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Managing the Humanitarian Micro-Space: The Practices of Humanitarian Access in Syria

The delivery of humanitarian aid remains one of the main challenges in contemporary armed conflict. The legal, political, and physical construction of a sustained and respected humanitarian space, in which such aid delivery can occur, is a fragile operation. Humanitarian spaces increasingly appear fragmented and localized. They are re-negotiated continuously, either as part of subnational and local truces and peace or cooperation agreements or through ad-hoc bargaining between humanitarians and armed actors. Based on a comparison of how relief efforts are negotiated in Syria, this article argues that humanitarian space is not shrinking as it is commonly assumed, but instead being reconfigured as humanitarian micro-spaces. Such micro-spaces are fluid, dynamic and overlapping arenas of relief, constantly challenged, and morphed by different actors. Working in humanitarian micro-spaces requires continuous political involvement and decision-making, which presents a substantial challenge for humanitarian organizations.

Keywords: Humanitarianism, Disasters, Politics of Aid, Humanitarian Space, Peacebuilding, Syria

Introduction

To cope with the challenging on-the-ground realities of contemporary armed conflict, humanitarian actors traditionally rely on ‘humanitarian space’. This space is fundamentally conceptual in nature yet should also provide the practical conditions for aid delivery to all those in need. It is designed to separate relief from the armed conflict’s politics and infighting. Views differ on how exactly this space should be guaranteed. It is institutionalized by various political and legal instruments, such as International Humanitarian Law (IHL, Thürer, 2007), ceasefires, or peace agreements. These instruments frequently underpin the commitment to safeguard humanitarian space (Leader, 2000: 17; Giacca, 2011). Another cornerstone is the humanitarian principles on which humanitarians base their mandate and the decision-making in their daily work. The commitment to humanity, neutrality, impartiality, and independence should protect relief from being drawn into the conflict (Hilhorst and Jansen, 2010; Yamashita 2017).

The principle of humanitarian neutrality has repeatedly been challenged, while the task of avoiding active involvement in the politics of the conflict remains widely uncontested. It is still a requirement for humanitarians to unconditionally speak with all conflict actors, irrespective of their practices, behaviours, and political roles. This practice is believed to be a crucial factor in constructing humanitarian space. Examining the case of Syria, this article argues that, at least in some contemporary armed conflict settings, constructing a unitary humanitarian space is virtually impossible due to the structural disrespect shown by conflict parties and their, at times radical, political claims. The conceptual space on which humanitarian actors ground their work appears to have lost purchase.

The ability to gain humanitarian access depends not only on maintaining neutrality. It also relies on continuous negotiation and trust-based networking with local and national actors (Shannon, 2009; Collinson and Elhawari, 2012). More often than not, these practices require subjective, partial, and exclusive decision-making on whom to work with or not. Decisions cannot be neutral and inevitably open some doors while closing others. This challenging process has been described as the ‘shrinking’ of humanitarian space. The explanation appears valid and self-evident in terms of the conceptual construction of a unitary space spawned by IHL and the adherence to humanitarian principles.

This article suggests a different reading. It demonstrates that humanitarian actors have widely adapted to circumvent the constraints on relief work that result from contemporary conflict dynamics. Humanitarian actors accept political negotiations with selected local actors on the grounds as a necessary condition to provide relief. They have to rely on constant bargaining and actively engage in negotiation and mediation between conflict parties. Against this background, the article critically examines whether

negotiated stipulations on humanitarian access in ceasefire and peace agreements have any tangible effect on aid delivery. Practitioners are forced to bypass ideal-type concepts and sacrifice the principle of impartial aid delivery to remain operational. It can be asserted that “humanitarianism as a project is morphing” (Ticktin, 2014: 281) by the gradual weakening of methods traditionally appearing in conflict management and peace negotiations.

This article investigates the practices of these negotiations to understand how humanitarian access is bargained. To re-conceptualize the form and space of humanitarian aid delivery, it introduces the concept of *humanitarian micro-spaces*. These spaces (1) constantly shift and overlap, (2) are competitive (also between humanitarian agencies) and exclusive, and (3) in need of continuous negotiation and renegotiation, that often relies on a highly personalized network of trust. It argues that ‘humanitarian space’ is not a singular and confined space. Instead, many different humanitarian spaces emerge that are dynamic and continuously negotiated by all conflict-actors involved, including humanitarian actors.

The rationale whereby humanitarian space is a once ample and unitary that is now shrinking and increasingly fragile fails to capture the ongoing changes that characterize the dynamic of present day’s humanitarian work. This article does not understand the increasingly fragmented character of humanitarian work and the need to often decide for intervening in some spaces and against intervening in others as a process of shrinking. Instead, it understands it as micro-spaces that independently safeguard humanitarian operations according to disparate and evolving conditions, negotiated settlements and processes. Politics is not the unintended consequence of relief operations anymore but has become an indispensable cornerstone in navigating and managing humanitarian micro-spaces.

To substantiate our argument, the article relies on primary data gathered from humanitarian actors involved in humanitarian operations in Syria. While the emergence of humanitarian micro-spaces is prevalent in many contemporary conflict settings, we focus on the Syrian context as it is advanced in the sense that humanitarians have already moved away from a traditional understanding of the humanitarian space. Many humanitarians acknowledge – although rarely publicly – the fragmented and politicized character of their efforts. Syria demonstrates how humanitarian efforts are constrained by local conditions and are subject to constant renegotiation. Instead of high-level negotiations in multilateral forums, humanitarian actors utilize carefully established networks of trust and constant bargaining with local actors. Access to affected populations is gained through humanitarians’ “persuasive power and relevance on the ground” (Collinson and Elhawary, 2012: 2).

This change coincides with changing practices in political negotiations in armed conflict. Globally, the period since 2015 has seen the negotiation of several hundred written and publicly available peace agreements at the subnational and local level, which often focus on humanitarian issues.¹ These agreements can take the form of ceasefires or cooperation agreements between cities and other localities to enable aid delivery and resource sharing. While some agreements mainly deal with the implementation of humanitarian relief work, others do not tackle humanitarian issues directly but introduce modalities of resource pooling or sharing. Subnational bargaining meets changing perceptions and practices of humanitarian actors of gaining access in contemporary conflict. In Syria, these efforts are commonly confined to local issues. They are constantly renegotiated, resulting in a fuzzy array of small, dynamic, and continuously changing humanitarian micro-spaces. Despite the importance of these dynamics, little is known about how humanitarians have adapted to this practice (Shannon, 2009: 15; Hilhorst and Jansen, 2010; for exceptions, see Clements, 2019).

An ideal world would see a close interrelation between all interested stakeholders in negotiations on humanitarian access, ceasefires, conflict management, and peace. Our investigation reveals a different picture. The history of both humanitarian aid delivery and political negotiations is, in most instances, separated. Given the structurally competitive character of humanitarian micro-spaces, it seems elusive to expect a close collaboration. Therefore, this article does not ask for pathways of better coordination,

interlinkage, or complementarity. It asks for possible modalities to negotiate, navigate, and manage humanitarian micro-spaces as an intrinsic part of the conflict landscape.

The article draws on a qualitative content analysis of 91 Syrian peace agreements from the PA-X peace agreements database and ten in-depth semi-structured interviews conducted in English with humanitarian actors active in aid delivery in Syria. The participants were active in different regions in Syria and provided a representative understanding of the situation's heterogeneity in different parts of the country. This includes the harder to reach opposition areas in which one of the participants had been present for several years before fleeing Syria. The interviewees were approached via purposive and snowball sampling. One of the authors' existing contacts recruited other study subjects from among their network of acquaintances.

The topic's sensitivity meant that participants were more likely to trust the authors if they shared a mutual and trusted contact. This gave valuable insights and a deeper understanding of desk-based research findings. The interviewees' views were corroborated with previous research, expert opinions, reports, and news clippings to ensure that the analysis was not one-sided. Interviewees were selected based on their expertise and/or personal experiences working in Syria. They represent a broad variety of organizations involved in the Syrian context, ranging from multilateral organizations to local NGOs and community-based initiatives. To protect participants' identity, several precautionary measures have been taken. Written consent was obtained first via the mutual contact before the author approached participants, participants were referred to using cover names, and recordings of the interviews were transcribed and deleted. Participants were also sent the interview questions a few days before the interview and asked to indicate any questions they would prefer not to discuss. The interviews were conducted over Skype between October and December 2018 without video to enhance participants' trust that their identity would not be revealed publicly.

However, the semi-structured interviews can only reveal partial insight into humanitarian relief work in Syria. Therefore, the empirical insights are only a starting point for a broader discussion on practices that characterize humanitarian micro-spaces in highly contested conflict contexts.

The first part of this article offers an overview of the concept of humanitarian space as it is commonly used in the humanitarian literature and a discussion of the modalities employed by humanitarian actors to maneuver it. The second part contrasts this picture with an analysis of the Syrian peace agreements, their conceptualization of humanitarianism and the concrete openings the aim to provide for aid delivery. The third part discusses the insights provided by the interviewees and the actors' direct experience with written ceasefire and peace agreements and negotiating humanitarian access on the ground. The fourth section draws on this empirical analysis to elaborate on the concept of humanitarian micro-spaces, analyzes the structural reasons for their emergence, and develops pathways for their navigation. The concluding section puts these findings in a broader comparative context and examines implications for the future character of humanitarian aid delivery.

Humanitarian Space(s)

The notion of the 'humanitarian space' is rooted in Henri Dunant's work since 1862 (Hilhorst and Jansen, 2010: 1117). It became part of the mainstream discourse of humanitarians in the 1990s (Abild, 2010; Hubert and Brassard-Boudreau, 2010). The concept remains ill-defined. The term is generally used to describe a conducive "humanitarian operating environment" – a transnational "antiterritory" (Clouette and Wise, 2017: 8) – in which humanitarian actors are protected and given the right to adhere to the principles of humanity, neutrality, impartiality, and independence. These principles delineate and justify a clear distinction between the roles and functions of humanitarian actors – saving lives and alleviating suffering – and military and political actors. It is a practically constructed conceptual space that should enable and safeguard ongoing and forthcoming relief work.

Some humanitarian agencies emphasize the rights of aid recipients to obtain assistance and protection (Oxfam, 2011: 19-20). For the UNHCR, humanitarian space is about the quality of 'protection space'

enjoyed by refugees and other civilians: a reasoning that has its roots in international refugee law (e.g. Edwards, 2010; Stevens, 2013). Humanitarian agency is still essential in the humanitarian space. However, it is recognized that other actors, including the affected communities themselves, should play a structural role in relief efforts (cf. Barbelet, 2019: 22-24). Agencies such as the International Committee of the Red Cross (ICRC) align their understanding of the humanitarian space with the principles stipulated by International Humanitarian Law (IHL). Respective principles include the obligation to meet humanitarian needs or, at least, to permit access for humanitarian actors to assist in the protection and provision of relief to the civilian population.

Humanitarian space dialectically incorporates both the physical space in which humanitarians operate, such as refugee camps, safe-havens and humanitarian corridors during ceasefires, and the conceptual space that safeguard the right for humanitarians to operate without the fear of being attacked (Leader, 2000: 17). “The concept of humanitarian space removes humanitarian organizations from the violence of political struggles onto the plane of morality, shifting their work to a different register in which it is accountable not to the interests of the powerful but only to the human as universal, disinterested, and apolitical form of life” (Clouette and Wise, 2017: 7). From this perspective, humanitarian work should remain strictly independent from politics. Independence, or so it is hoped, guarantees humanitarians the ability to carry out their mandate in a safe environment (Tennant et al., 2010). Such an understanding of humanitarianism is contested by influential humanitarian agencies such as MSF that take a more vocal political stance to protect but also lobby for the most vulnerable (see Barnett, 2011: 38-40).

Contrary to traditional conceptions, some scholars underline the inherently political nature of aid provision. Hilhorst and Jansen (2010) re-conceptualize the humanitarian space as an ‘arena’ where a multitude of actors negotiate aid, including aid agencies and local communities, but also politicians, soldiers, civil militia, rebels, religious groups, and women’s organizations. The perspective of negotiation highlights the inherently political nature of aid delivery. It asserts that humanitarian needs (and their relief) are always a product of the dynamic and complex interplay of political, military, and legal actors.

Regardless of the precise definition, the dominant narrative holds that the humanitarian space is a conceptually and physically existing space that keeps practitioners safe and that this space is shrinking (Brassard-Boudreau and Hubert, 2010; Fast, 2007, 2010; Hoelscher, Miklian, and Nygard 2017). Contrary to the ‘golden age’ of humanitarianism when humanitarians occupied a “special position on the international political chessboard ... untroubled by the geostrategic and political considerations” (Magone et al., 2012: 1) of belligerents, humanitarians today would be increasingly hindered from the ability to aid civilians effectively (Roepstorff, 2019; Lazaridis and Khursheed Wadia, 2015).

Several scholars have questioned this linear understanding of the shifting nature of humanitarian work (Beerli, 2018; Dandoy and Pérouse de Montclos, 2013; Weissman, 2016). While an increasing trend of attacks on aid workers is empirically evident, this trend cannot be explained simply by the prevailing political and security conditions (Hoelscher et al., 2017). It is also a consequence of the vast increase in numbers of aid agencies and aid workers that try to operate in dangerous conflict zones over the past two decades. Moreover, Donini et al. (2008) argue that humanitarian aid agencies used to work merely at the margins of conflict areas, where they were not considered threatening or even beneficial. More recently, “humanitarian action is very often at the center of conflicts and of international concern” (Donini et al., 2008: 4). The geographical focus of the aid sector has shifted, as have its activities and priorities. How humanitarians operate in armed conflict contexts today is not comparable to what they did some years ago.

In response, organizations try to protect staff by implementing additional security measures and contingency procedures. This type of securitizing humanitarian relief aggravates the situation further. It produces mutual perceptions of the “fortified aid compound” (Duffield, 2010) among humanitarians, conflict parties, and aid recipients. Furthermore, it results in more significant investment and emphasis

on improving security management and working through ‘remote control aid’ rather than direct action. This may produce “new forms of inequality and difference” (Beerli, 2018: 83).

The safety issue points to a bigger problem. Adherence to the humanitarian principles has been perceived as a deal between humanitarians and belligerents whereby the latter agree not to sabotage relief if the former agree not to interfere in the conflict. When humanitarians would no longer be perceived as neutral, the protection from belligerents would be lost. As a result, humanitarians would have to face a more hostile operational environment (e.g. Eckroth, 2010).

However, the criticism of humanitarian aid’s inherently political character has persisted since the beginning. According to this criticism, humanitarian aid cannot be regarded as ‘politicized’ due to recent developments. Consequently, it is hardly possible to speak of one ‘type’ of humanitarian space nor can this space be constructed in apolitical and neutral terms, as is attempted in contemporary conceptual and legal framings. Humanitarian space appears as contested and permanently moving, determined by the interplay of interests among a variety of political, military, economic and other actors, organizations, and institutions (Allie, 2011; Hilhorst and Jansen, 2010). Notwithstanding the respect of and compliance with humanitarian principles, humanitarians cannot rely on automatically being perceived as ‘neutral’ or ‘impartial’ by host communities.

This paper seeks to challenge the dominant conceptual narrative by arguing that the discourse of ‘shrinking’ humanitarian space, to which the solution is stronger adherence to principles, is a myth. It challenges this assumption on two fronts. First, it reshapes the conceptual claim of having one humanitarian space by expanding on the patchy landscape of relief in Syria, consisting of tens if not hundreds of humanitarian micro-spaces instead of a single one that ‘shrinks’ or ‘expands’. These spaces are fluid, dynamic, and evolving so fast that practitioners can hardly keep up – within hours, a humanitarian micro-space could be brought into existence, disappear, and pop back up again. Second, when negotiating these micro-spaces, politics are no longer unintended (or even intended) consequences or byproducts of aid delivery, they are essentially part of the game. When the engagement in politics turns into a precondition for humanitarian action, the safeguarding role once ascribed to the humanitarian space as a conceptual claim vanishes.

Negotiating Conflict and Relief in Syria

In the absence of a nationwide ceasefire or peace agreement, negotiations concerning the armed conflict in Syria have taken a localized form. These localized peacemaking or ceasefire efforts often emerge around humanitarian challenges or, at the minimum, deal with relief efforts. Local peace agreements provide a meaningful empirical basis on which the negotiations on humanitarian micro-spaces and its characteristics can be assessed.

The PA-X peace agreements database includes over a hundred agreements from various parts of Syria. Based on an analysis of 91 of them, this section provides an overview of these agreements and how they relate to humanitarian practices. The first noteworthy observation is the growth of this negotiation pattern, resulting in an increase in the number of agreements from only three in the year 2013 to twenty-eight in the year 2017. The bulk of these agreements refers to tightly limited localities and timeframes. National-level agreements and regional-level agreements with the participation of international powers are the exception. The increased number of written local and subnational agreements in the absence of a comprehensive peace settlement contrasts with other armed conflicts in the region. Negotiations beyond the national level have always been prevalent in conflict settings. For instance, in the 1990s and 2000s, they commonly appear in the grey zones of armed conflict in Iraq, Somalia, or Afghanistan. These conflicts have not seen the same number of written agreements, however.

The objectives of the Syrian agreements differ widely. Of the 91 agreements analyzed, 43 are limited ceasefires and truces, often with substantial humanitarian implications. Some of these 43 agreements are mainly humanitarian in nature and deal with challenges like the joint use of infrastructure across frontlines. Another eight agreements are classified as ceasefires. They deal mainly with the cooperation

between armed factions against a common enemy and, hence, usually do not include humanitarian issues. The remaining set of agreements consists of unilateral declarations by international stakeholders, UN Security Council resolutions, and international agreements on Syria.

Several ceasefire agreements refer to humanitarian issues in more concrete terms. One of the main topics that emerge in the agreement is the free movement of people and goods, often combined with the opening of roads and the handling or even dissolving of checkpoints. In agreements between armed groups, prisoner release, prisoner exchange, and the exchange of bodies are commonly raised. Relief and the delivery of medical and humanitarian aid are other vital concerns, predominantly stipulated in ceasefire agreements.

A striking (and early) example of this mix is the 24-hour truce in Arsal in Lebanon that was signed on August 5th, 2014 after violent clashes between Syrian Islamist rebel groups and the Lebanese Armed Forces: “4. The wounded will be transported [out] and civilians are permitted to leave, particularly women and children. Under the supervision of the Arsal Committee, doctors will be brought in to treat those who cannot be moved; 5. Permit the delivery of food, medical and humanitarian aid to the town of Arsal”. The short duration and limited territorial dimension of this ceasefire are typical. We cannot confirm this agreement’s actual impact on aid delivery. However, the general disconnect between humanitarian organizations working across Syria and these localized short-term settlements suggests that these stipulations only refer to local humanitarian actors already present in the area.

In other agreements, international powers guarantee a demarcated entry point for humanitarian access in specific localities. Russia’s agreement with the Free Syrian Army in Jubar and East Ghouta from August 16th, 2017, even refers to the checkpoints where the aid delivery needs to take place: “In order to realize this goal, side two guarantees and facilitates the immediate entry of relief and medical convoys as well as other humanitarian needs through the two checkpoints”.ⁱⁱ On a localized level, such mechanisms happen as a tit-for-tat, where one gesture triggers another: “3. As a gesture of goodwill, the fighters will release three Lebanese soldiers in return for the entry of media bodies and humanitarian relief organizations”.ⁱⁱⁱ

Another relatively novel type of agreement apparent in Syria is pragmatic settlements on localities’ joint use of shared infrastructure. At times, these deals result from humanitarian mediation brokered between towns or villages to alleviate suffering and improve living conditions on both sides. One such example is a truce agreed between the towns of Bayt Sahem and Babila on January 15th, 2014: “5. Re-supply the towns with water and electricity and re-construct public and private property. 6. [Undertake] a mutual ceasefire. 7. Open the roads leading to the two areas and introduce various types of assistance to civilians”.^{iv} Other examples refer to the exchange of goods or access to infrastructure, for example between water pipes and electricity; or to the commercially motivated opening of corridors for goods supply, which occurred in and around Damascus (Kaldor and Sassen, 2020: 1).

Humanitarian actors play a role in brokering these agreements by humanitarian mediation.^v Nevertheless, humanitarians rarely appear in these agreements since their mandates, policies, and practical interests require them to frame themselves as neutral and below the radar of politics. The ICRC, mainly referred to in regard to prisoner release, and UN agencies are the only humanitarian agencies named in the Syrian agreements. The non-disclosure results in coordination and communication challenges.

Internationally brokered agreements and resolutions by the UN Security Council on the Syrian civil war almost always address humanitarian concerns, albeit in different jargon and according to different objectives compared to local agreements. National-level agreements primarily refer to importance and necessity of aid delivery in general terms, and the issue of internally displaced person (IDPs) return. In most instances, these references remain broad and non-binding. They have the character of a plea and are impossible to implement. Consequently, they are rarely able to establish or sustain humanitarian spaces.

Agreements address humanitarian access in vastly different ways, especially regarding applicability and implementability. The UN Security Council Resolutions offer one extreme example. As highlighted above, the bleak outlook for any implementation attempt results in stipulations that read general and hollow. UNSCR 2254 (2015), for instance, states “12. Calls on the parties to immediately allow humanitarian agencies rapid, safe, and unhindered access throughout Syria by most direct routes, allow immediate, humanitarian assistance to reach all people in need, in particular in all besieged and hard-to-reach areas, release any arbitrarily detained persons, particularly women and children, calls on ISSG states^{vi} to use their influence immediately to these ends”.^{vii}

The principal reason for such loose stipulations in most multilateral declarations and treaties, including UN Security Council resolutions, is the apparent impossibility to implement them. The Astana agreements intent to create so-called ‘de-escalation areas’ in three parts of Syria, signed in 2017 between Iran, Russia, and Turkey, are a case in point. Astana agreements have a distinct character. The three signatory powers had and partly still have the power and the means required for implementation. And they refer to humanitarian affairs: “the following de-escalation areas shall be created to put a prompt end to violence, improve the humanitarian situation and create favorable conditions to advance political settlement of the conflict in the Syrian Arab Republic”.^{viii} However, the political constellation between the signatory parties suggests that the agreement serves, first and foremost, political purposes that are framed as humanitarian while being political in nature.

It is doubtful whether agreements can be considered peace agreements or even ceasefires when they concern the cooperation between armed groups against a common enemy or bargain the establishment of de-escalation zones by the regional powers. Such agreements habitually refer to humanitarian challenges and the need for humanitarian aid. But they neither try to resolve nor de-escalate the ongoing conflict and primarily serve political objectives.

A comparison of the written Syrian agreements reveals an array of different approaches towards creating humanitarian space that involve generalizable trade-offs. On the one hand, a limited set of international agreements appeals to the major conflict parties and is known to all significant humanitarian agencies. Yet, these agreements are hardly ever enforceable. A subset of those is subnational agreements on de-escalation zones. They are also well-known but established militarily according to the political interests of international powers involved in the conflict. Accordingly, their appeal to humanitarian actors is limited. On the other hand, agreements at the local level often provide hands-on provisions and concrete modalities for aid delivery. However, these agreements remain unknown to many humanitarian actors, either purposively because the information is not shared by the actors engaged in the region or their factually limited publicity. In most instances, knowledge seems restricted to the actors immediately present or involved in the negotiations.

The *realpolitik* of navigating armed conflict incites signatories to peace agreements to further underline their ineffectiveness as drivers of improved humanitarian access. Peace agreements are regularly signed for gains in a quickly shifting and highly volatile political marketplace (de Waal, 2015). Humanitarian actors share the sentiment that “Syria is governed by the interests of the parties to the conflict, no one is looking for the welfare of the Syrian people”.^{ix} An institutionalization of trust, even informally, is tricky under such circumstances.

The absence of enforcement mechanisms leads signatories to adhere to peace agreements only when they are in their direct interest. Agreement violations are frequent, even the top-down guaranteed de-escalation zones agreed to at the track one diplomatic level are perceived as “not being real”.^x Furthermore, the roles of armed actors are frequently shifting. The Syrian conflict landscape resembles a messy patchwork of overlapping micro-spaces and agreements at the subnational and local level. Against this background, humanitarians attach little value to peace agreements because the parties involved “will do whatever they want because they have authority and control”.^{xi} Thus, their utility remains confined to humanitarian actors close to the negotiations, who can immediately use what has been agreed.

Negotiating the Humanitarian Micro-Space: Practices of Getting Access

The absence of a unitary humanitarian space forces humanitarians to create and navigate operating spaces in more pragmatic, limited, and, often, independent ways. Negotiating access requires understanding and adapting to the context and the drivers and incentives of the parties involved in a specific place and at a specific time. This includes the opposition, the Syrian government and its allies, or extremist organizations such as ISIS. In opposition-held areas, access is mainly determined by two interrelated factors: (1) an organizations' ability to gain acceptance through establishing networks and trustworthiness, and (2) through negotiations with local authorities. While the acceptance from the local communities is essential to gain access, determining the type and quantity of access depends on bargaining, the humanitarians' persuasive muscle, and their relevance on the ground, which needs to be proven by their concrete capacities.

To obtain community acceptance, international organizations often localize the response and work through national staff. The shared language, culture, and familiarity with community dynamics strengthen the humanitarians' ability to establish good relations with the local councils, which hold significant influence over local communities in a given territory. Notwithstanding the imperative of community acceptance for any operational presence, access is not an open-ended invitation. In most instances, a constant dialogue is the only means available and turns into a structural feature when negotiating humanitarian micro-spaces.

Negotiations for access occur either directly between a humanitarian negotiator and leaders of the opposition, or indirectly through local intermediaries. Who acts as the intermediary depends on the organization. Small organizations tend to rely on individuals with local authority involved in an ad-hoc manner. Larger organizations often stick to clear guidelines delineating who should be involved in such a process.^{xii} Even in the latter case, however, "negotiating can be really local, without international staff being aware of it".^{xiii}

Collective bargaining and coordination between organizations in negotiation processes are very limited if existent at all. Our data suggests that competition between organizations for access to certain areas is a structural consequence of the often-personalized networks of trust required to establish a humanitarian micro-space. Organizations lack joint operating protocols, ground rules, and most problematically, joint red lines on the kinds of bargains that are acceptable. As one interviewee put it, humanitarian organizations "don't have one voice".^{xiv} If one organization is unwilling to cross a particular red line, another is probably willing to do so. The ability for conflict parties to play humanitarian actors against one another in this competitive space gives conflict parties considerable leverage and bargaining power to dictate the terms under which humanitarians can operate.

In cases where only national actors can gain access, international organizations may opt for remote management.^{xv} The often-voiced criticism whereby international organizations transfer risk to national staff is not entirely unfounded. But the picture is more complicated (cf. Howe et al., 2015). Humanitarian operations are undertaken by local staff not to transfer risk *per se* but because they have or can obtain access that international actors do not.^{xvi} Still, the fear of repercussions for violating anti-terrorism legislation has made INGOs hesitant to work with local and unregistered organizations. In the exercise of due diligence, counter-terrorism legislation is interpreted conservatively. The resulting pressure to adhere to legislation and gain access tempts humanitarian organizations to take counter-productive decisions that impede the primary objective of gaining access to deliver aid.^{xvii} As a growing number of INGOs channel their programs through a limited set of formally approved NGOs, these NGOs become overburdened. In this way, steps taken to increase security and regulatory compliance often have detrimental effects (Duffield, 2010; 2012; Smirl, 2008; Fassin, 2010).

Humanitarian actors involved in our research are aware of this dynamic: "we can do all sort of things to invest in skills and capacity ... but none of that is going to matter if governments are going to require organizations to demonstrate that not only do they not have any engagement with these military groups

but that they are not even located in the same areas as these groups”.^{xviii} Donors also exert efforts to avoid violating counter-terrorism legislation by demanding detailed information on where and how donations are disbursed and who the specific partners on the ground are. Actors adhering to such demands risk damaging their reputation as a reliable partner by showing distrust of local partners and the communities. Consequently, even if organizations are “behaving impartially we may be perceived to be otherwise”.^{xix}

Considering these observations, it remains uncertain whether humanitarians’ ‘unawareness’ of negotiations with local parties is intended. Organizations may internally recognize the importance of such negotiations. Yet, publicly they often remain ‘unaware’ to avoid facing political or legal repercussions for engaging with ‘terrorists’. Instead of confronting governments and donors with the perverse effects of counter-terrorism legislation, organizations often choose to remain silent. Unwillingness to openly admit that negotiations and concessions happen contributes to negotiations being undertaken without sufficient coordination, documentation, and contingency planning. This fragmented response again shifts bargaining power to the conflict parties while decreasing humanitarians’ foothold.^{xx}

This dynamic has substantial effects. In government-held areas, several factors typically associated with humanitarian aid-effectivity become by and large irrelevant, like the acceptance of humanitarian actors by local communities, humanitarian organizations’ image, and whether organizations are international or national. Acceptance is determined primarily by the political position towards the Syrian government. Humanitarian organizations operate in government-held areas based on a memorandum of understanding with the Syrian government that prohibits those operating in opposition-held areas from working in government-held areas and vice versa. As one interviewee stated, “no one can say no to the government of Syria, you have to do what the government says to operate”.^{xxi} The government can assert direct pressure on international and national organizations and demand the implementation of specific projects, stopping certain relief efforts, and hiring specific staff. If these kinds of concessions are not met, access is denied. Organizations operating in government-held areas are thus frequently referred to as the “civil version of the regime”.^{xxii}

In this context, negotiating access may come with considerable trade-offs and restrictions and, in some cases, even result in an organization’s expulsion from Syria. Organizations with a broader scope of operations on which the government relies, such as the ICRC, can mobilize more leverage.^{xxiii} Given the difficulty of operating effectively in government-held areas without making substantial concessions, the humanitarian principles of neutrality and impartiality have become “empty words”^{xxiv} among humanitarians. Still, most organizations aim to distinguish between political intent, which should be avoided, and political impact, which is inescapable. Third-party states such as Russia or Iran, on which Syria depends politically and militarily, can exert pressure to force the Syrian government to adhere to peace agreements. The extent to which Russia and Iran are willing to push the Syrian government to take particular decisions depends on their political interests.^{xxv} In the perception of the humanitarian actors on the ground, the humanitarian imperative and welfare of the Syrian people is rarely part of this calculation.^{xxvi}

In ISIS-controlled areas, neither the humanitarian principles nor peace agreements provided humanitarians with any significant leverage. ISIS showed “no interest in whether you were impartial or neutral. You could have been the most principled humanitarian actor, but ISIS did not care. The humanitarian principles were not what ISIS cared about”.^{xxvii} ISIS was not interested in any form of negotiation, regardless of the character of humanitarian organizations as international or national, novel or established. To some extent, however, community acceptance was relevant in ISIS-held areas. Although ISIS ultimately determined which organizations were granted access and under what conditions, once the local community granted access, the acceptance became pivotal to maintain legitimacy.

The communities substantially influenced decisions taken by ISIS and its preference for local organizations.^{xxviii} Another critical factor was organizations' pre-existing reputation, and the established relationships and trust within the region before ISIS overtook power.^{xxix} Contrary to government-controlled areas, in areas held by ISIS, Russia and Iran had little to no influence in pressuring ISIS to adhere to any form of agreement. Again, the absence of internal red lines provided the background against which humanitarian actors were willing to make significant concessions to remain present.

In all three cases (areas controlled by the opposition, the government, ISIS), peace agreements show negligible influence on humanitarians' ability to gain access. To assume otherwise would reflect "naivety in terms of what is happening on the grounds".^{xxx} Peace agreements "do not exist in reality. I can sign a lot of peace agreements, but that is living in heaven, but it works nothing. ... you cannot trust these controlled authorities there because they do whatever they want".^{xxxi} This fundamental tension defies the presumption that peace agreements can establish and guarantee humanitarian space. To gain access, humanitarian organizations are forced to work with the local context and existing power structures. They need to adopt pragmatic approaches for navigating and exploiting local opportunities to constantly re-negotiate humanitarian micro-spaces. Humanitarian actors are forced to interact and frame their objectives and interests in accordance with those of their counterparts.

This pragmatic approach requires employing the humanitarian principles not sacrosanct but as an operational tool that leaves some space for compromise and pragmatism. Active political decision-making is necessary as well, often to the extent that some areas are deliberately excluded from relief efforts because the 'wrong' parties controlled them. In such contexts, it is not helpful to understand humanitarian space as a solid place that – for a foreseeable period – forms or should form a security blanket around practitioners. When humanitarians see the humanitarian principles as non-negotiable, "everything begins to fall apart".^{xxxii} The constraints imposed 'from above' and contingencies 'on the ground' confront humanitarians with an operational paradox as they find themselves negotiating *in practice* what is non-negotiable *in principle* (Stott, 2007).

Navigating the Humanitarian Micro-Space: Implications for the Conflict Landscape

Negotiating and bargaining have always been an essential part of humanitarian operations (for an older account, see Toole, 2001). The conditions for such negotiations have substantially changed, however. Recent cases such as Syria, Libya, South Sudan, and Yemen demonstrate that the likelihood of stable, nationwide ceasefires, which could provide for an overarching humanitarian space, is declining. The absence of even temporal national agreements between the main conflict parties makes the localization of aid delivery and the need for humanitarian negotiations inevitable.

Humanitarian actors have to continuously negotiate these micro-spaces and learn how to navigate and maintain humanitarian micro-space as a structural phenomenon. Three aspects of this challenge require further discussion: (1) the operational separation between negotiations on relief and the overall conflict setting, (2) the contingent, overlapping, and competing character of humanitarian micro-spaces, and (3) the need to develop a conceptual and practical skillset to navigate these conditions.

First, humanitarian micro-spaces are the product of a two-fold separation. As has been shown, negotiations on peace and negotiations on humanitarian access and aid delivery evolve in parallel but are often decoupled. In a context where overarching national agreements are not being undertaken anymore, such decoupling discourages information-sharing among all external actors in the field, be it humanitarians, peacebuilders, or development workers. The personalized nature of the negotiations makes the navigation of humanitarian micro-spaces a separative effort. Sharing information about access runs the risk of undermining discretely achieved positions, especially if any overarching institution that could negotiate and implement operations effectively on behalf of others is missing.

Since large-scale relief operations have become deeply entrenched in the ongoing contestation, humanitarian micro-spaces rarely extend beyond the conflict's overarching fault lines. Any effort to link them or include them into agreements at the national level is virtually impossible. While humanitarian

actors traditionally intended to act in apolitical ways, these inherently political process fundamentally transform their working conditions.

Second, humanitarian micro-spaces are contingent and overlapping. These spaces cannot be delineated and need to be continuously produced and reproduced in a contested political environment. The disappearance of an agreed-upon humanitarian space is endorsed by humanitarian actors who, in a place such as Syria, experience difficult and highly contextualized working conditions. Trust cannot be shared, but networks of trust can overlap and co-exist. Therefore, humanitarian micro-spaces appear as an essentially ungoverned phenomenon. This is not necessarily bad news since such forms of ‘ungovernance’ may also disrupt the conflict setting and shift conflict logics (Pospisil, 2020). Paradoxically, one interviewee even reported that some of the best opportunities for humanitarian access exist in localities where nobody is in control.^{xxxiii}

Third, contrary to negotiations on humanitarian grey zones, navigating the numerous humanitarian micro-spaces that may exist in a region is a new endeavor for many humanitarian actors. In such an uncertain and dynamic environment, habitual operational reasoning should encourage the investment in adaptive information management and real-time communication so that information on limited truces and agreements can be widely shared amongst actors.

However, given the institutional constraints mentioned above, it is questionable if a technical fix is available. Accepting the existence of humanitarian micro-space not only turns aid delivery into a deliberately political effort. It also requires developing techniques such as humanitarian mediation and the analysis of local conflict management mechanisms. Many practitioners have already developed a specific skillset to answer the immense practical challenges they face. Still, there is a noticeable gap at the organizational level. Accepting the political character of relief and the usefulness of institutionalized mediation capacities remains a challenge for many established actors in the field.

Conclusions

The investigation into the practices of negotiating humanitarian access in Syria demonstrates that actors are involved in an enduring bargaining process around what we refer to as humanitarian micro-spaces. We suggest understanding these humanitarian micro-spaces as structurally distinct from the established concept of humanitarian space in three respects. First, based on an assessment of the current conditions of humanitarian access and relief work, humanitarian micro-spaces are not a unitary construct that shrinks and expands. These spaces are multi-faceted, partly overlapping, fluid, and constantly moving. Second, humanitarian micro-spaces are not unitary and are often structurally tied to specific organizations or agents and their networks. They are rarely joint or common but exclusive and competitive. Third, establishing these micro-spaces requires continuous negotiation and bargaining. These factors have already contributed to a remarkable change in the practices of humanitarian actors and catalyzed the emergence of new practice fields such as humanitarian mediation.

While constant bargaining around aid delivery has always been part of the humanitarian enterprise, the current conditions in contexts such as Syria are different. In the absence of any national-level peace agreement, the level of politicization and influence of existing power structures in the negotiations on humanitarian micro-spaces rise substantially. As our analysis shows, neither the humanitarian principles nor the call for better coordination among the humanitarian actors can solve this challenge. The process of the enduring re-construction of humanitarian micro-spaces works against it.

The condition of humanitarian micro-spaces has at least three consequences for humanitarian actors involved in navigating them: (1) an irreversible systemic shift to humanitarian aid delivery as an explicitly political process, (2) the need for professionalization in humanitarian negotiation and mediation, and (3) the requirement for flexibility and pragmatism instead of the reliance on policy mantras or legal backbones.

First, the need to collaborate closely with the conflict parties that control target territories has resulted in a structural politicization of the humanitarian effort that challenges the established humanitarian

principle of ‘neutrality’. Understanding how access is obtained in humanitarian micro-spaces makes the operation political. It influences the conflict, shifts alliances and power structures, and contributes to the settlement of local peace agreements that impact overall conflict dynamics. The constant analysis of the conflict dynamics and humanitarians’ role within those – not just in the sense of conflict sensitivity but as a reflection of political settlement dynamics and political unsettlement – becomes critical in such a context.

Second, humanitarian bargaining for micro-spaces relies on trust, networks, and the competence to negotiate and mediate. Recent years have seen a move by several humanitarian actors towards the professionalization of their capacities in this field. Besides the Centre for Humanitarian Dialogue, new initiatives such as the Centre of Competence on Humanitarian Negotiation aim to enhance the quality of the work. While this shift is still met with some reservation in the humanitarian field, it is critical. The art of political bargaining is an integral part of the daily work of humanitarians in conflict contexts such as Syria. Humanitarian negotiation and mediation, and the ability to opt for a particular role in this respect, have become an essential prerequisite for the navigation of humanitarian micro-spaces.

Third, since the humanitarian principles cannot guarantee a unitary humanitarian space, their role and content shift. Experience of practitioners shows how the principles are applied in a pragmatic way. The principles are used when useful but are not enforced dogmatically, either externally or internally. Such flexible interpretation has led to the blurring of red lines and enhanced competition among actors. At the same time, the shift is unavoidable, given the dominant role of the conflict parties when it comes to bargaining power for humanitarian relief. Besides neutrality, maintaining impartiality has also become challenging since organizations sometimes need to take exclusive decisions on whom they will and will not cooperate with. Very few humanitarians and organizations can rely on a bargaining power strong enough to enforce conditions such as working with several belligerents simultaneously. In Syria, the ICRC is one of the few exceptions.

Against this background, international policy paradigms and the humanitarian principles are of only limited use in giving guidance for the navigation of humanitarian micro-spaces. Good knowledge of the political context and the willingness and ability to pragmatically engage with it is essential.

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Endnotes

ⁱ See the peace agreements referring to internal armed conflict in the PA-X peace agreements database (www.peaceagreements.org).

ⁱⁱ "Agreement regarding the Steps to Find a Comprehensive Solution to the Syrian Issue by Peaceful Means in the Area of Decreased Escalation which includes all of Jubar and East Ghouta", signed in Geneva between Russia and the Political Bureau of the Free Syrian Army in Jubar and East Ghouta on August 16th, 2017, translated text from the PA-X peace agreements database.

ⁱⁱⁱ "Arsal 24-Hour Ceasefire Agreement", signed on August 5th, 2014, original text from the PA-X peace agreements database.

^{iv} "Truce Agreement in the towns of Bayt Sahem and Babila", signed on January 15th, 2014, original text from the PA-X peace agreements database.

^v Statements by humanitarian mediators in the PSRP Joint Analysis Workshop on Local Peace Agreements, British Academy, London, October 8th, 2019.

^{vi} ISSG refers to the "International Syria Support Group", which consists of 20 states and international organizations with stakes and interest in the Syrian conflict.

^{vii} "Resolution 2254 (2015), adopted by the Security Council at its 7588th meeting, on 18 December 2015", original text from the PA-X peace agreements database.

viii “Memorandum on the creation of de-escalation areas in the Syrian Arab Republic”, signed in Astana on May 4th, 2017, original text from the PA-X peace agreements database.

ix Interview no. 5

x Interview no. 8

xi Interview no. 3

xii Interview no. 4

xiii Interview no. 1

xiv Interview no. 6

xv Interview no. 5

xvi Interview no. 5

xvii Interview no. 7

xviii Interview no. 4

xix Interview no. 7

xx Interview no. 4

xxi Interview no. 5

xxii Interview no. 1

xxiii Interview no. 8

xxiv Interview no. 6

xxv Interview no. 2

xxvi Interview no. 5

xxvii Interview no. 7

xxviii Interview no. 1

xxix Interview no. 1

xxx Interview no. 7

xxxi Interview no. 3

xxxii Interview no. 4

xxxiii Interview no. 9