidents are reported, and concerted action is coordinated.³⁸ UN offices in Amman also have

³⁶ Interviews #5, 7, 10.

³⁷ Interview #4.

³⁸ Interview #5, 6, 8, 9.

a role, as they conduct analysis for the Whole of Syria, informing also OCHA's action in the north-west.

Among NGOs, various networks have been created to enhance their operations and strengthen advocacy efforts, such as the NWS NGO forum, created in 2012 and representing both Syrian and International NGOs, and the Syrian NGO Alliance, inclusive also of civil society organisations. Inside NWS, NGOs coordinate with each other mainly through informal methods of coordination, strongly based on personal connections.

In the interaction with local authorities, there are different layers of coordination by humanitarian actors. At the highest level, OCHA negotiates access with representatives of de facto authorities and armed groups. OCHA then coordinates with NGOs that, from their side, interact with local councils and authorities through different channels.

NGO workers report the importance of bilateral, informal methods of coordination on the field and camp-management level for a smooth implementation of projects. They also draft memorandum of understanding or agreements with LCs to agree on the implementation of certain projects. As affirmed by Schellhammer, in Idlib “permission of movement, vehicle registration, documentation and ID cards are negotiated on the local level at checkpoints, whereas with the head of local councils and/or head of camp management the scope of the project, including the targeting locations and beneficiaries will be negotiated. On high-level, as mentioned before, the general policy, taxation and aid diversion will be addressed”.³⁹

³⁹ Schellhammer, Lena. “Breaking the Silence - Lessons from Humanitarian Access Negotiations under Counter-Terrorism Legislation in North-Western Syria.” *Centre for Humanitarian Action*, 2021.

When attempting to get access to vulnerable groups in NWS, organisations must deal with the complex scenario outlined, with multiple actors and levels of coordination, which - as will be further analysed - brings about both major opportunities and obstacles.

6 Access in North-West Syria: a Complex Web of Restrictions

Taking into account these preliminary contextual remarks, thanks to the interviews conducted, it is possible to highlight the main humanitarian access constraints faced by humanitarian practitioners in NWS.

The responses collected have sketched a very broad consideration of possible challenges to humanitarian access, looking not only at the movement restrictions, but at all aspects that impair the effectiveness of aid delivery and the responsiveness to people's needs. These burdens have been categorized into four major strands: security, legal, coordination and operational constraints. Nevertheless, all elements are strongly interconnected and feed into the web of restrictions Syrians face every day while trying to secure access to goods and services necessary for their survival.

6.1 Security Issues

Despite the general cooling down of hostilities since 2020, security concerns still affect the daily lives of Syrians and aid providers: shelling, air strikes and targeted killings are recorded, both in Idlib and Northern Aleppo. In August 2023 alone, 12 killings of civilians have been reported in NWS.⁴⁰ Moreover, unexploded ordnances remain a serious concern in all the country. As a consequence of hostilities, infrastructures in NWS have been heavily damaged and represent another obstacle in reaching vulnerable communities.

⁴⁰ Rep. *North-West Syria: Situation Report (13 September 2023)*. OCHA, 2023.

Eight interviewees out of ten⁴¹ have cited security issues as major obstacles to reach those in need, as aid agencies have had to withdraw or suspend activities in areas more at risk, disrupting their projects.

For instance, the frontline area south of the M4 highway is among the ones most targeted by the attacks. Two NGO workers have reported how, despite having observed high needs in the particularly crowded area, due to insecurity conditions no comprehensive needs assessment has ever been conducted, and it is particularly arduous for organisations to carry out projects, despite local authorities are encouraging them to do so.⁴²

The widespread insecurity that still haunts North-West Syria is therefore both a source of additional needs for the population, which bears the major consequences of these attacks, and of severe access constraints for humanitarian workers, thus exacerbating the consequences of the conflict.

6.2 *Legal Issues*

Providing aid in NWS comes with significant legal obstacles and restrictions, which all stem from the control of the territory by NSAG, that creates a grey area in international law.

For UN agencies and NGOs working with them, their action finds its legal grounding in the UNSC Resolution on cross-border aid, and as such it has been hanging by a thread every time the Resolution had to be renewed, creating widespread insecurity over the aid structure in NWS as a whole. Moreover, two restrictive systems, aimed at avoiding supporting terrorist groups and undermine the Syrian State, create hurdles in delivering aid, namely: the counter-terrorism regulations and the sanctions regime.

⁴¹ Interviews #1, 2, 4, 5, 7, 8, 9, 10.

⁴² Interviews #7, 10.

Aid providers have to navigate the realm of these complex legal and bureaucratic restrictions, that can severely limit or delay their access to those in need. However, during interviews these access obstacles were rarely mentioned,⁴³ given the fact that many participants from NGOs rarely collaborated with the UN in their projects, and as such are subjected to less scrutiny over their operations.

6.2.1 The cross-border resolution

With Resolution 2165 of July 2014, for the first time the requirement of State consent to aid operations was overridden by a UNSC Resolution. While it has represented a major breakthrough to secure humanitarian access in NWS, overcoming Assad's objective of impeding aid delivery in the area, interviewees have given more nuanced consideration of its legacy.

The high degree of politicization the Resolution has been subjected to, with the progressive diminishing of the cross-border passages and its scope limited in time, have created a situation of widespread uncertainty, where every six months a possible disruption of operations has made any long-term programming impossible. According to some interviewees, this has exacerbated aid dependency, impeding early recovery activities and maintaining a perpetual state of emergency while creating "lazy communities".⁴⁴ Moreover, securing the passing of the Resolution has diverted significant efforts by advocacy groups and aid providers, having to advocate every six months to sustain what has been called a lifeline.

The UN have also had to create contingency plans in the event the Resolution did not pass, and act accordingly. For instance, in preparation of the recent expiration of the Resolution, the UN has had

⁴³ Interviews #3, 4.

⁴⁴ Interview #10.

to pre-position relief items inside the NWS border to ensure the supply chain for three to four months, and created a plan for the various scenarios that could have presented themselves.⁴⁵

Subjecting humanitarian access in NWS to a UNSC Resolution has therefore been a double-edged sword: while ensuring the short-term delivery of aid, it has impeded the creation of more sustainable aid delivery systems, subjecting the survival of Syrians to the political will of States. The recent shift in policy, based on the consent of Assad, could further impair humanitarian access, subjecting it to the political will of a leader that has disrupted those communities in the first place.

6.2.2 - Sanctions regimes and counterterrorism regulations

On top of the cross-border resolution and its legal and operational implications, working in NWS is made more complex by international anti-terrorism regulation and sanctions regimes.

The most relevant sanctions regimes in place are those of the UN,⁴⁶ US and EU.⁴⁷ The US sanctions regime is the broader, comprising both an almost complete embargo on trade and, especially following the 2019 Caesar Syria Civilian Protection Act, sanctions on third-country individuals and institutions engaging with the Syrian government and some Syrian entities. Sanctions regimes generally foresee specific procedures to ensure the passage of humanitarian relief. For instance, under the US system, the export of food and basic medical supplies and the conduction of certain activities by NGOs is covered by a general licence that does not require prior authorisation, and a specific licence can be given for entities engaging in activities which are generally prohibited.

⁴⁵ Interview #6.

⁴⁶ UNSC Resolution 2254/2015, S/RES/2254 (18 December 2015).

UNSC Resolution 2199/2015, S/RES/2199 (12 February 2015).

⁴⁷ Council Regulation (EU) 36/2012, No 442/2011 (18 January 2012).
Council Decision 2013/255/CFSP (31 May 2013).

In Idlib, the situation is further complicated by the territorial control of HTS, which is designated as a terrorist group by the Damascus government, Türkiye and the United States. Counterterrorism measures include the restriction of funds to these groups, also through further sanctions, and measures that consider a criminal offence to support in different forms such entities. At the UN level, such regulations mainly stem from UNSC Resolution 1373 of 2001 on counterterrorism,⁴⁸ which did not include a designed list of groups. This brings up one of the key nodes of humanitarian access in civil wars: how to negotiate and conduct humanitarian relief when entities considered as terrorist have effective control over parts of the territory?

Despite different provisions aim at safeguarding humanitarian aid in these contexts, interviewees have reported various detrimental effects of the multi-layered legal implications of these regimes over humanitarian access.

In the first place, complying to these norms represent a major bureaucratic burden for NGOs.⁴⁹ Donors require multiple screenings and background checks to provide funding to those areas. Organisations are therefore forced to divert a significant amount of already scarce resources to conduct these analyses. In addition, these processes can significantly lengthen projects' approval and implementation, thus making operations untimely and, potentially, no longer appropriate for the context for which they were initially designed.

Then, an overall “chilling effect”⁵⁰ is reported: banks, financial institutions, donors and aid agencies themselves restrict their humanitarian actions due to fear of violating such a complex legal regime of limitations. De-risking leads to a reduction of projects and services, especially observed by

⁴⁸ UNSC Resolution 1373/2001, S/RES/1373 (28 September 2001)

⁴⁹ Interviews #3, 4.

⁵⁰ Leclerc, Gabija. Rep. *Impact of Sanctions on the Humanitarian Situation in Syria*. European Parliamentary Research Service, 2023.

interviewees for early recovery activities, as they could be considered as part of efforts for the “reconstruction of Syria”, prohibited by both the EU and US sanctions regime.⁵¹ Moreover, according to one interviewee, donors often push to have more activities in Northern Aleppo than in the Idlib area due to the legal burdens of working in HTS controlled territories, despite needs assessments would point in the contrary direction.⁵²

Finally, despite not mentioned by interviewees, Schellhammer has observed how NGOs sometimes negotiate with HTS representatives, but in a clandestine manner not to risk backlash from such interactions, creating a “culture of silence” between NGOs, that overall weakens their negotiating position in efforts to secure access.⁵³

While counterterrorism regulations and sanctions regimes are key means for the international community to respond to the grave breaches of international law by the Syrian regime and the threat of terrorism, the access constraints they pose for humanitarian actors need to be addressed in their complexity: Syrians and those working to support them should not be punished for the regime's actions.

6.3 *Coordination Issues*

One of the most recurrent aspects interviewees have highlighted when describing access constraints is the lack of effective coordination, with different actors and on various levels.

⁵¹ Interview #10.

⁵² Interview #9.

⁵³ Schellhammer, Lena. “Breaking the Silence - Lessons from Humanitarian Access Negotiations under Counter-Terrorism Legislation in North-Western Syria.” *Centre for Humanitarian Action*, 2021.

6.3.1 Humanitarian Organisations

The major issue in the coordination between humanitarian actors, underlined by four interviewees, is the remote management from Türkiye.⁵⁴ Indeed, the Cluster system is based in Gaziantep, while inside NWS a real comprehensive coordination system is absent and, according to one NGO worker, its creation has been actively hindered by the Cluster system to avoid duplication.⁵⁵ This creates a poor information-sharing environment, which in turn hampers effective humanitarian access, for a variety of reasons.

Interviewees highlight how who sits in those meetings is often considered unsuited for the position, considering that they do not have daily experience of developments inside NWS. Secondly, this form of management puts all risks on local NGO workers, which could underreport the access incidents encountered to preserve their livelihoods, as the reporting of issues as aid diversion could lead to the closing of projects.⁵⁶ In this direction interviewees have also critiqued the work of the Humanitarian Access Working Group: it is considered a more reactive than proactive instrument, as through the monthly meetings conducted in Gaziantep it provides consistent reporting and shares good practices, but hardly intervenes in possible day-to-day access issues faced by NGOs.⁵⁷

Finally, another identified problem that stems in the way of proper access coordination mechanism is the competition for funding between NGOs. As donors' funds are scarce, interviews report how NGO focus less on effectively responding to peoples' needs, and more on securing the (financial) future of their organisation.⁵⁸ For instance, participants report how many participate in Cluster meetings and

⁵⁴ Interviews #3, 7, 8, 10.

⁵⁵ Interview #10.

⁵⁶ Schellhammer, Lena. "Breaking the Silence - Lessons from Humanitarian Access Negotiations under Counter-Terrorism Legislation in North-Western Syria." *Centre for Humanitarian Action*, 2021.

⁵⁷ Interviews #8, 9.

⁵⁸ Interview #7.

working groups not to ensure proper coordination, but because it is necessary to access certain donors.⁵⁹

Despite the multiple coordination systems the humanitarian community has established in NWS to secure humanitarian access and effective programming, the system is far from perfect and still stands in the way of substantive change.

6.3.2 Donors

Arrangements between donors and aid agencies are also considered ineffective in securing survival means to people in need.

In the first place, the humanitarian response in NWS is severely underfunded. For the Whole of Syria, in 2022 only 52% of the requested funds for the humanitarian response in the country were pledged, and, as of September 2023, numbers have plummeted to 28%, with only USD 1,55 billion out of USD 5,41 required.⁶⁰ Cross border operations of UN agencies and NGOs are financed mainly through a specific country-based pooled fund, the Syria Cross-border Humanitarian Fund (SCHF), created in 2014 and to which, in 2022, States contributed USD 117.7 million.⁶¹ Overall, funds in NWS are considered unable to cover all needs, in particular seen the shrinking that has occurred after the Ukrainian crisis. For instance, the WFP has announced that it will be forced to scale down its operations in the country due to lack of adequate funds, seen also the augmentation of costs of food ratios.⁶²

⁵⁹ Interview #1.

⁶⁰ “Syrian Arab Republic Humanitarian Response Plan 2023”, OCHA, 2023. <https://fts.unocha.org/plans/1114/summary>.

⁶¹ Rep. *Syria Cross-Border Humanitarian Fund - 2022 Annual Report*. OCHA, 2022.

⁶² “WFP Forced to Scale down Operations in Syria, as Donors Gather in Brussels Ahead of a Major Conference: World Food Programme.” World Food Programme, June 13, 2023. <https://www.wfp.org/news/wfp-forced-scale-down-operations-syria-donors-gather-brussels-ahead-major-conference>.

In the second place, donors can dictate humanitarian programming to both NGOs and local authorities, as the survival of the population in NWS is dependent on aid. However, interviewees find that donors' agenda do not always align with the realization of the humanitarian imperative but consider also donors' own interests and reputation. As an example, one NGO worker observed that projects for children with disabilities are scarce, and he traced this back to the fact that within a certain budget, by targeting children with disabilities the number of beneficiaries is lower, due to the higher resources needed for each child. Thus, in his view donors prefer projects with a higher number of beneficiaries, to increase the donor's visibility, than those that are most needed by communities.⁶³ Moreover, as one interviewee noted, the scarcity of funds not only limits the possible projects conducted, but also distorts the work of NGOs, that have to compete to secure these scarce resources, aiming at pleasing donors more than at really addressing the population's necessities, in what he called "project mania".⁶⁴

In the third place, in order to abide by counterterrorism and sanctions regimes, as already mentioned, donors require stringent and lengthy bureaucratic procedures, especially to operate in the Idlib area. This can create operational issues, as projects can take months to be approved, possibly losing their relevance.

For these reasons, while all the humanitarian response in NWS is dependent on donors, changes are needed in their policies to ensure more effective and meaningful programming.

6.3.3 De Facto Authorities

Interviewees affirm how de facto authorities have overall favoured more than hampered humanitarian access in NWS, and how, once approval of operations is granted, there are no severe restrictions of

⁶³ Interview #10.

⁶⁴ Interview #10.

movement inside the territory.⁶⁵ Indeed, local authorities are aware of their dependency on humanitarian operations to fulfil the basic needs of their population, to inject money in the struggling local economy and to maintain a degree of legitimacy over their own government. As an example, they encourage NGOs to work in underserved areas, such as the frontline, in spite of higher security concerns.⁶⁶

The two areas of NWS face different constraints in the delivery of aid. In Northern Aleppo, the main issues identified by interviewees are the fragmentation of local actors, the lack of standard procedures in the interaction with local councils and the burdens created by the need to liaise also with Turkish authorities. In Idlib, coordination is easier as there is only one authority with clearer procedures - although one interviewee also stressed the burden of the various levels of coordination⁶⁷ - but the analysed counterterrorism measures entail higher requirements and less flexibility from donors to get project approval than in Northern Aleppo.

In addition, aid diversion and corruption cases are also recorded in both areas: four participants⁶⁸ in the study have witnessed how authorities have put pressure on their operations, for instance to serve certain communities or to hire certain people.

Moreover, according to respondents, some specific types of projects face more obstacles than others.⁶⁹ While activities aimed at fulfilling basic needs and providing commodities are welcomed, mental health, educational and peacebuilding ones are considered not necessary and thus less supported. In some cases, some activities are considered a challenge to their own authority: one NGO

⁶⁵ Interview #6.

⁶⁶ Interview #5.

⁶⁷ Interview #5.

⁶⁸ Interviews #4, 5, 7, 8.

⁶⁹ Interviews #4, 9, 10.

worker underlined how human rights monitoring activities could uncover violations by local authorities themselves, and therefore are obstructed and/or unauthorized.⁷⁰

From the interviews, particular concerns were raised on local government's obstruction of education activities. A representative of an NGO specialized in this sector said how in Northern Aleppo, NGOs are only authorised to pay teachers' salaries, but cannot intervene on the school curriculum. According to the interviewee, this is due to the authorities' desire to spread the use of the Turkish curriculum in schools.⁷¹ Another study participant expressed concerns over a potential strengthening of SSG's interference in their education activities, which in his opinion would increase censorship and the appointment of non-technical staff.⁷²

If local authorities are generally supportive and tend to ensure humanitarian access, they still try to manipulate as much as they can aid delivery to support their stances. However, as one interviewee noted, it is important to remember that “we have to balance what is perceived as an obstruction by humanitarian partners, with what is considered a normal coordination by authorities”.⁷³

6.3.4 Host Governments: Türkiye

Aside from the already examined control Türkiye has on Northern Aleppo, the Turkish government has also a degree of influence over humanitarian access in its role as host country to organisations working cross-border from Gaziantep and Hatay. While analysing Turkish practices of border governance with Syria would require an examination of its own, it is possible to pinpoint its main areas of influence.

⁷⁰ Interview #4.

⁷¹ Interview #4.

⁷² Interview #10.

⁷³ Interview #6.

In the first place, interviewers have reported how the Turkish government has a certain degree of control over cross border operations through the Ministry of Customs and Trade, as it can limit access to those areas or impose bureaucratic burdens and additional security protocols.⁷⁴ In addition, most organisations working cross-border in NWS are registered in Türkiye, thus they are subject to Turkish law and need to obtain its permit to operate. However, it has been witnessed how Türkiye has become progressively hostile towards NGOs registered there. Especially during the State of Emergency established after the failed coup d'état of July 2016, Turkish authorities have suppressed NGOs action by closing down organisations, conducting frequent police visits to their HQs to check work permits,⁷⁵ not renewing NGO's permits to operate in the country and finally deporting their Syrian workers, under the justification of being a threat to national security.⁷⁶ The most notable case is that of Mercy Corps, an American NGO which was working cross border and was forced to close by Turkish authorities, to then move their base to Amman, Jordan.

Finally, Türkiye has some degree of control on the coordination mechanisms in place as, as mentioned, they are carried out mainly in Gaziantep. For instance, one interviewee underlined how Türkiye usually requests the names of participants to these meetings, to maintain some type of oversight.⁷⁷

Overall, issues related to coordination with Türkiye as host government were mentioned by five participants,⁷⁸ and therefore need to be considered to understand the complexity and challenges of access in remote management settings.

⁷⁴ Interviews # 2, 8, 9.

⁷⁵ Longton, Ross. "Turkey Pushing out Western Ngos." Middle East Institute, June 15, 2017. <https://www.mei.edu/publications/turkey-pushing-out-western-ngos>.

⁷⁶ Boztaş, Özge. "Shrinking Humanitarian Space in Turkey: The Government of Turkey's Agency in Shaping the Operations of Humanitarian NGOs in Turkey." *METU Studies in Development*, no. 46 (2019): 153–74.

Zoetewej-Turhan, Margarite Helena. "Turkey: Between Hospitality and Hostility." *Forced Migration Review*, no. 57 (2018): 55-56.

⁷⁷ Interview #10.

⁷⁸ Interviews #2, 4, 8, 9, 10.

6.4 *Operational Issues*

During interviews, other access issues related to operational constraints were reported, which would not fit in the previously analysed categories: the economic situation, the lack of proper identification documents in NWS, and the recruitment of staff.

A first element is the economic deterioration in Syria: not only it exacerbates needs, but it also poses significant problems to humanitarian organisations. In NWS since some years the Turkish Lira has been adopted as a currency seen the devaluation of the Syrian pound, but the current inflation in Türkiye has further complicated the scenario. For NGOs, issues arise in conducting accurate budgeting, as prices fluctuate rapidly, and in the carrying out of specific activities such as cash voucher ones, shrinking the possibilities of implementing effective projects.⁷⁹

Another issue that stems from the conflict scenario highlighted by interviewees, considering also the large IDP population which makes up the most of NWS, is the lack of personal documents.⁸⁰ This creates challenges to aid workers that face difficulties in conducting needs assessment and in identifying beneficiaries. Despite de facto authorities have tried to respond to this issue by creating so-called “population centres”, a truly effective solution to this issue is still to be found.

Finally, interviewees have reported challenges in the recruitment of staff, on various levels.⁸¹ The humanitarian industry distorts the local labour market, impeding local authorities and more local NGOs to retain talents. As an example, one interviewee reports that salaries for humanitarian workers of international organisations in NWS can be around ten times higher than what local councils can

⁷⁹ Interviews #1, 9, 10.

⁸⁰ Interviews #6, 8.

⁸¹ Interviews #3, 8.

offer, also for low-skilled positions as drivers or cleaners.⁸² Thus, workers shift to higher paying jobs: from local authorities to local NGOs, then international NGOs or UN agencies inside the country, to then becoming international staff in other contexts. For instance, one respondent noted how many Syrians have now worked in the Ukrainian crisis.⁸³ This creates operational issues for local NGOs and authorities and is a clear impediment to create a sustainable humanitarian action, which needs to be addressed.

Concluding this assessment of challenges to humanitarian access in NWS, this research paints an ever complex scenario of obstacles humanitarians have to face to deliver life-saving assistance to Syrians in Idlib and Northern Aleppo. Without pretending to be exhaustive, this analysis now allows us to outline what possible solutions are being or could be put implemented to enhance access to civilians in need.

7 Improving Humanitarian Access in North-West Syria

In order to face the multifaceted challenges humanitarian actors face in NWS, interviewees have highlighted their current practices to cope with these issues, as well as new ideas and ways forward.

7.1 Mitigating Security Challenges

Considering that in conflict areas security risks related to hostilities are inevitable, NGOs have put in place some coping mechanism to ensure the security of their workers and the safe delivery of assistance.

As in many similar scenarios, organisations appoint security focal points, develop adequate risk management procedures and adapt projects to emerging security challenges, trying to secure access

⁸² Interview #3.

⁸³ Interview #3.

to vulnerable populations.⁸⁴ NGOs also conduct background checks of potential employees to avoid any implications with armed groups. At the highest levels, one NGO worker responsible for security management reported how there are lines of communication with belligerent parties, to let them know which facilities and routes are used by humanitarians, in order to avoid them being a target.⁸⁵

Moreover, study participants underlined how a crucial element to ensure security and safety is community acceptance: being welcomed by the local population represents a protective presence for NGOs, and also one of the means to ensure access.⁸⁶

Finally, the security challenges of civil wars show similar patterns to those of internationalized conflicts, and the means to respond given by interviewees are not so different from internationally recognized good practices. However, the focus on the local community is notable and present under different lenses throughout interviewees, showing its centrality for workers in NWS.

7.2 Overcoming Legal Constraints

To overcome the legal stalemates the international community is facing in Syria, that stand at the core of humanitarian access issues, new and creative approaches are required, capable of having as main focus the survival of the population and not the interests of States.

7.2.1 A new paradigm for cross-border operations

Three alternatives to the cross-border mechanism and its analysed shortcomings have been mentioned during interviews: a halting of UN cross border operations with complete handover to NGOs, the

⁸⁴ Interviews #1, 6.

⁸⁵ Interview #5.

⁸⁶ Interviews # 1, 4, 5, 10.

continuation of UN activities without the support of a UNSC Resolution, or a new system based on Assad's consent.

In the first case, the lack of a Resolution with the withdrawal of the UN would require NGOs to completely take over aid delivery. Despite it is commonly agreed that the disruption of the cross-border mechanism would represent the end of an era, interviewees had different opinions on this scenario.

Some affirmed how giving control back only to NGOs would have positive effects. One interviewee stated that before the Resolution, NGOs were having fewer burdens in accessing NWS.⁸⁷ Indeed, many NGO workers highlighted how their operations would not be affected in case the UN mechanism stops.⁸⁸ One respondent also said that cross-border UN-aid has created aid dependent communities, and that its termination could represent a wake-up call for the Syrian society.⁸⁹ He affirmed how it could put the focus back on early recovery and empowerment of the private sector.

Nevertheless, the majority agrees that halting UN operations would represent a major loss in terms of humanitarian access, exacerbating the needs of an already vulnerable population.⁹⁰ According to one respondent, NWS would become "a new Gaza", and the challenges that would arise are multifaceted.⁹¹

It is unlikely that NGOs will be able to fully replace UN operations due to limited capacities, and without the legal support given by the UNSC Resolution it is possible that INGOs would also

⁸⁷ Interview #4.

⁸⁸ Interviews #3, 4, 8, 10.

⁸⁹ Interview #10.

⁹⁰ Interviews #1, 4, 5, 6, 7, 8, 9, 10.

⁹¹ Interview #4.

withdraw, not to risk backlashes in other contexts. Five out of ten respondents⁹² underlined how the sector more at risk is that of nutrition, as contingency planning has shown how no organisation could fully replace the supply chain of the WFP: in July 2023, around 273 thousand people received assistance in the nutrition sector through Bab al-Hawa.⁹³ Moreover, one interviewee expressed concerns that Türkiye would impose commercial taxes on humanitarian operations in this scenario, further hampering NGO's operations.⁹⁴

The funding of projects would also represent a major challenge. The Syria Cross-border humanitarian fund will likely no longer be operative, and donations by States would be withdrawn. The UK has recently led the creation of an alternative mechanism, the INSAF, which was mentioned by two interviewees:⁹⁵ a pooled fund managed by a private company, the Adam Smith International Company, which could substitute the SCBHF in the event of non-renewal. Despite interviews have shown some potential constructive elements of a new system without UN intervention, evidence shows how it still represents a lifeline that will unlikely be replaced.

As for the second option, the UN would continue to operate in NWS even without the backing of a UNSC Resolution, despite the lack of State consent.

Many practitioners and scholars affirm how this should have been the UN posture from the start, and that the 2014 Resolution should not have existed in the first place. Indeed, a letter by a coalition of legal experts in April 2014, before the Resolution was passed, affirmed that there were no legal barriers to cross-border delivery, and that the UN was using an “overly cautious interpretation of

⁹² Interviews #4, 5, 6, 8, 9.

⁹³ “Northwest Syria: Cross Border Operation from Türkiye to Northwest Syria (1 - 31 August 2023) - Syrian Arab Republic.” OCHA, August 23, 2023. <https://reliefweb.int/report/syrian-arab-republic/northwest-syria-cross-border-operation-turkiye-northwest-syria-1-31-august-2023>.

⁹⁴ Interview #9.

⁹⁵ Interviews #8, 10.

IHL”.⁹⁶ Aligned with this stance, the UN worker interviewed mentioned how the Resolution is considered a “bizarre” one.⁹⁷

However, an NGO’s security manager highlighted how shifting posture now, nine years after the first cross border Resolution, could create significant problems, and that the issue should have been tackled differently before. He stressed the possibility that humanitarians could be targeted, emphasizing how the list of humanitarian facilities shared between belligerents could be exploited for this means.⁹⁸

Therefore, while the legal dilemma of operating in areas under rebel control without the consent of the central State,⁹⁹ remains open and has seen a flourishing of researches on the matter,¹⁰⁰ in NWS the possibility of such shift at this point remains limited.

A third solution to overcome the hurdles the UNSC Resolution has created, is the one recently adopted by the UN for the continuation of cross-border activities: reaching an agreement with the Syrian Government, making an authorization by the UNSC unnecessary.

On the 9th of August 2023, the UN communicated to have reached a deal with Assad for the delivery of aid, without providing significant details.¹⁰¹ Only some weeks before, the UN worker part of the study considered such agreement unforeseeable, due to the unacceptable conditions Assad had

⁹⁶ “There Is No Legal Barrier to Un Cross-Border Operations in Syria.” The Guardian, April 28, 2014. <https://www.theguardian.com/world/2014/apr/28/no-legal-barrier-un-cross-border-syria>.

⁹⁷ Interview #6.

⁹⁸ Interview #5.

⁹⁹ The requirement of the “High Contracting Party”’s consent to relief operations is affirmed in art. 18.2 of Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II). The protocol, however, has not been signed by the Syrian Arab Republic.

¹⁰⁰ See “Literature Review” chapter.

¹⁰¹ “UN: Deal Reached with Syria to Reopen Main Border Crossing from Türkiye | UN News.” United Nations, August 9, 2023. <https://news.un.org/en/story/2023/08/1139577>.

brought to the negotiating table, and the need to involve all authorities, including de facto ones, for an effective delivery of aid.¹⁰²

In this new phase, for Syrians their basic means of survival are now once again at the mercy of a regime that forcibly displaced and disrupted their lives in the first place. 42 Syrian NGOs and 13 NGO networks signed a joint statement on the 31st of August denouncing the dangerous nature of such agreement, affirming how “by effectively handing over control to the Syrian regime, this arrangement marks a new era of fear, instability, insecurity, and a threat to the future of principled, cross-border assistance.”¹⁰³

At the time the interviews were conducted, this decision was still not in place, but some interviewees presented some considerations over this possibility. According to them, arriving at an agreement with the regime would represent a first step towards normalization and its regaining of full administrative control over the territory. Aid diversion cases would become common, and the Syrian Red Crescent would oversee aid delivery as it already does in regime-held areas.¹⁰⁴ Those that have moved to NWS to escape the regime, would be again submitted to its control, with the dangers it entails. One interviewee also highlighted how for the regime, shifting the humanitarian community present in Gaziantep to Damascus would also represent a significant source of wealth.¹⁰⁵

While in the short term, reaching an agreement with the regime can secure the vital channels of aid delivered by the UN, in the long term it could imply significant disruptions in access and forever shape the future of Syria as the regime pleases. Therefore, it will be critical to keep high the attention

¹⁰² Interview #6.

¹⁰³“Joint Statement - The Position of The Syrian Non-Governmental Organizations Regarding the Recent Developments on the Cross-Border Humanitarian Assistance”, August 31, 2023. <https://snhr.org/wp-content/uploads/2023/09/Joint-Statement-Cross-border-Assistance-1.pdf>.

¹⁰⁴ Interviews #5, 6, 10.

¹⁰⁵ Interview #10.

on upcoming developments in NWS, considering access not only as reaching those in need in immediate terms, but also as means to develop sustainable and just systems of aid delivery.

In civil wars, the territorial control by NSAG is the original sin from which legal constraints to humanitarian access stem from. Developing new practices and legal perspective that prioritize meeting people's needs over satisfying the sovereignty claims of regimes which undermine the basic human rights of their own population, has now become an imperative to ensure the credibility of an international community ostensibly aimed at ensuring global peace.

7.2.2 Improving flexibility over regulatory frameworks

While sanctions regimes and counterterrorism regulations remain important instruments of the international community, their impact on humanitarian operations needs to be mitigated, and the measures currently in place seem not to be enough.

Regarding sanctions, an important step forward has been UNSC Resolution 2664 of December 2022,¹⁰⁶ enforcing a humanitarian exemption for which aid actors can conduct their activities without prior authorizations in situations where sanctions regimes are in place. Although the Resolution only applies to sanctions adopted at the UNSC level, it could create momentum around the need to impose sanctions that do not hamper the survival of the most vulnerable. Indeed, the sanctions' regime in Syria is considered a means to contrast the brutality of the Damascus government and should not be withdrawn, but it requires easier procedures to ensure timely aid delivery.

Concerning counterterrorism regulations, international law experts stress how these regulations do not prohibit contacts with such groups,¹⁰⁷ as in the case of humanitarian negotiations conducted by

¹⁰⁶ UNSC Resolution 2664/2022, S/RES/2664 (9 December 2022).

¹⁰⁷ Diakonia Center for International Law, "Counterterrorism measures relevant to humanitarian action in Syria", (2021).

OCHA with the SSG. The UNSC has also stepped in with Resolution 2462 (2019), affirming how counterterrorism measures must comply with other international law obligations, and that effects on humanitarian assistance have to be considered.¹⁰⁸ Examining the interviews conducted, the circulation of these concepts is still poor as they were not mentioned. Developing more awareness on these ideas, both between NGOs and with donors, could be a means to contrast the “chilling effect” of these rules, allowing for more flexibility and contrasting the phenomenon of “secret” negotiations between NGOs and de facto authorities.

In the case of NWS, another way forward to ensure access despite sanctions and anti-terrorism regime is the creation of stronger civilian governments, detached from armed groups. The creation of the SSG by HTS went in this direction, however, interviewees underline how there is still a grey area on the relations between the two entities, creating further uncertainty.¹⁰⁹ A clearer division between the two could be a means to circumvent the negative effects of sanctions and counterterrorism measures, to better reach the population in need.

In both regulatory frameworks, advocating to donors for more rapid approval of projects and more flexibility is necessary. Concerted action by various organisations, highlighting the daily hurdles they encounter in ensuring compliance with the standards requested, could represent a possible way to improve access not only in NWS, but also in other civil war contexts facing similar issues. As will be further shown, the earthquake response has proven how more effective processes are attainable, what is often missing is the willingness to shift to more risk-taking positions.

¹⁰⁸ UNSC Resolution 2462/2019, S/RES/2462 (28 March 2019).

¹⁰⁹ Interviews #3, 10.

7.3 Improving Coordination Mechanism

As many of the challenges for effective access regard coordination, also most of the identified solutions concern how various stakeholders can better operate together.

7.3.1 Humanitarian Organisations

Within the humanitarian realm, one of the main solutions envisaged by interviewees to enhance access and coordination is to create coordination systems inside NWS, not having to rely on remote management.¹¹⁰ According to one interviewee, some clusters have started to discuss the creation of sublevels of coordination on the field in different sectors and governorates.¹¹¹ As will be further argued, the earthquake response and the entry of UN personnel and donors into NWS could represent a significant push in this direction.

Other initiatives brought forward regard the organisations of capacity building activities for the coordination mechanisms themselves, as the Clusters, to improve their ability to deliver.¹¹² Increase transparency and information sharing is also considered a need for local NGOs, especially in their interaction with UN agencies and INGOs.

Finally, one interviewee hinted at the need to start collaborating with NGOs working in regime held areas.¹¹³ This is something commonly frowned upon, considered as a form of treason, but initiating a dialogue could represent a means to develop a more united Syrian society, going beyond territorial fragmentation.

¹¹⁰ Interviews #1, 3, 8, 10.

¹¹¹ Interview #8.

¹¹² Interview #4.

¹¹³ Interview #10.

7.3.2 - Donors

Concerning donors, interviewees affirm how they need to be more responsive, considering the populations' needs above all other interest, which not always has been the case.¹¹⁴

Notably, one respondent said that their organisation aims at developing new fundraising techniques, especially by pointing at new and more independent donors.¹¹⁵ Some examples are foundations, that are considered to be more flexible and allow organisations to better design and implement their projects.

7.3.3 - De Facto Authorities

In the coordination with de facto authorities, the humanitarian community, including IOs, NGOs and donors, has significant leverage as they provide for essential services. Therefore, through negotiations, phenomena as aid diversion can be effectively contrasted.

For instance, one respondent noted how in Idlib, as the coordination system between OCHA and SSG strengthened, aid diversion cases diminished and how some members of local councils were fired following NGOs' complaints.¹¹⁶ Another notable example is the case of the suspension of all cross border operations by the US and UK aid departments in 2018, in response to HTS' request for a form of taxation over cross border deliveries.¹¹⁷ After some months, local authorities affirmed how they will no longer require such taxation, and so operations were started again. The crucial role humanitarians have for de facto authorities must be taken into consideration during humanitarian

¹¹⁴ Interviews #3, 4, 6, 9, 10.

¹¹⁵ Interview #4.

¹¹⁶ Interview #5.

¹¹⁷ Parker, Ben. "US and UK Halt Key Syria Aid Shipments over Extremist 'Taxes.'" *The New Humanitarian*, October 2, 2018. <https://www.thenewhumanitarian.org/news/2018/10/02/us-and-uk-halt-key-syria-aid-shipments-over-extremist-taxes>.

access negotiations. Conducting concerted advocacy strategies could therefore be a successful means to drive change and enhance operations.

Some other suggestions regard the establishment of open lines of communication and regular meetings with authorities, to ensure more efficient and timely coordination.¹¹⁸ Another element that is considered crucial for this end is for authorities to maintain their civilian administration separate from armed groups, in order to avoid the possible implications of being associated with such entities, as already mentioned.

Another idea to increase access is the implementation of capacity building projects for local authorities.¹¹⁹ Indeed, providing trainings on topics as protection, international law and human rights can circulate this knowledge in the community, representing a stepping stone for more durable change. These activities are already implemented by OCHA, UNICEF and NGOs, although they are not always easily approved due to the aforementioned legal burdens.

7.3.4 - Host Governments: Türkiye

Possible means to improve the coordination with the host government have not been proposed by interviewees. However, it is possible to note how as a coping mechanism some organisations have moved to other host States, such as Jordan, despite this can make the coordination of aid inside NWS more difficult.

In conclusion, improving coordination mechanisms at all levels is considered by practitioners one of the most important ways to ensure humanitarian access to the population in NWS. Hence, it can be asserted how in civil war contexts proper knowledge of the various stakeholders and of the

¹¹⁸ Interview #5.

¹¹⁹ Interview #3.

possibilities effective collaboration can hold, needs to be considered an essential approach to ensure humanitarian access.

7.4 New Ways Forward: Localisation and Sustainable Interventions

Localisation was a recurring theme in the majority of interviews conducted to identify strategies for ensuring humanitarian access.¹²⁰ The term has been used in two main meanings: to be accepted by the local population and to build up local resources.

Firstly, local acceptance is considered crucial to ensure access to vulnerable communities. According to six interviewees,¹²¹ organisations need to build strong local partnerships by strengthening ties with community leaders and civil society organisations, which have stronger contextual knowledge, can better recognize the needs of the affected population and can ease the carrying out of relief operations.

A respondent affirmed how to achieve this, it is necessary to have offices on the ground, which can enhance both acceptance of the organisation and its ability to respond.¹²² However, another has also pointed to the centralization of more sensitive decisions, such as the recruitment of personnel or the identification of beneficiaries, to headquarters outside the country, to mitigate corruption, risks for local staff and to better ensure their acceptance.¹²³ Recruitment policies are also considered important in creating a cooperative environment with the local community, for instance by ensuring through appropriate screening of the staff.¹²⁴

Secondly, capacity building of local actors is considered pivotal to ensure sustainable action, to make actors more autonomous and to achieve substantial change. Different approaches were suggested by

¹²⁰ Interviews #1, 2, 3, 4, 5, 9, 10.

¹²¹ Interviews #1, 2, 3, 5, 9, 10.

¹²² Interview #10.

¹²³ Interview #8.

¹²⁴ Interview #5.

interviewees. Recruitment policies that aim at gradually replacing internationals with local staff are deemed to significantly enhance the capacities of nationals.¹²⁵ The direct involvement of local communities into projects is also considered a means to achieve stronger societies. One organisation has mentioned the example of its work in the protection field, where creating community-based child protection teams improved the capacities to identify vulnerable kids.¹²⁶ Another interviewee pointed at a blind spot in capacity building activities: local authorities.¹²⁷ Although already-mentioned difficulties associated with engaging with local authorities are present, the respondent stated that this would be a significant step toward ending aid dependency.

Despite the already present international commitments to enhance localisation and community-based approaches, such as the Grand Bargain,¹²⁸ an interviewee observes how such international pledges struggle to translate into any practical implications.¹²⁹ The representative of a consultancy agency has seen how localisation lacks a clear common understanding and long term vision among all actors, with projects still considered to be mainly imposed from above.¹³⁰ According to the interviews, transforming localisation from empty words into real action would definitely improve the capacity of the Syrian society to see basic needs met.

During the interviews, another common theme was brought up together with localisation: the need to consider not only everyday challenges of humanitarian access, but to address long-standing issues that have made the humanitarian response in NWS unsustainable.

¹²⁵ Interview #3.

¹²⁶ Interview #10.

¹²⁷ Interview #3.

¹²⁸ The Grand Bargain is an agreement reached in 2016 at the World Humanitarian Summit, establishing an agreement between major donors and humanitarian organisations.

¹²⁹ Interview #10.

¹³⁰ Interview #3.

Indeed, NGO workers stress the necessity to exit from emergency programming:¹³¹ after more than ten years of hostilities, there is the need to transition from IDP camps to dignified shelter, from food baskets to support to the private sector, finally reducing aid dependency. Only with this new perspective, humanitarian access, in the sense of “access by those in need to the goods and services essential for their survival”,¹³² can truly be realized. The prospect of early recovery and resilience-oriented programming was welcomed by study participants as a means to achieve this.¹³³ Several obstacles can impair such process: the limited time frame cross border resolutions have had so far, the condemnation of projects for the reconstruction of Syria before a political solution is found, and the impediments of localisations cited before. Nevertheless, the interviews prove the drive from local NGOs towards these new forms of interventions. It is to see if donors and other actors involved will follow.

The recurrence of these unsolicited inputs from interviews shows the pressing nature of such requests. In protracted civil war contexts, as the Syrian war has now become, emergency programming needs to be complemented by other ways of working, capable of giving back to civilians their dignity and hope for a different future, exiting the aid dependency trap by effectively giving back agency and centrality to the local population.

8 The 2023 Earthquake: a Wake-Up Call for The Humanitarian Community

The severe earthquake that struck NWS and Southern Türkiye in February 2023 exposed the already existing critical flaws of the humanitarian aid system in NWS, while also presenting some relevant repercussions on humanitarian access.

¹³¹ Interviews #3, 8, 9, 10.

¹³² Rep. *Humanitarian Access in Situations of Armed Conflict - Field Manual 1.0*. Federal Department of Foreign Affairs - Confédération suisse, 2011.

¹³³ Interviews #4, 9, 10.

8.1 *The Earthquake Response: a Humanitarian Failure*

“We have so far failed the people in north-west Syria. They rightly feel abandoned. Looking for international help that hasn’t arrived.”¹³⁴

This was the tweet of the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Martin Griffiths, on the 12th of February 2023, one week after the devastating earthquake that killed more than 4,500 people in Syria¹³⁵ and 50 thousand¹³⁶ in Türkiye. The international humanitarian community has indeed failed to deliver life-saving aid to the Syrian population, and the roots of this failure can be found in the already analysed weaknesses of the humanitarian system in NWS.

The initial response was led by local communities and NGOs, despite the fact that workers of local NGOs were themselves affected by the disaster. The two interviewees based in NWS recalled that they were coordinating the humanitarian response from their car, as their houses and offices were not safe, while at the same time having to attend to the needs of their families.¹³⁷ Indeed, many staff members of humanitarian organisations were dead or injured, while others had to take care of their close ones before attending to others. This was also one of the causes of late international response, as UN agencies and NGOs working cross border have their headquarters mostly in the Hatay and Gaziantep regions, which were also heavily hit by the earthquake and hence had to deal with the consequences there before being able to operate for NWS.

One of the major and highly concerning failures of humanitarian assistance in the aftermath of the disaster was the lack of search and rescue teams coming from other countries. In a situation where

¹³⁴ Griffiths, Martin. “Martin Griffiths - X Account.” Twitter, February 12, 2023. <https://twitter.com/UNReliefChief/status/1624701773557469184>.

¹³⁵ Rep. *North-West Syria: Situation Report (28 April 2023)*. OCHA, 2023.

¹³⁶ Rep. *Türkiye: 2023 Earthquakes Situation Report No. 17, as of 6 May 2023*. OCHA, 2023.

¹³⁷ Interviews #7, 8.

every hour matters to find people alive under the debris, the humanitarian system failed. No country wanted to send their Search and Rescue teams in areas under the control of NSAG, due to possible legal implications.¹³⁸ The Syrian White Helmets were therefore left alone to conduct these lifesaving activities. The number of lives this decision has costed cannot be counted.

The shortcomings of coordination systems were also brought to light: both NGOs and UN mechanism did not have adequate contingency planning for such disasters, nor at the NGO neither at the UN level. According to respondents, the clusters were also not responding properly, especially in some sectors. Coordination was mainly done through rapid communication means such as whatsapp or skype, but overall it has been considered inadequate by practitioners.¹³⁹

In addition, the supply chain of goods was severely undermined, while needs of non-food items and shelter were skyrocketing. Bab-al Hawa was also reported to not function after the disaster, due to infrastructure damage and unavailability of border-crossing's workers. Local procurement was reportedly difficult, seen the shortage of necessary goods and the immediate price rise of those available.¹⁴⁰ Interviewees reported how bureaucratic procedures further hampered the access to critical items.¹⁴¹

These ramified causes have had as consequence one of the most evident humanitarian catastrophes of recent times, showcasing the concerning unpreparedness of the international community in responding to large-scale disasters in civil war contexts, and its inability to find innovative, effective solutions even when hundreds were trapped under the rubbles.

¹³⁸ Interview #6.

¹³⁹ Interviews #4, 7, 8, 9.

¹⁴⁰ Interview #8.

¹⁴¹ Interviews #8, 10.

8.2 *The Aftermath of the Disaster: Repercussions for Humanitarian Access*

One respondent was sceptical that the earthquake would bring about changes for the humanitarian community and said that substantially nothing has changed.¹⁴² Nevertheless, it is possible to note some shifts in practices of humanitarian access.

Seen the blockage of Bab al-Hawa, the Syrian regime authorised the UN to use two new border crossings from Türkiye, Bab al-Salameh and Bab al-Rai. In total, from February to August, 3,896 trucks have been delivered from Türkiye by the UN.¹⁴³ While this was welcomed as a means to ensure access in critical times, it can also be considered the first step that led the UN to the analysed - and potentially dangerous - decision to operate cross-border through Assad's consent.

Another important shift regards the entering of UN staff and donors inside NWS through an agreement with Damascus, arriving at 203 missions from February to August 2023.¹⁴⁴ These missions could represent a push for the creation of coordination systems inside NWS, as the UN - according to interviews - also witnessed the need to have more presence on the ground, not relying only on third party reporting.¹⁴⁵ UN agencies different from OCHA have also taken a more active role in negotiating with local authorities, which could change the channels through which access is secured. One interviewee critiqued this shift in UN action, saying that directly accessing NWS should and could have been done before, and that the UN decided to change positioning only following the public opinion's outrage against its lack of action.¹⁴⁶

Funding opportunities also increased and were easier to access following the disaster. The US and the EU eased their sanctions for transactions related to earthquake relief for six months, to allow

¹⁴² Interview #1.

¹⁴³ Rep. *North-West Syria: Situation Report (13 September 2023)*. OCHA, 2023.

¹⁴⁴ *Ibidem*.

¹⁴⁵ Interviews #6, 8.

¹⁴⁶ Interview #8.

speed delivery of aid. Donors also generally shown more flexibility in regard to counterterrorism and sanctions regimes, showing that it is something possible when the political will is present. Additional funds were allocated into NWS, however their adequacy to respond to all needs and their sustainability is questioned.

According to one interviewee, the earthquake could represent the push towards localisation, that many NGOs have called for.¹⁴⁷ Indeed, Syrian organisations have shown their capacity to respond in times of crisis, in a faster and cost-efficient manner. Empowering such efforts, providing them with additional and direct funds, could represent a means for Syrians to gradually exit aid dependency.

Finally, another effect of the earthquake has been the “disaster diplomacy” Assad has been pursuing to normalize ties with other countries: receiving aid into Damascus, talking with foreign ministries and allowing the cross-border passages in the north are means to accrue political gains over the shoulders of Syrians that have lost everything, again.

The devastating effects of yet another catastrophe affecting Syrians in the North-West have re-traumatised a population affected by more than a decade of conflict, forcibly displaced, stranded in makeshift camps and still not secured access to basic means of survival. While the earthquake has shown the faults of the humanitarian system in NWS, this moment should be considered as an opportunity to build back better the response, securing humanitarian access to all. Moreover, the international community should question its plan of action in the event of disasters in civil war contexts: the territorial control by NSAG should not impair rescue teams to deliver timely assistance, or for humanitarian organisations to receive and deliver adequate support.

¹⁴⁷ Interview #1.

From this tragedy, many lessons need to be learned.

9 Access in Civil Wars: Lessons Learned from North-West Syria

Civil wars present distinct challenges to humanitarian actors. In particular, the presence of NSAG impairs the humanitarian aid mechanism by confronting actors with a legal and operational system unprepared to respond.

Analysing the access constraints and possible turning points in NWS through the voices of those that strive daily to ensure that the basic needs of Syrians are met, sheds light on possible lessons learned that can be instrumental in other civil war contexts.

The majority of humanitarian access constraints in NWS, being them legal or of coordination, stem from the territorial control of non-State groups. NWS shows how State-centric paradigms still prevail above others focused on concepts such as human security or the responsibility to protect, even in catastrophic situations as a devastating earthquake.

The issuing of the cross-border Resolution, which was initially hailed as a powerful tool to overcome stalemates by despotic States, and that has indeed managed to provide a lifeline for thousands of Syrians in NWS, has also shown its shortcomings, finally leading the UN to retrace its steps and strike a deal with the Syrian government. As central governments in civil wars have in their best interest to undermine the well-being of the population in rebel-held territories, humanitarian access cannot be sought through it. This calls the international community to reflect on the requirement of State consent to access those areas for the provision of life-saving goods, bearing in mind the needs of the most vulnerable over those of the State system.

The earthquake response has proven how dangerous this paradigm can be. In a situation of severe distress, no State has taken the “risk” of deploying their search and rescue teams, leaving an already vulnerable community to cope on its own. A crucial lesson learned from this tragedy would be to develop contingency plans in all civil war contexts, to be prepared in the event of a natural disaster and make sure that risk-adverse decisions do not impair life-saving assistance to be deployed in all areas, both under State and non-State control.

Moreover, delivering aid in civil wars forces organisations to navigate a complex scheme of regulations that third countries enforce to cut ties with authoritarian governments and terrorist groups. In NWS, this has created a web of legal norms that disincentivize different actors, from bank to donors, from NGOs to private foundations, to operate in the area to avoid possible backlash. This is also the case in other countries in similar situations, creating bureaucratic hurdles that can significantly limit humanitarian access.

To untie this knot, in civil wars pledges and regulations to ensure that humanitarian relief is not subject to these restrictions must be matched by a deconstruction of the fear surrounding operations in these areas through different means, such as providing clear guidelines to donors and NGOs, establishing easier due diligence procedures or more effective joint advocacy efforts. The flexibility shown by actors during the earthquake relief on these regulations proved that it is possible to do so.

Aside from the central State, another pivotal actor that relief organisations need to deal with to ensure access in civil war are de facto authorities. Understanding their goals, capabilities and internal organisation can be key to achieve successful humanitarian negotiations and deliver aid to those in need. As in the case of NWS, when civil conflicts are protracted, armed groups (or foreign powers, as Türkiye in Northern Aleppo) often aim at establishing civilian governments in the areas they control to strengthen their legitimacy claims. In these cases, humanitarian organisations are crucial to

maintain the survival of these fragile systems. Thus, humanitarians need to understand their role in these dynamics and use it as a bargaining chip to ensure access to the most vulnerable. To do so, it is important that NGOs and IOs effectively coordinate, joining forces to strengthen their positioning and ensure their claims are heard.

Regarding coordination, the case of the Cluster system headed in Türkiye and the many complaints brought forward by interviewees, show how in rebel-held areas it is necessary to have methods of coordination where operations are conducted, and not only in remote management arrangements. Despite the challenges that can arise to do so in NIACs, both in security and legal terms, this objective should be prioritized to enhance access management capabilities.

The issue of remote management is strictly linked to localisation. Interviews have clearly highlighted how being accepted by the local community is pivotal to secure access to those in need, as well as to ensure the security of humanitarian actors and better understand the context. In civil war situations, where social ties can be strained by hostilities, this is ever more important and should be sought from the ignition of humanitarian activities.

Finally, in situations of protracted civil conflict such as Syria, emergency responses must be substituted by longer term prospects and programming. Although the difficulties that these processes can have, they represent the more sustainable way to ensure that communities can meet their basic needs, while building back their lives.

Policymakers should take into account the numerous challenges raised during the interviews in order to enable more effective access to life-saving aid in a world beset by civil wars. While many irredeemable errors have been made in NWS, and paradigm shifts are still strongly needed, the

international community should now ensure that such mistakes do not occur again, neither in Syria nor in other contexts.

10 Conclusions

North-West Syria remains nowadays one of the most complex scenarios, an ongoing humanitarian catastrophe, where people already grappling with the effect of a twelve-year-old conflict are currently dealing with an unprecedented natural disaster. Ensuring humanitarian access to this population is a challenge on many fronts and brings to the surface the blind spots of the international community in responding to non-international armed conflicts.

While NWS as a case study has shown on many occasions the failure of the international community to effectively deliver aid, it can represent a starting point to develop new practices in civil war situations. Establishing new legal pathways to operate in rebel-held areas, conducting strategic negotiations with all actors involved, improving coordination through a focus on local entities, having more flexibility from donors and effectively implementing localisation policies can be good starting points to improve access to local populations in NIACs.

This study does not claim to be comprehensive of all the issues that can arise during aid delivery in an ever-complex setting as NWS, however, it hopes that, by giving practitioners a voice, it has contributed to ideas for improving humanitarian access in Syria and elsewhere.

Finally, while humanitarian assistance is critical to ensure life-saving assistance, political solutions capable of addressing the voices of those whose lives have been destroyed by the Syrian government and bringing peace to the country are the only ones that constitute real, durable solutions to the population's needs. The recent spike in anti-Assad protests across Syria, twelve years after the Arab

Spring, is the living testimony that the Syrian people will not settle nor rest, until justice will be served.

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