Explainer: Humanitarian Corridors

This document is part of a series of explainers that aim to strengthen understanding of specific mechanisms used to advance the protection of civilians (PoC) and improve humanitarian access in situations of active conflict. They are designed primarily to inform NRC strategic decision-making and advocacy and are not intended to serve as an exhaustive operational guide.

While the explainers are informed by international legal frameworks, the way certain terms are used in practice is often distinct from how they were originally set out in international law. The explainers highlight these points of distinction where relevant, and they further recognize that these PoC and access mechanisms continue to vary and evolve from context to context. With that in mind, the explainers offer some general considerations for their use, without seeking to make a definitive judgment on when, where, and how a specific mechanism should be implemented.

What is a humanitarian corridor?

There is no standard definition of a humanitarian corridor, nor are corridors specifically defined under international humanitarian law. The definition used most frequently, and which most accurately reflects how corridors are typically understood in practice, comes from the ICRC:

Humanitarian corridors or safe passages are essentially agreements between parties to the armed conflict to allow for **safe passage for a limited time in a specific geographic area**. They can allow civilians to leave, humanitarian assistance to come in or allow for the evacuation of the wounded, sick or dead.¹

The protection and access afforded by a humanitarian corridor comes from the fact that they are **agreed to by all relevant parties** – a temporary suspension of hostilities along an agreed route and for an agreed period of time. Corridors that are declared unilaterally cannot offer this same protection, even if a protection or supervisory arrangement has been mandated (e.g. by the UN Security Council) and is in place.

Humanitarian corridors are closely related to humanitarian pauses, which are discussed in a separate explainer. Corridors are typically narrower in geographic scope and are focused on facilitating safe passage (whether of civilians or relief items), whereas humanitarian pauses generally cover a wider geographic area and may serve broader humanitarian purposes.

When and where might they be used?

In general, NRC calls for **humanitarian access** and **safety guarantees** rather than humanitarian corridors. Given that a corridor only generally provides passage on a specific route for a specific period of time, their benefits are inherently limited. Civilians and humanitarian actors need more than one-off access: we need the sustained ability to deliver aid to those who need it, and for civilians to be able to move safely.

¹ ICRC, <u>How humanitarian corridors work to help people in conflict zones</u>, 3 June 2022. See also the <u>OCHA</u> <u>Glossary</u>, which includes a similar definition.



There are, however, certain instances in which the humanitarian community or NRC may call for a corridor, namely when all of the following conditions have been met:

- When **all other options have been exhausted** for securing broader humanitarian access and the protection of civilians have been exhausted
- When there is an **urgent need** to facilitate the movement of civilians or relief items
- In **areas of active hostilities**, whether in the form of air or ground operations

Corridors may also be used in connection with other access or PoC arrangements – for example, to facilitate an evacuation or in place of a generalized pause or ceasefire. Considerations for evacuations and pauses are covered in separate explainers.

It is important to note that even when a corridor is used, it does not suspend the duty of parties to conflict to **comply with their obligations under IHL elsewhere**: namely, to respect and protect civilians in other areas and to allow the passage of relief items.

What are the drawbacks and risks?

As highlighted above, there are significant drawbacks to corridors as a protection and access mechanism and they often come with considerable risks for the affected populations and humanitarian personnel.

- As noted above, **corridors offer very limited protection and access** given that they are inherently limited to a specific route and time. This is particularly true if hostilities continue elsewhere, as humanitarians and civilians may be unable to reach the designated corridor safely. Likewise, if other restrictions on humanitarian assets and personnel remain in place (e.g. on importing supplies or issuing visas for humanitarian staff) the corridors may have limited utility.
- Calling for corridors prematurely (i.e. before other access and protection options have been exhausted) **may undermine efforts to secure more comprehensive and lasting agreements** e.g. for general humanitarian access and for civilians to be protected during hostilities. It can also set a precedent for future negotiations.
 - Relatedly, it is important to be aware that corridors can become a media spotlight, including in cases where well intentioned individuals call for corridors but actually mean humanitarian access. The media focus may then further undermine efforts to secure more comprehensive agreements.
- **Parties to a conflict may instrumentalize the use of corridors** for public relations purposes or to avoid delivering more sustained protection or access. Agreeing to a corridor can allow them to cultivate a positive public image while offering very little, which may undermine broader efforts to influence the conduct of hostilities or hold parties to account.
 - Relatedly, in cases where corridors are used to allow civilians to self-evacuate, parties to the conflict may unlawfully argue that anyone remaining is a fighter and not entitled to protection.
- Parties to a conflict may also instrumentalize corridors to deliberately depopulate an area, whether for their military objectives or for broader political or strategic objectives associated with changing the demographics of an area (i.e. ethnic cleansing). Under certain circumstances, this can amount to a violation of the prohibition of forcible transfer under IHL.

- If corridors are established without a thorough analysis of the context, **they may create pull factors into or out of an area** under conditions that are premature, unnecessary, or unsafe.
- If the preconditions for the corridor are not in place (e.g. if a corridor is declared unilaterally or loses its civilian character), the **corridor could actually increase risks for civilians and humanitarian actors** who may be given a false sense of security in using the corridor.
- The term "corridors" is also sometimes used by non-humanitarian actors for other purposes e.g. to facilitate the evacuation of foreign nationals. Depending on the circumstances, this may create confusion if humanitarians are also seeking to establish a corridor.

What is required to establish a successful corridor?

To avoid the risks outlined above, the following preconditions must be in place:

- The corridor must have a clearly defined purpose. If humanitarian actors call for a corridor, we must know if the intent is to move supplies in, allow civilians to exit, a combination of the two, or something different. This is an essential foundation for securing an agreement with the parties to the conflict, and also to ensure that humanitarian actors are all working in the same direction.
- There must be a detailed agreement by all parties to the conflict on the terms of the corridor, preferably agreed in writing. This agreement should outline the location of the corridor, when it will be in place, for how long, whether it will be recurring (if agreed in advance), whether there will be any protection of the corridor or supervisory arrangements, and any conditions around the corridor's use e.g. any restrictions on who may use the corridor or items that may be carried. The agreement should be made at senior levels, but the terms of the corridor should be proactively shared to all troops that are present in the area.
- Details on the agreement must be shared in a timely fashion with affected communities and humanitarian actors. Civilians and humanitarian actors need time to prepare for the movement, whether to exit or to transport relief items. Corridors that are declared at the last minute are unlikely to serve their intended function. Affected communities must agree to maintain the civilian and humanitarian character of the corridor (e.g. by refraining from carrying arms).
- **The corridor must be safe, accessible and functional.** If it is impossible for civilians or humanitarian actors to reach the corridor, or if the corridor terminates in a location that is itself unsafe, then the corridor is likely to have limited utility and may be used by parties to the conflict to give the illusion of access and protection without delivering it.
- Any facilitation modalities must be agreed. If humanitarian actors will be involved in moving supplies or supporting the movement of civilians, this must be coordinated among relevant operational actors (preferably via the Humanitarian Country Team).

Additionally, while it is not necessary for all humanitarians to be involved in a corridor, advocacy for the establishment of a corridor is typically far more effective when there is a **unified stance among humanitarian actors on whether a corridor is needed and for what purpose**. For this reason, and as detailed in the last section of this document, we encourage NRC staff to consult with other humanitarian actors before calling for the establishment of a corridor



– especially as once a corridor is called for, it is difficult to then negotiate for more comprehensive access or protection.

What other considerations should be taken into account?

Given the considerable risks involved with corridors, the complexities involved with implementing them, and the importance of using corridors as a measure of last resort, there are a series of questions NRC staff should ask before calling for a corridor. The answers to these questions will help determine whether it is the appropriate moment to consider a corridor, the level of risk that is likely to be involved, and whether humanitarian actors or civilians would be able to benefit from the corridor's functions.

- Have all other options been exhausted for securing broader humanitarian access and/or the protection of the civilian population?
- Have the terms of the corridor been agreed by all relevant parties to the conflict? In writing?
- Do the parties have a good track record of adhering to these types of agreements or respecting commitments made during humanitarian negotiations? What is the level of chain of command?
- Are there any factors that may increase the likelihood that the corridor becomes a target (e.g. presence of armed actors that are not signatory to the corridor agreement)?
- If the corridor is to allow civilians to move, can they get to the corridor safely? If they use the corridor, will they reach an area that is safe? Are there any other impediments that would prevent civilians from being able to use the corridor to reach an area of safety (e.g. "screening" requirements along the corridor route or the presence of "guards")?
- If the corridor is to enable humanitarian supplies to enter, can they be distributed safely and in accordance with humanitarian standards and principles once at the destination?
- Are civilians and humanitarians provided with enough information (including around conditions such as who can move, when, and for what purposes) and informed sufficiently in advance to be able to decide whether to take advantage of the corridor?
- Are other necessary conditions in place to enable the corridor to be used for its intended purpose (e.g. have restrictions on the entry of humanitarian supplies or personnel been lifted)?
- Does the Humanitarian Country Team support the establishment of a corridor and is there collective buy in among relevant humanitarian actors? Is there agreement on which actors would use the corridor and for what purposes?
- Is it likely that corridors are being instrumentalized by parties to conflict?

How are corridors reflected in international law?

- IHL does not include specific provisions for humanitarian corridors. Rather, it outlines that parties to a conflict must:
 - Facilitate rapid and unimpeded passage of humanitarian relief for civilians in need (see CIHL <u>Rule 55</u>);
 - Ensure the freedom of movement of authorized humanitarian relief personnel essential to the exercise of their functions (see CIHL <u>Rule 56</u>);
 - Respect and protect civilians and civilian objects by complying with the principles of distinction, precaution, and proportionality (see CIHL <u>Rules 1-24</u>).



- A fuller overview and analysis of IHL provisions on humanitarian access can be found from ICRC <u>here</u>.
- Humanitarian corridors are one way in which parties to a conflict can give effect to the obligations outlined above. However, even where a corridor is in place, it does not relieve parties to a conflict from upholding their general obligations to respect and protect civilians.

Do we have examples of corridors we can learn from?

In March 2022, officials from Ukraine and the Russian Federation reached an agreement to periodically establish humanitarian corridors to enable the evacuation of civilians from active conflict zones and facilitate the delivery of humanitarian assistance. In practice, the number of agreed-upon humanitarian corridors was limited, and crucial information about their timing and locations was often communicated at the last moment, limiting the ability of civilians to make use of them. Moreover, even when using the agreed humanitarian corridors, civilians encountered multiple checkpoints, with officials from the Russian Federation and representatives of the self-proclaimed "Luhansk People's Republic" and "Donetsk People's Republic" armed forces determining whether evacuations could proceed and who was permitted to pass on a given day.² In some cases, evacuees had to wait for days to cross, and one evacuation convoy was hit by a missile while queuing. These challenges and incidents limited the scope and effectiveness of corridors. Further details can be found in this OSCE report and this OHCHR report.

What steps should be taken if corridors are being considered?

If the protection or access environment has deteriorated significantly and corridors are either already being discussed or may soon be considered, it will be important for the NRC CO to **consult internally** and **coordinate with key actors in the humanitarian system at country level**. Where humanitarians are involved with a corridor it is almost always an interagency endeavor (agreed by the Humanitarian Country Team), and advocacy for or against the establishment of a corridor will be far stronger when carried out jointly with other actors. For that reason, internal and external coordination is essential.

Detailed guidance on steps that should be followed can be found in NRC's internal note on <u>Promoting the Protection of Civilians in Situations of Conflict</u>, and is summarized here:

- Identify who, at CO or field level, has information or expertise relevant to corridors or to protection and access more broadly, and convene them as an informal strategy group.
 - At minimum, this should include someone from: PfV; H2R/Access; ICLA; Advocacy; and Health, Safety and Security (HSS) teams.
 - Where these positions don't exist, are vacant at CO level, or the relevant individuals are less familiar with this topic, consult relevant colleagues at regional or global level.
- With the abovementioned internal group of colleagues, carry out a light touch analysis of the protection risks civilian populations face and the access barriers, and what measures would be most effective in addressing them.

² OSCE, <u>Interim Report on reported violations of international humanitarian law and international human</u> <u>rights law in Ukraine</u>, 20 July 2022.



- As part of this, assess whether broader protection and access tools have been tried and exhausted this is essential in determining whether we have reached the point of last resort.
- Validate this analysis with the above-mentioned individuals, as well as with relevant external counterparts. This could include the Protection Cluster, OCHA, ICRC, or other peer organizations.
- Consult NRC regional and head office colleagues, including (at minimum) the global policy, access, and PfV leads. If the approach is endorsed by NRC regional and head offices, coordinate next steps with other actors (internal and external) at country level before proceeding.

In parallel with any advocacy efforts on corridors, **NRC should always consider what we can do to strengthen protection and access through our operational and coordination work**. The abovementioned <u>internal guidance note</u> outlines options for addressing threats, reducing vulnerabilities, and supporting communities' coping capacities through NRC's core competency programming, access work, and coordination engagement.

Where can I find more resources?

- OCHA Glossary of Terms: Pauses during a Conflict (2011)
- ICRC How humanitarian corridors work to help people in conflict zones (2022)
- ICRC Customary International Law Database
- Geneva Academy <u>Rules of Law in Armed Conflicts</u> classification portal

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