

Squaring the Circle of the Lebanese-Syrian Borders, a Utopia?



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Introduction

Since the declaration of independence of Syria and Lebanon, and the first tracing of the borders between the two countries, many issues have arisen around the accuracy, the reality, and respect of this borderline. Smuggling, illegal transitions, violations of military and political delimitations, and an ever-growing list of violations are reported daily at the borders. This report is twofold; on the one hand, it aims at assessing the situation on the borders through field reports and investigative research, and on the other hand, it is intended to address the legal and historical aspects of the volatile frontline between the two neighboring countries.

In an effort to better tackle the current situation on the Lebanese-Syrian borders, it is essential to define the concept of “delimited borders”. One of the most commonly known characteristics of an internationally recognized sovereign state is full control over its own territory; hence, strictly delimited frontiers are the first step towards sovereignty for countries on both sides. Constitutional law scholars have always maintained that the territory of a state defines its sovereignty within clearly drawn borders, recognized as such by the international community. It is of utmost importance that the borders between any two countries in the world be incontestably delineated.

Bearing in mind that it is ultimately in the interest of both sides that the common borders be delimited and recognized by the international community, this study will demonstrate that the fluid borders between Lebanon and Syria mainly hinder Lebanon’s development, while Syria’s interest remains in maintaining their porosity. It is therefore vital for Lebanon to properly delimitate the borders and strengthen security on both sides. However, as Beth Simmons puts it, “border security, broadly understood, requires a state presence at the border.”¹

As explained by the Westphalian definition of a state, border control is a vital part of border definition². A devotedly expressed will by both neighboring countries is thus necessary to secure their borders through the assertion of their state presence.

How are borders usually established? In a very interesting study, authors Mohammad Al Sayel, Peter Lohmann and Christian Heipke explain that “international boundary making starts with the intention of two or more countries of boundary delimitation.”³ They then

1 Simmons, Beth A., “Borders Rules” (2019). Faculty Scholarship at Penn Law. 2045. https://scholarship.law.upenn.edu/faculty_scholarship/2045

2 “By the early twentieth century, control of territory became part of what it meant to be a state.” *ibid.*

3 Mohammad Al Sayel, Peter Lohmann, Christian Heipke “International boundary making. Three case studies.”, in https://www.isprs.org/proceedings/XXXVIII/1_4_7-W5/paper/Al_Sayel-123.pdf



distinguish the three stages of international boundary establishment: the delimitation, the demarcation, and finally the delineation.

While the delimitation is normally an agreement between the two countries, in which they “establish and describe (...) their common boundary”; the demarcation is more of a field process, and the delineation “a graphical or a mathematical representation of the boundary.”⁴

Around the world, many historians and political observers believe the Lebanese-Syrian border process seems to have passed the stages of delimitation and demarcation according to the definitions stated above, but has not yet reached the stage of delineation. Hence, to date, “a joint Syrian-Lebanese committee must still officially delineate the border.”⁵

To be more precise, the delimitation process was never formed by an agreement between the two countries involved, but rather by the unilateral decision No. 318 made by the French High Commissioner for Lebanon, General Gouraud, in 1920, during the French mandate of Lebanon and Syria.⁶

This decision delimited the borders, in North Lebanon, based on the Nahr el Kebir river-line, in the East, on the ridgeline from the Anti-Lebanon to the Hermon mountains, in the South, the border follows the line from Naqoura all the way to the Hermon mountains, and finally in the West, it falls in the Mediterranean Sea.⁷

Although the tracing of the borders seems to have been carried out properly, according to retired Lebanese General Nizar Abdul Kader, “the French mandate (...) only completed about 80 percent of the demarcation.”⁸ Since then, the Lebanese and Syrian authorities have failed to continue the demarcation and to properly delineate their borders.

Moreover, as retired Lebanese Army General Maroun Hitti explains, Lebanon has “a multitude of contentious areas along the borders with Syria, and not all of them are political. It could be a shop, a house, a small road, etc.”⁹

Consequently, demarcating and delineating the disputed areas can clearly be a matter of years, and depends on a genuine willingness of both sides to settle this dispute.

Until now, according to many observers, historians and analysts, Syria has never had the will

4 *ibid*

5 Bakhos, Walid ; Verdeil, Éric. “Territorialization of the State: A contested process”, in <https://books.openedition.org/ijfpo/13206?lang=fr>

6 Histoire du Liban, des origines au XXe siècle, sous la direction de Boutros Dib. Philippe Rey's editions, 2006. Pages 784-785

7 *Ibid.*

8 “Boundaries and demarcation: delimiting and securing Lebanon’s borders. A conversation with General Nizar Abdel Kader” in https://rc-services-assets.s3.eu-west-1.amazonaws.com/s3fs-public/accord24_BoundariesandDemarcation.pdf

9 Interview of retired General Maroun Hitti with the authors on August 27,2021





to conclusively settle the borders with Lebanon, simply because it has always considered Lebanon as one of its “lost territories.”¹⁰

In summary, the issue of the demarcation/delineation/delimitation of the Lebanese-Syrian borders is not new, and there is no indication that it will be resolved any time soon. So, why is it so important to try “squaring the circle” of this intricate and sensitive issue, at a time when both countries are witnessing ever-deepening unrest and incessant crises?

Lebanon’s actual and past miseries are linked, in one way or another, to its porous borders with Syria. Large-scale smuggling of all kinds, an uncontrolled refugee crisis and huge economic losses are all daily blows to Lebanon’s sovereignty.

The latest of these blows is the free passage of 80 trucks of Iranian oil from Syria to Lebanon, as Prime Minister, Najib Mikati, painfully admitted in an interview on CNN on September 19, 2021. By delivering Iranian fuel to Lebanon without state authorization and despite US sanctions, Hezbollah has once again confirmed its role as a game master and asserted its monopoly on sovereign decisions in the collapsing country, especially its control over the Lebanese borders. This time, however, it was clear and for everyone to see. “Hezbollah has considerably increased its influence over the Lebanese state”, said political scientist Karim Emile Bitar, stressing that the armed pro-Iranian Shiite movement “no longer even tries to hide behind the veneer of legality conferred by official institutions.”¹¹

This study aims to demonstrate the need to delineate and secure the borders between Lebanon and Syria, as this process might be, at least for Lebanon, the only way out of its endless crises, and it would undoubtedly pave the way to a better future for the country.

After setting the historical and legal framework of the porous borders between Syria and Lebanon, the study elaborates their disastrous socio-economic and political outcomes.

10 “Boundaries and demarcation: delimiting and securing Lebanon’s borders. A conversation with General Nizar Abdel Kader” in https://rc-services-assets.s3.eu-west-1.amazonaws.com/s3fs-public/accord24_BoundariesandDemarcation.pdf

11 L’Orient-Le Jour: “Discredited by the Iranian Fuel, The Government Solicited Trust at the Parliament”, <https://www.lorientlejour.com/article/1275308/discredite-par-le-fuel-iranien-le-gouvernement-sollicite-aujourd'hui-la-confiance-de-la-chambre.html>.



Methodology

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This report is based on desk research, fieldwork, and interviews conducted with experts based in the relevant areas. The report focuses more on the issue from the Lebanese side, with some insights about the Syrian side, especially the economic aspect.

The fieldwork was carried out through two trips to border areas inside Lebanon: the first to Akkar, Wadi Khaled, and the second to the “Masnaa” crossing. During the first trip, we discussed the daily challenges and dire living situation with the citizens of the area. The second trip included interviews with residents and a discussion with the Mayor of Majdel Anjar, the Police station, and people who engaged in smuggling activities.

During both field visits, the investigative journalism methodology was adopted; no appointments were made in advance. To access more grassroots and unfiltered information, we visited the areas of Akkar and Masnaa and discussed the current situation with officers, citizens, and mayors in spontaneous chats. This methodology allowed us to access informal information and tell accurate storytelling about their daily lives and their links to smuggling.

The purpose of both field trips was to investigate the border regions, to witness the porous nature of the borders, to listen to different versions given by police officers, residents, mayors, etc. These trips played a pivotal role in fleshing out the desk research conducted in parallel.



Source: Field visit to “Hnayder”, an area next to Wadi Khaled.



Source: Field visit to "Majdel Anjar, Masnaa Ara", a city on the Beqaa borders.

Along with field visits and desk research, many interviews were conducted with Lebanese, Iraqi and Syrian experts in the field, Lebanese researchers who have been working on the subject for years, retired army and military officers, and Lebanese officials.



History defines our future; so does the rule of law



The borders separating Syria and Lebanon are 101 years old; they were first officially recognized by the decision No. 318 of the French High Commissioner General Gouraud, dated August 31, 1920. The very next day, the State of Greater Lebanon was proclaimed by the latter, and the borders of the country were officially declared. Their introduction in the country's first Constitution followed later, in 1926.

Article 1 of the Lebanese Constitution remains the same to this day, and specifies the country's borders, to the North, East, South, and West.¹²

Lebanese historian Issam Khalife is well informed about the making of the country's borders. In an exclusive interview for this study, he explained that in France, in the 1920s, "there were two schools regarding Lebanon: one that defended the idea of a Greater Lebanon, and the other of a Greater Syria."¹³

This statement gives a clear idea of the reasons behind Syria's reluctance to separate from Lebanon. Syria never really recognized Lebanon's independence, nor the borders drawn under the French mandate. However, Syria has hesitantly followed some of the necessary steps to officially separate from its "Siamese" sibling over the decades. Khalife explains that in his opinion, there are in fact five steps before any two countries have their borders officially and duly delineated.

The first step is to define the boundaries between the two countries, following the natural, geographical lines. Then comes the delimitation of these boundaries, during which a commission of experts from both countries draws on a map the names of the delimited regions. The third step is the demarcation, which is fieldwork involving the transfer of maps to the ground, i.e. the physical fixing of points and the assignment of numbers,

12 "Article 1 Lebanese Constitution: Its frontiers are those which now bound it:
On the North: From the mouth of Nahr Al-Kabir along a line following the course of this river to its point of junction with Wadi Khalid opposite Jisr Al-Qamar.
On the East: The summit line separating the Wadi Khalid and Nahr Al-Asi, passing by the villages of Mu'aysarah, Harbanah, Hayt, Ibish, Faysan to the height of the two villages of Brifa and Matraba. This line follows the northern boundary of the Ba`albak District at the northeastern and south eastern directions, thence the eastern boundaries of the districts of Ba`albak, Biqa', Hasbayya, and Rashayya.
On the South: The present southern boundaries of the districts of Sûr (Tyre) and Marji`yun. *On the West:* The Mediterranean."

13 Interview with D. Issam Khalife held in Beirut on September 24, 2021





coordinates to these points, etc. Following demarcation, both parties must “fix”¹⁴ their borders by depositing the maps with the UN Secretary General. Finally, the last step is the administration of the borders, whereas the two countries work on implementing and securing their common frontiers.

Following the technical presentation of border delineation, Khalife agreed that the reason behind the border dispute between Lebanon and Syria is both “biological” and ideological.

He confirmed, however, that despite the uncontested fact that Syria is still, for various reasons, against the mere existence of Lebanon as a state, the border process between the two nations has willy-nilly reached a stage in between the definition and the demarcation. “To date, there are no complete records defining the boundaries between Lebanon and Syria. There are only draft maps, which Lebanon was ready to sign, but Syria never showed its willingness to do so (...) It can be considered that, to this day, Lebanon and Syria have reached the third stage of the borders’ delimitation process, with no further progress possible at this time. The process has come to a halt for reasons that are out of Lebanon’s control.”¹⁵

Moreover, the Syrian occupation of Lebanon between 1975 and 2005, under the pretext of “helping” the Lebanese, hampered any possibility of tackling the border delineation issue. However, since 2005, Lebanon has had the opportunity to reactivate the issue, but has only half-heartedly did so.

The international community has tried to assist Lebanon, first through the all-important UN resolution No. 1680¹⁶, in which the UN Security Council “strongly encourages Syria to respond to Lebanon’s request to delineate borders (...)”, and afterwards, through resolution No. 1701. However, little was done at that time by the Lebanese side.

Later, in 2008, as part of the agreement to establish diplomatic relations with Syria, Lebanon had another chance to take the lead in finalizing the border issue. Instead, there was an agreement on the demarcation that was never implemented because Syria never appointed a representative from its side. The representative appointed by Lebanon, former minister Jean Ogassapian, whom we contacted, refused to discuss the issue.

Briefly, “the establishment of Lebanon’s borders, as well as their management, remains complex until today (...) The complexity of border management in Lebanon is exacerbated by Lebanon’s politically divided landscape.”¹⁷

This fragmented political scene is certainly one of the main reasons for Lebanon’s numerous missed opportunities to establish sovereignty over its entire territory, and finally delineate its borders with Syria.

14 *ibid.*

15 Issam Kahlife, *op.cit.*

16 <https://www.un.org/press/en/2006/sc8723.doc.htm>

17 *ibid.*





Elizabeth Picard explains it very clearly in a 2012 research paper: “post-2005 Lebanon might be considered a state with limited sovereignty, where citizenship remained dubious and national interest controversial.”¹⁸ While this statement may sound harsh, it is quite accurate, as it reflects the responsibility of the various Lebanese governments in their refusal to work towards strengthening the country’s sovereignty. Could they have done things differently?

To answer the question of whether things could have gone in a different direction, in defense of successive Lebanese governments, one must keep in mind that after the forced withdrawal of Syrian troops in 2005, Hezbollah began to emerge as the “unavoidable, crucial” actor along the lines separating Lebanon and Syria. Hence, “a Lebanese-Syrian space has been reproduced that defies the concept of borders. In fact, the border does not serve to demarcate Lebanon from Syria, but rather opens up a Syrian-Lebanese space under the supervision or control by Hezbollah that before 2005 was otherwise controlled by the Syrian army.”¹⁹

The problem remains that apart from studies made by independent researchers and scholars, as well as the various positions of the political parties opposed to Hezbollah, no official statement by a Lebanese government has ever addressed the issue of Hezbollah’s role in delineating and securing the borders with Syria. For Hezbollah, it is no secret that the passages to and from Syria are of paramount importance. They must remain as “available” as possible to serve their purposes, which fail to match with the internationally recognized definition of the sovereignty of a country over its territory.

Finally, with the outbreak of the Syrian war in 2011, Hezbollah’s role at the borders with Syria has increasingly grown, so much that today, “controlling the borders of Lebanon implies contesting Hezbollah’s presence and influence, which is in line with countering Iranian-Syrian influence in Lebanon.”²⁰

One thing is certain, regardless of Hezbollah’s “presence and influence”: over the years, the issue has also become one of economic survival, not only for Hezbollah, but also for Assad’s Syria. The topic of the economic consequences of the porous borders between Lebanon and Syria will be addressed later in this research paper.

18 Elizabeth Picard. Lebanon in search of sovereignty: Post 2005 security dilemmas. Are Knudsen, Michael Kerr. Lebanon: After the Cedar Revolution, Hurst, pp.156_183, 2012. halshs-00781534

19 Jamil Mouawad, “Lebanon’s border areas in light of the Syrian war. New actors, old marginalization”, in Cadmus, European University Institute, Robert Schuman center for advanced research, published in March 2018, available at the following link: <https://core.ac.uk/download/pdf/156757575.pdf>

20 Simone Tholens, Border management in an era of statebuilding lite’: security assistance and Lebanon’s hybrid sovereignty. Published by Oxford University Press on behalf of The Royal Institute of International Affairs, 2017. Available at the following link: <https://academic.oup.com/ia/article/93/4/865/3897495>





To conclude the historical segment and tackle the current situation, we have to acknowledge first and foremost that ill-defined borders are indefinitely delaying the establishment of a sovereign Lebanese state. "A state whose government cannot impose its authority over the entire national space is either, at worse, a failed state, or a defective one to say the least."²¹

In order to better address the issue of the Lebanese-Syrian borders, it is first necessary to classify it: Are the borders contested, or are they rather borders with issues?

Unfortunately, in this case, it is twofold: the borders are still contested to this day, and they are unquestionably borders with issues. "This category includes borders where security issues, terrorism, crime, uncontrolled migration and illicit trade constitute problems."²²

This report aims to demonstrate, especially through field investigation, that all of the above-mentioned problems do occur at the borders between the two neighboring countries.

Do the international regulations protect Lebanon and are they sufficient to implement and help secure the borders? It is quite unlikely. So far, no less than four Security Council resolutions have been issued, directly or indirectly involving the Lebanese borders and sovereignty over its territory (Resolutions 425, 1559, 1680, and 1701). These resolutions provide a viable legal framework for Lebanon, and give it the power to demand that its borders be delimited, delineated, and properly secured.

Yet, a report written by New Opinion Workshop and Lebanon Renaissance Foundation in 2009 found that, "UNSCR 1559 and UNSCR 1701 with regard to the demarcation of the Lebanon-Syria border have not been satisfactorily met (...) There are still 17 non-delineated sectors (...) and 460 km² of Lebanese territory is still under de facto Syrian control."²³

More than ten years after this survey was conducted, nothing has changed, considering the fact that the borders are still as ill-defined, perhaps even more so, due to the spillover of the Syrian war since 2011.

21 Josiane Tercinet, *Liban Conseil de Sécurité et souveraineté*, in *Confluences Méditerranée*, 2009/3, n. 70 pages 113/134. Available at the following link: <https://www.cairn.info/revue-confluences-mediterranee-2009-3-page-113.htm> (free translation from French)

22 Annette Weber, "Boundaries with issues. Soft border management as a solution?", Friedrich Ebert, January 2012. Available at the following link: <https://library.fes.de/pdf-files/iez/08869.pdf>

23 Lebanon-Syria borders. Report. A survey jointly commissioned by the New Opinion Workshop (NOW) and the Lebanon Renaissance Foundation (LRF), revised in 2011. Available at the following link: <http://www.lebanonrenaissance.org/assets/Uploads/LSB-2011-AW.pdf>

Eighty Lebanese Armed Forces border-crossings... and a gap.

Amidst this gloomy scenario and the unlikely possibility of this issue being settled any time soon, a very enlightening interview with retired General Maroun Hitti tells us a bit about the ability and readiness of the Lebanese Army to secure the borders with Syria.

In 2012, General Hitti was overseeing all the border crossings between Lebanon and Syria. During the interview, he explained that “as soon as the borders with Syria are held tight, a series of consequences will follow: first, it will trigger the fall of the Syrian regime and the installation of a new regime. Then, the refugees will return home. Second, we will have succeeded in closing the axis between Iran and Lebanon. Third, we will have sent a strong message to Russia. Finally, we will pave the way to peace negotiations with Israel, which will benefit both Syria and Lebanon. Lebanon will thus once again become a strategic geopolitical point. All this can happen only if the LAF do their job. What hinders this? A decision by the President, and of course, Hezbollah.”²⁴

On the same note, the LAF are not as poorly equipped and frail as some might think. Indeed, common statements such as this one by Simone Tholens suggest: “The Lebanese Armed Forces (...) have historically been loosely structured, poorly equipped and politically divided, and in some parts of the country, notably in Hezbollah-controlled areas, as well as along the Syrian borders, are considered to amount to nothing more than an expeditionary force in their own country.”²⁵

However, General Hitti’s passionate presentation of the way the LAF are organized at the borders with Syria not only denies those assumptions, but also shows a different picture, suggesting a strong and (could-be) efficient military presence, made of no less than eighty border-crossings.

Hitti recalls that when he was in charge of border control in 2012, he asked the British army to help provide the LAF with “Sangars” along the borders. “The British used these kinds of fortifications in Northern Ireland; and you can easily compare the atmosphere there and along our borders with Syria. So I asked them to provide us with Sangars, which they did. At that time, with the help of the British government, we built two fortifications, one in Chedra and the other in Dbebye.”²⁶

24 Retired LAF General Maroun Hitti. Exclusive interview held on 27/8/2021

25 Simone Tholens, op.cit.

26 Interview with retired LAF General Maroun Hitti, op.cit.



The project further developed into 39 watchtowers, already installed along the eastern and northern borders, duly equipped with thermal and infrared cameras, a gyroscopic surveillance system, etc. In short, Lebanon does have, along the borders with Syria, state-of-the-art, sophisticated watchtowers, “that allow (us) to see sixteen kilometers inside Syrian territories, which was extremely useful in 2014, when the Lebanese Army was attacked by Daesh in Aarsal.”²⁷

This is what led former British Ambassador in Lebanon, Chris Rampling, to affirm in 2019 that “for the first time ever, we now have a border that is secure.”²⁸

Hitti goes on to say the LAF can be considered very well equipped along the borders with Syria, with its eighty crossing points and its four regiments, “with only a gap in the fourth regiment, a land still occupied by the Palestinian Liberation Front/General Commandment... unfortunately.”²⁹

In short, the reluctance of Lebanese officials to finalize the process of delineating the contested borders with Syria is the main cause of the porosity of the Lebanese-Syrian borders, and has thus bolstered the strenuous economic repercussions on the local economy and recovery.

²⁷ *ibid.*

²⁸ Press article in Daily mail, 26/1/2019. Available at the following link: <https://www.dailymail.co.uk/news/article-6634215/30ft-UK-watch-towers-Lebanons-border-62million-drive-repel-terrorist-invasion.html>

²⁹ Interview with retired LAF General Maroun Hitti, *op.cit.*



“What do you do for a living?” “I smuggle”



Two field visits, one to Akkar and Qobeyat, the other to Beqaa’s Masnaa border crossing, emphasized the crucial importance for Syria to maintain the borders with Lebanon as porous and accessible as they currently are, as well as the alarming economic impact of this situation for the neighboring country.

After “Chedra”, the last military checkpoint that can easily be crossed when accompanied by a known citizen of the region – which we were – we reach a triangle connecting the three villages of Hnaider, Qarha and Kneiset Akkar. Although this section belongs to Lebanon, the lack of border delimitation, the absence of official military points, and the fact that the area is still rural, have resulted in many hidden roads easily traversed by motorcycles.



In these areas, people rely on smuggling as their primary job. Indeed, “illicit and illegal trade is a border issue from two angles: for the border community – very often neglected and marginalized by the central government – it provides income.”³⁰

With the centralized system of the Lebanese Government, the increasing poverty in regions away from the capital, and the devaluation of the Lebanese lira, some of Akkar’s residents

30 Annette Weber, “Boundaries with issues. Soft border management as a solution?”, op.cit





have seized the opportunity to engage in smuggling as their main source of income.³¹ “People in Batroun have engaged in hotel management, tourism and restaurant business, because by nature Batroun is a tourist city. Here in Akkar, given our proximity with Syria, the activities that we engage in rely on smuggling”, admits one of the citizens interviewed in Aidamoun.

In Akkar, smuggling is not only perceived as a job, but perhaps even a lifestyle. It is certainly not a wisely chosen one, but in light of the opportunities they have, many residents of border regions choose to smuggle and stick to this decision for the rest of their lives. They cross the borders daily to get supplies from Syria. Due to easy access, smuggling medicine, food, fuel and people is what they do best, and it is nothing new: smuggling along the borders between Lebanon and Syria dates back to the day these borders were declared, and it was significantly “stepped up” during the Lebanese civil war until the Syrian army retreated in 2005. “During fifteen years (1990-2005), the Lebanese army and police had been subordinate, sometimes forced partners in the transboundary trafficking of primary goods such as oil products and cement, in the exploitation of the Syrian manpower in Lebanon and, in some occasions, in channeling arms to Hezbollah.”³²

Although Hezbollah has been blamed for the smuggling, there are many other factors such as poverty, the long history of trade between Lebanon and Syria, the economic crisis, the lack of border control, the political situation in Syria, and the lack of government military control of the borders.³³

The main “benefit” of smuggling is to make a profit by facilitating illegal border crossings. How does this happen? Lebanon is a country with a massive poverty rate and illiterate population; which generates a high number of unemployed people, especially those living in remote areas along the borders. Therefore, smuggling “solves” this issue by helping these people find job opportunities. In fact, it involves recruiters, transporters, facilitators, organizers and financiers.³⁴ Imagine the number of opportunities available to these needy people with low social and professional status. Thus, in the short term, smuggling is a way to escape poverty and unemployment.³⁵

In addition, the Lebanese now know what items are needed in Syria, especially in times of war... “Thanks” to smuggling, Syrians have become dependent on the “arrivals” of Lebanese goods. “This includes the smuggling of basic goods, subsidized by the Lebanese state, such

31 Royce Hutson and Taylor Long: “Features of Smuggling in Wadi Khaled, Lebanon”, <https://www.tandfonline.com/doi/abs/10.1080/14678802.2011.614126>.

32 Elizabeth Picard, op.cit.

33 Arab News: “Lebanon’s battered economy spurs smuggling across Syrian border”, <https://www.arabnews.com/node/1776961/middle-east>.

34 The Guardian: “People smuggling: how it works, who benefits and how can it be stopped”, <https://www.theguardian.com/global-development/2015/jul/31/people-smuggling-how-works-who-benefits-and-how-to-put-stop>.

35 JLSB: “Smuggling of goods and its Relationship with Socioeconomic Characteristics of Border Areas”, [http://jlsb.science-line.com/attachments/article/28/J.%20Life%20Sci.%20Biomed.%204\(2\)%2097-102,%202014.pdf](http://jlsb.science-line.com/attachments/article/28/J.%20Life%20Sci.%20Biomed.%204(2)%2097-102,%202014.pdf).





as flour, fuel, and medicine. There are also illegal routes for smuggling stolen cars. Products smuggled into Syria also include raw materials for manufacturing and car parts.”³⁶

This lucrative activity contributes to creating a good bond between the Lebanese and Syrians. Not to mention that it is a kind of “favor” that must be returned when asked for.

In addition, smuggling also increases buying demand to the point where there is “nothing that cannot be sold”.³⁷ If the demand for purchase increases, there is a greater need for production, which has a positive effect on the economy and the recovery of the region, even if it is a short-term and illegal recovery.

In fact, the act of smuggling motivates the smugglers because of the high profitability for individuals, which would also result in higher profits for smugglers. This is because goods can be sold at higher prices in some areas where people line up for hours for a subsidized bag of bread or a container of fuel. This huge profitability is due to the difference in domestic prices with neighboring countries.³⁸

The influence of smugglers through land border control is very important. In fact, border control is exercised by collusion with state authorities. Since the Syrian military occupation of Lebanon, which began in 1976, the two countries have had a “special relationship” that has made the borders between them highly porous. Many factors have contributed to the fact that the Lebanese-Syrian borders are managed in a largely theoretical manner. In reality, we are specifically targeting Hezbollah in this case. Hezbollah uses Syrian territory to train and develop fighters, but also to develop an extremely vibrant smuggling trade.³⁹

In fact, smuggling is being used “as a political currency”⁴⁰; new businesses are being opened all over Lebanon: from small grocery shops to bakeries, clothing, mobile phone and computer stores, furniture retailers and building material suppliers, thereby creating new jobs, especially for young people in many areas. Moreover, Lebanon has seen the opening of new offices providing social welfare services.⁴¹

What about the role of the LAF in this regard? They sometimes thwart some smuggling activities in a very spectacular way, while most of the time, it seems like the Lebanese state as a whole wants to bury its head in the sand and avoid tackling the issue head-on. For example, the Lebanese army seized around 215,000 liters of fuel oil and 71 tons of flour

36 Najia Houssari , op.cit.

37 MENA: “*There is nothing we can't sell : smugglers siphon off scarce Lebanese goods to Syria*”, <https://www.thenationalnews.com/mena/lebanon/there-is-nothing-we-can-t-sell-smugglers-siphon-off-scarce-lebanese-goods-to-syria-1.1196239>.

38 Humanidades & Inovacao : “*Start Smuggling Goods and Currency – Damages and Reasons*”, file:///C:/Users/User/Downloads/1721-Texto%20do%20artigo-5938-3-10-20191015.pdf.

39 Chatham House: “*How Hezbollah holds sway over the Lebanese state*”, <https://www.chathamhouse.org/2021/06/how-hezbollah-holds-sway-over-lebanese-state/04-influence-through-land-border-control-and>.

40 Ibid.

41 Ibid.





at the Lebanese-Syrian border between May 7 and 14, 2020, and arrested 25 people.⁴² But our field visits, along with the deepening Lebanese economic crisis, attest to the exact opposite of well-secured borders...

The Iranian fuel importation episode in October 2021 further indicates Hezbollah's control over these borders. Indeed, while Lebanon was short of fuel, Hezbollah decided to deliver fuel from Iran without the authorization of the state on October 16, 2021. This came after the refusal of the state, with American pressure, to let the ships deliver fuel directly to the Lebanese port. 80 tankers, with a total capacity of four million liters, arrived in Lebanon and unloaded their cargoes in Baalbek into the tanks of Amana gas stations, owned by Hezbollah and targeted since February 2020 by US sanctions, before being distributed on the market, in order of priority.⁴³

Raymond Ghajar, Lebanon's caretaker energy minister at the time, said he "did not receive any request for approval of the import of fuel" undertaken by Hezbollah. The Iranian ship docked on Sunday night in the Syrian port of Banias and began unloading diesel fuel into Syrian tankers that will arrive in Baalbek- Hermel, as there is no legal border crossing in the region and Hezbollah is allegedly using the Hermel crossing for smuggling.⁴⁴



The first convoy of trucks loaded with Iranian fuel on September 16, 2021 in the village of al-Ain, in the Beqaa, amidst Hezbollah flags. Photo REUTERS / Aziz Taher

⁴² Al-Mashreq: "Lebanon engages to fight smuggling between Lebanon and Syria" https://almashareq.com/fr/articles/cnmi_am/features/2020/05/15/feature-04.

⁴³ L'Orient-Le Jour: "Iranian Fuel Covered by Hezbollah Arrived to Lebanon", <https://www.lorientlejour.com/article/1274937/les-premiers-camions-citernes-charges-de-fuel-iranien-sont-arrives-au-liban.html#>.

⁴⁴ Arab News: "Hezbollah Illegally Bringing Iranian Oil to Lebanon", <https://www.arabnews.com/node/1928461/middle-east>.

The Situation of the Borders in Beqaa

The situation of the borders in Beqaa is not very different from that in Akkar. “People here have been smuggling for years, even before the Masnaa crossing was built by the Lebanese government”, revealed the internal security forces officers interviewed. He added that “even if the situation is controlled at the official border, they have the whole mountain to open tracks and smuggle.”

The Majdel Anjar region is the last Lebanese region before the Masnaa crossing. It is located about 55 Km from Beirut and 57 kilometers from Damascus and covers an area of 25,642,775 square meters. In addition, as a border town, Majdel Anjar has also witnessed one of the highest influxes of Syrian refugees, with approximately 25,000 people fleeing the conflict in their home country and settling in the town. With a population of 22,000 in normal times,⁴⁵ the impact of the Syrian conflict is significant, putting a severe strain on local resources such as health, education and infrastructure. Yet the large number of refugees has facilitated the passage of people to and from Syria, especially after the restrictions were put in place during the Covid-19 pandemic, also allowing people with family, business or emergency reasons to cross the borders on both sides.

A brief Google Earth view shows that although the Masnaa area appears to be secure at the official crossing point, the high mountains remain open spaces. According to the police officers at the Masnaa station, the mountains are controlled by military patrols. The one we interviewed confirmed that usually the situation is “under control”, their observation point is open to a large section of the mountain which means that they normally have a view of everything that happens. On the other hand, in an informal discussion with the officer, we were able to access an opposing opinion. “They carry out many patrols a day, but even that is never enough”, confirmed the officer at the Masnaa station. Although it is not obvious from the images seen from Google Earth, a simple field visit shows that the situation is not complicated. With an open eye and from any viewpoint on the mountain, one can see a lot of movement, be it shepherds moving around their flocks of sheep, vehicles without a plate, or simply mountain-hikers.

During the trip to the Beqaa, we decided to test whether the borders can be crossed easily. The best way to find out was to try it ourselves. This is why we attempted to cross the border from the mountainside, and it was actually feasible!

⁴⁵ Strong Cities: “Majdal Anjar”, <https://strongcitiesnetwork.org/en/city/majdal-anjar-lebanon/>.



The location from which the photo was taken is marked with a red cross. It is technically located after the official Masnaa crossing point. As explained by the smuggler we met, "The roads from here are open and safe. It is actually on the Syrian side that the surveillance is tighter." The fact that the mountain is entirely on the Lebanese side of the borders, making it harder to control, might explain this lack in border control.

Since all the people living on both sides are connected by family ties or business relationships, they have found a way to facilitate smuggling by making it a two-step process. Hence, during our visit, we took an off-road trip with A.A., a known smuggler in the area, and were joined by another of his friends from the Syrian side, where we delivered the smuggled goods. "I have been doing this since I was a little boy, I used to go with my father, and he, in turn, used to go with his father, he explained.

Stories from the borders



"I have a degree in Chemistry, I used to be a teacher in an elementary public school here. I used to make around 1 million Lebanese liras a month against countless hours of effort and teaching. Now, working with my cousin at the borders, I make this amount daily. All it takes is finding sellers in Beirut and Tripoli that are interested in buying gallons of fuel to sell them to their connections at black market rates. I deliver the gallons, collect the money, and I can rest after that. Don't get me wrong, I love teaching, but can you live with a million liras a month?"

"For as long as I can remember, my family went shopping in Syria. My father had many connections there; we would go regularly and do monthly shopping for the family. We knew the prices on both sides and knew which ones were the lowest. Sometimes the price of a kilogram of meat would be lower in Lebanon, so we would buy it here. Other times, it would be cheaper there, so we would buy it from Syria. It is easy for us to cross the borders. You can also find some brands that you do not usually find in Lebanon."



Source: Google Earth and field trip to the mountain border of Majdel Anjar and Syria.



Harsh repercussions on Lebanon's economy... and its sovereignty

The vibrant smuggling activity at the Lebanese Syrian borders constitutes a very heavy burden for Lebanon, while being vital for Syria. In May 2020, "Lebanon's Central Bank Governor, Riad Saleme, hinted that the country has lost \$4 billion a year to smuggling, at a time when Lebanon is asking the IMF for \$10 billion in aid."⁴⁶

Over a year later, little has changed: smuggling activities are flourishing, pushing Lebanon further into an unprecedented and seemingly intractable economic crisis, while simultaneously providing the Syrian regime with the oxygen it needs to carry on.

"Despite being on the brink of collapse, the Lebanese economy is keeping a troublesome neighbor afloat: Bashar al-Assad's Syria."⁴⁷

An enlightening article published on May 19, 2020 in "nidaalwatan", highlights the many repercussions of smuggling on the Lebanese production, mainly on agriculture. Poultry farming seems to be particularly threatened: according to the article, more than 50% of the production was lost last year, due to the smuggling of eggs and poultry to Syria...⁴⁸

Smuggling activities at the border have been jeopardizing the Lebanese economy long before the day it officially started to collapse (October 17, 2019). Indeed, economists speak of a rough \$600 million loss per year for the Lebanese treasury as a result of this parallel economy.⁴⁹

Smuggling to Syria from Lebanon is both a consequence and a cause of what is currently happening in Lebanon, but which came first? This question is being asked increasingly

46 Hanin Ghaddar. "The Lebanese-Syrian borders and Hezbollah's priorities", June 10, 2020 in Al Arabiya English. Available at the following link: <https://english.alarabiya.net/views/news/middle-east/2020/06/10/The-Lebanese-Syrian-borders-and-Hezbollah-s-priorities->

47 Lebanon-Syria: Smuggling and sanctions. Report on France 24, April 16, 2021 <https://www.france24.com/en/tv-shows/reporters/20210416-lebanon-syria-smuggling-and-sanctions-the-new-front-line>

48 Oussama el Kadri "Smuggling's repercussions on local production and putting it at risk of economic death" Article in nidaalwatan, May 19, 2020. <https://www.nidaalwatan.com/article/21342-تأثير-التهرب-على-الإنتاج-المحليوتهديده-بالموت-الاقتصادي-بالأرقام>

49 "Smuggling through the Syrian borders crush the Lebanese economy" Article published on May 20, 2019, in al sharq al awsat. <https://aawsat.com/home/article/1730676/-التهرب-على-الحدود-مع-سوريا-يفتك-بالاقتصاد-الليبناني>



frequently. In the latest news, we can see that after Lebanon lifted fuel subsidies in early October 2021, to approximately \$13 per 20 liters of fuel, Syria officially raised its price to about \$20. Looking back at the numbers, this is not the first time Syria has increased the price of gasoline after it was raised in Lebanon.

Whether or not it is unintentional, unexperienced or planned, remains a political affair that is surrounded by facts and numbers that one cannot ignore. - Joseph Daher, Syrian Economist.

Not only such synchronization maintains an important margin of profit for smugglers in both countries and guarantees a continuous supply of smuggled gasoline from Lebanon into Syria, but also shows that since the beginning, the policy of subsidies was wrong. Here are a few examples of the numbers collected (not on the black market which are higher due to product unavailability):

Price of 20 Liters of Fuel (USD)	Lebanon	Subsidized	Syria	Winning Margin per 20 Liters of Fuel
Month				
March 2021 ⁵⁰	3\$	Yes	7-13 \$	4-9\$
September 2021	7\$	Partially	20\$	13\$
October 2021	13\$	No	24\$	11\$

In May 2021, the Lebanese Minister of Energy mentioned in a report that Lebanon was importing 4 times the market’s need for fuel.⁵¹ However, in July 2021, Lebanon imported fuel and gasoline worth \$700 million, whereas previous reports show that Lebanon’s normal need is \$300 million⁵². Moreover, these imports were expected to be sufficient to meet the needs of the Lebanese until the end of September 2021. Yet, they could not cover them until the end of August, noting that people did not consume, at that time, as much as they usually do, not being able to afford the revised fuel prices.

Another aspect of the crisis is the non-availability, which is caused by the fact that the Lebanese stockpiled subsidized goods during the second part of 2021. Whether it is food,

50 France 24: “Lebanese Minister Blames Fuel Shortage on Smuggling to Syria”, <https://www.france24.com/en/live-news/20210415-lebanese-minister-blames-fuel-shortages-on-smuggling-to-syria>

51 Byblos Bank: “Lebanon this week 668”, <https://www.byblosbank.com/common/economic-research-new/lebanon-this-week/lebanon-this-week-668/iraq-to-supply-lebanon-with-fuel-oil-for-electricit233-du-liban>.

52 U.S. Commercial Service: “Lebanon Country Commercial Guide 2021”, <https://lb.usembassy.gov/wp-content/uploads/sites/200/2021-Lebanon-Country-Commercial-Guide-Final.pdf>.





medicine, fuel or dollars, all these products contributed to the unavailability of many needs on the market. While the stockpiling between houses and the illegal monopoly of fuel and medicine are the main explanations of their shortage, the reasons behind the shortage of dollars in the market are numerous.

The transfer of dollars to Syria falls first on the list of USD shortage reasons, and it is done in three ways:

First of all, before October 17, 2019, Syrian businessmen had opened accounts in Lebanese banks following the US sanctions on Syria. In a way to preserve their money, they opened LLCs and Bank accounts in Lebanon to retain their businesses without being subjected to cut-offs as a result of the sanctions. However, after the Lebanese economic crisis and the blocking of dollars in banks, they were only able to withdraw at the rate of LBP 3900 per dollar according to decision 151 of the central bank. Hence, they started withdrawing large amounts of Lebanese liras, exchanging them for US dollars and bringing them back to Syria in cash.

Second, while the prices of imported products have risen considerably, due to the high exchange rate and the phasing out of subsidies, Syrian products have quickly taken over the Lebanese market, as everyone can see. While Syrian companies allow the Lebanese people to pay for their imported products using their local currency, they end up with large quantities of Lebanese lira, which they exchange in Lebanon to US dollars and bring back to Syria.

Third, as with the second option, the illegal exchange takes place in many currencies, one of which is also the Lebanese lira. Not all smugglers at both ends have access to US dollars. Therefore, when the exchange is made, “whoever is left with Lebanese lira will also exchange it for US dollars in order to stock the money in a safe currency that will not be devaluated”, confirmed Khamsmieh team and Joseph Daher.⁵³

“The closer you are to the Lebanese-Syrian borders, the higher the exchange rate” – Khamsmiyye team.

The problem was foreseen for a long time: “The collapsing Lebanese economy and a raised possibility of lifting subsidies on oil derivatives could have repercussions for smuggling these commodities to Syria because of the price difference”.⁵⁴

⁵³ Exclusive interviews with Joseph Daher, Syrian economist, and Khamsmiyye blog team.

⁵⁴ Lifting of Lebanon’s oil subsidies and implications for Syria, Emirates Policy Center, 12 September 2021. Available at the following link: <https://epc.ae/whatif-details/104/lifting-of-lebanons-oil-subsidies-and-implications-for-syria>





Now that all subsidies have been lifted in Lebanon, the next few months will be crucial in this regard. Despite the extremely harsh conditions in Lebanon today, the step of lifting all subsidies should normally have positive consequences in the future, since large-scale smugglers just lost an important market. But can Syria cope without oil smuggling from Lebanon in the presence of the Caesar Act? “The continued smuggling of oil derivatives from Lebanon to Syria, even after the lifting of subsidies in Lebanon, would maintain the stability of the Syrian regime’s supplies of vital materials without harming the collapsing Lebanese finances. However, at the same time, it may draw US sanctions on the Lebanese parties involved in these operations.”⁵⁵ The Lebanese people do wish to see those responsible finally held accountable through targeted sanctions, but widespread sanctions would certainly backfire on the Lebanese economy.

It is impossible to predict what such US sanctions against Lebanon would mean, given that it is estimated that “almost half of all Lebanese now live below the poverty line thanks to the ongoing crisis. An assessment released by UNICEF (...) found that around 77% of Lebanese households don’t have enough food or enough money to buy food.”⁵⁶

⁵⁵ *ibid.*

⁵⁶ As Lebanon nears collapse, EU debates sanctions. <https://www.dw.com/en/as-lebanon-nears-collapse-eu-debates-sanctions/a-58136505>

The Syrian economy is highly dependent on its unsettled borders with Lebanon

“The Syrian-Lebanese economic boundary is probably the thinnest layer of the border (...) For example, for the past twenty years, exports from Lebanon to Syria have oscillated between 7 to 10 percent of Lebanon total exports making Syria constantly present between the top five trade partners of Lebanon”.⁵⁷

The thinness of the Lebanese-Syrian borders is not new, since “smuggling surged during the mandate period, as “networks of trade, trust, and transport” sought to circumvent the often-high customs duties imposed at the borders between British and French controlled territories.”⁵⁸

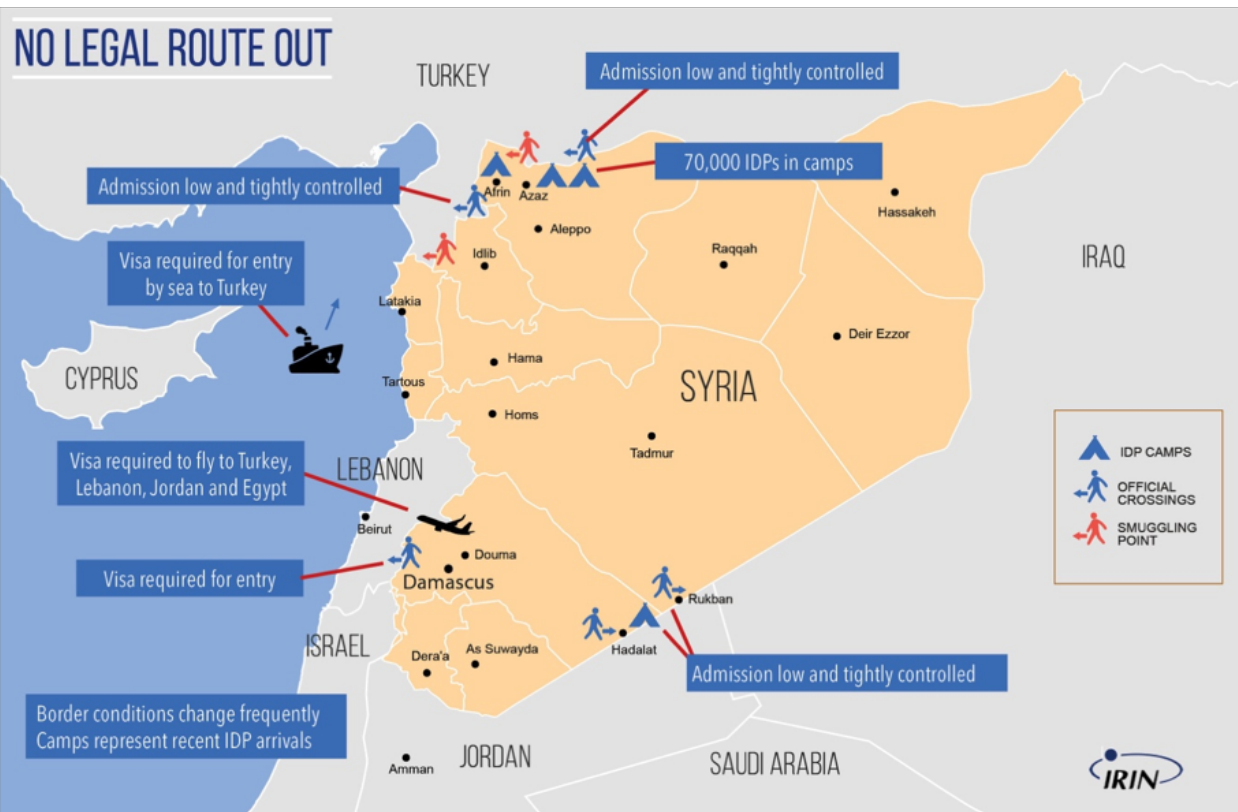
Since the onset of the Syrian war and the Caesar Act of 2019, the Lebanese economy’s need for Syria has become all the more urgent. Indeed, Syria began to experience a worsening gasoline shortage that reached a peak with the severe US sanctions that disrupted crucial fuel imports.

“Access to the border is just as vital to the regime as to other parties to the conflict. In this respect, the other aim of the battle of Qalamoun was to secure spatial continuity between regime-held areas and Lebanon, and hence to retain access to political and military resources and allies in that country, in particular Hezbollah. It also guaranteed access to Lebanon’s economic center, Beirut, and to the ports of Beirut and Tripoli, through which some of the goods that were either banned or under strict control through the international regime of trade sanctions applied to Syria could be imported or exported and then traded illegally to and from Syria.”⁵⁹

57 Lifting of Lebanon’s oil subsidies and implications for Syria, Emirates Policy Center, 12 September 2021. [ibid.](#)

58 Matt Herbert. Partisans, Profiteers and Criminals: Syria’s illicit economy in *The Fletcher forum of world affairs*, vol. 38 I, winter 2014. Available at the following link: https://static1.squarespace.com/static/579fc2ad725e253a86230610/t/57ec7807be6594808a454183/1475115016104/38-1_Herbert1.pdf

59 Leila Vignal, “The changing borders and borderlands of Syria in a time of conflict” in *International Affairs* 93: 4 (2017) 809–827. Published by Oxford University Press on behalf of The Royal Institute of International Affairs. Available at the following link: https://www.chathamhouse.org/sites/default/files/publications/ia/INTA93_4_03_Vignal.pdf



Edgar Mwakaba/IRIN⁶⁰

While the war has done much to worsen the situation in Syria, the crisis culminated in the tightening of US sanctions, which disrupted not only crucial fuel imports, but imports in general. The Caesar Act, prohibiting foreign companies from trading with Damascus, suspended several imported shipments from undisclosed or unknown suppliers.⁶¹ This not only means that Lebanon is the only way out, but that with the Lebanese economic crisis, Lebanon is the easiest way out. Indeed, while smuggling between Lebanon and Syria goes back a long way in the history of both countries, Lebanon remains, to this day, Syria’s main connection to and from the outside world, across the Mediterranean.

“For Syria, Lebanon is today a lifeline that can answer all the economic, political and social problems.” – Ian Larson - COAR

60 The New Humanitarian: “No Legal Route Out”, <https://www.thenewhumanitarian.org/photo/no-legal-route-out-syria.jpg>.

61 Reuters: “Syria Says U.S. Sanctions Behind Acute Fuel Crisis”, <https://www.reuters.com/article/us-syria-crisis-fuel-shortages-idUSKBN26730G>.



One and a half million Syrian refugees, among a population of barely five million Lebanese... A potentially explosive “cocktail”

Since 2011, millions of Syrians have fled the war in their country by crossing into Jordan, Lebanon and Turkey. As the war dragged on, neighbors began to seal their borders, while Lebanon remained a popular crossing point. It has always been easy for Lebanese and Syrian citizens alike to cross the borders, especially for those living in border towns. As mentioned earlier, smuggling in both directions was a daily activity. Even though Lebanon ended its open-door policy for Syrians since January 2015, when it introduced new regulations, forcing them to apply for hard-to-obtain visas or a Lebanese sponsor before being admitted, the lack of border control did not really solve the situation, on the contrary, it made it worse with human smuggling, increasing the number of illegal refugees who crossed without legal papers.⁶²

According to official UNHCR figures, the number of Syrian refugees in Lebanon is, to date, just above 850,000.⁶³ In reality, a rough estimate of the number of Syrian refugees in Lebanon is more likely to be around one and a half million, which means that over 700,000 Syrian people have entered the country illegally or remain in Lebanon with no legal grounds. “The influx of up to 1.5 million Syrian refugees is considered a threat to the country’s stability, economy and socio-political structures.”⁶⁴ Lebanon holds in fact the unenviable record of having “the highest number of displaced persons per capita in the world.”⁶⁵

Of course, Lebanon had a humanitarian duty to accept refugees in times of conflict, even though it is not a signatory to the 1951 UN Geneva Convention, also known as the Refugee Convention. Hence, in parallel to an ad-hoc refugee admission system at the beginning of the war, we witnessed the development of a “thriving business of smuggling Syrians back and forth to Syria for any number of reasons”⁶⁶

62 Relief World: “No Way out: How Syrians are Struggling to Find an Exit”, <https://www.refworld.org/docid/56e2f4014.html>.

63 <https://data2.unhcr.org/en/situations/syria/location/71>

64 Simone Tholens, op.cit.

65 Sam Dagher “Death by a thousand cuts”, published May 3, 2021 on MEI. Available at the following link: <https://www.mei.edu/publications/death-thousand-cuts-syrian-refugees-face-dire-conditions-lebanon-unravels>

66 Ibid.



At the same time, Lebanon's economy obviously cannot handle this number of uncontrolled refugees with a completely ill-defined legal status...

In 2015, Lebanon introduced new regulations for Syrians entering the Lebanese territory. Prior to that date, they could enter freely and remain in the country for six months at a time without having to justify their stay. This new regulation aimed at tightening the noose and preventing an anarchic entry of Syrian nationals into Lebanon.

Even though Lebanon has toughened its stance on the influx of Syrian nationals into its territory since 2015, the problem remains the same today, since "Lebanon's Syrian refugees are doing worse than their hosts"⁶⁷, which means that we are facing a potentially explosive situation in this regard, especially also knowing that "more than half of the Syrian refugees in Lebanon are below 18 years of age"⁶⁸ and that a very small number of Syrian nationals in Lebanon are willing or ready to return to their country...

"The 2015 border policy, then, is not a blanket closure but a filter that modulates entrance to Lebanon following a logic that can be interpreted through the lenses of the multi-layered boundaries constitutive of the border."⁶⁹ In short, while the Lebanese authorities could have shown some willingness to strengthen the control of legal human crossings from Syria, in reality they are only turning a blind eye to the illegal crossings, as well as to the dire situation of the Syrian refugees within their borders.

67 Omar Karasapan and Sajjad Shah. Why Syrian refugees in Lebanon are a crisis within a crisis, *Future Development* 15 April 2021. Available at the following link: <https://www.brookings.edu/blog/future-development/2021/04/15/why-syrian-refugees-in-lebanon-are-a-crisis-within-a-crisis/>

68 Assessment of the impact of Syrian refugees in Lebanon and their employment profile, ILO Regional Office for Arab States - Beirut: ILO, 2014 https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_240134.pdf

69 Filippo Diogini. Rethinking borders: the case of the Syrian refugee crisis in Lebanon in *Middle East Political Science*, February 2017. Available at the following link: <https://pomeps.org/rethinking-borders-the-case-of-the-syrian-refugee-crisis-in-lebanon>





“Lebanon is dilapidating its maritime resources”

“Between bordering states, waters are delimited in principle by the rule of equidistance.”⁷⁰ This is how it happened for Lebanon, along its maritime borders with Syria. Except that it was a unilateral delimitation, i.e. not agreed upon by both parties. Ms. Laury Haytayan explains that Lebanon did follow the equidistant guidelines to draw its maritime borders with Syria, as it should have done, but that it did so unilaterally, in 2011, because Syria was unwilling to enter into negotiations with Lebanon on this issue, and it still is. However, “there is no such thing as unilateral delimitation”⁷¹, insists Haytayan. Hence, Syria was right to oppose Lebanon’s delimitation, but did exactly the same when the time came to open up its own oil blocks.

In short, what we are witnessing today at our maritime borders with Syria is yet another hectic, blurry, unsettled and very frustrating issue: Lebanon claims its borders alone, and Syria delimits by itself its energy blocks, in what it considers its own part of the sea, and opens them to the Russian oil company “Capital oil”, taking over no less than 750 km² on the maritime territory claimed by Lebanon.

What has Lebanon done in this regard? Nothing really. When one knows that “Lebanon’s EEZ is estimated to hold some 34.5 trillion cubic meters of gas and 1.9 billion barrels of recoverable oil”⁷², it is easy to feel frustrated that nothing is being done to secure this wealth. Laury Haytayan goes on to say that Lebanon seems to be “deliberately squandering its maritime and vital resources, be it vis-à-vis Israel or Syria.” (op.cit.)

“A lot of money appears to be at stake, yet the same Lebanese leaders who appear so determined to stand up for their rights on the border with Israel do nothing to stop Syrian encroachments. The Lebanese government, very much under the sway of Hezbollah, knows its limits all too well.”⁷³ Indeed, according to Haytayan, even if no exact figures are available, the losses for Lebanon are simply enormous, and Lebanese officials are the only ones to blame. “Iran has a vested interest in keeping Lebanon as it is, and in seeing it collapse completely. Borders, be it land or sea, must serve Iran’s primary interest, which is to establish an undisputed hold from its lands and shores to Iraq, Syria, and Lebanon. Everything, and everyone, must be able to pass easily...”⁷⁴

70 Paul Klötgen: «La délimitation des frontières par le droit international.», article published in [viepublique.fr](https://www.vie-publique.fr/parole-dexpert/271059-la-delimitation-des-frontieres-par-le-droit-international) on October 29, 2019. Available at the following link: <https://www.vie-publique.fr/parole-dexpert/271059-la-delimitation-des-frontieres-par-le-droit-international> (free translation from French)

71 Laury Haytayan, exclusive interview for the research, held in Beirut on August 23, 2021.

72 Joseph Sarkis. Lebanese maritime security. Navigating rough seas with good policy. MEI November 16, 2020. Available at the following link: <https://www.mei.edu/publications/lebanese-maritime-security-navigating-rough-seas-good-policy>

73 David Romano and Najia Houssari. “Why Lebanon is keeping mum on Syria’s contentious oil exploration contracts”, April 11, 2021, Arabnews. Available at the following link: <https://www.arabnews.com/node/1841256/middle-east>

74 Laury Haytayan, op.cit.





The Shebaa Farms, the sprawling and endless dispute

“The Shebaa Farms issue, addressed in the preamble of UNSCR 1701, which shows its importance, remains unresolved in 2009. Syria links it to the delineation of its borders with Lebanon, indefinitely postponing an issue that UNSCR 1680 strongly encouraged Syria to settle...”⁷⁵ Twelve years later, the same question remains unresolved, and no white smoke is yet in sight.

Why is this question so important in the first place? What is really at stake in these remote farms? Historian Issam Khalife explains their importance and demonstrates their Lebanese ownership in a brilliant 2006 study for the Institute of Palestinian Studies. “The farms stretch along a very strategic geographical line, since it connects altogether the borders between Lebanon, Syria and Israel.”⁷⁶ The Farms are now officially the reason why Hezbollah is still referred to as a resistance army, and is still, by law, allowed to keep its weapons, until the entire Lebanese territory is liberated from all occupation. Therefore, the importance of the delineation of the Shebaa Farms is twofold: on the one hand, it determines whether Lebanon still needs a resistance “army”, and on the other hand, it determines the ownership of the waters of Jabal el Sheikh, which is an extremely important and strategic economic issue. For Khalife, the Shebaa Farms’ belonging to Lebanon is indisputable and unquestionable, which he thoroughly demonstrates through reliable historical facts.

Former Lebanese Prime Minister Salim el Hoss sent three letters to the UN in 2004 asking the Israeli army to evacuate the area, and various Syrian officials have repeatedly reaffirmed that the farms are indeed Lebanese.

So why are they still undefined to this day? Who benefits most from the fact that this issue remains unclear and unresolved? Israel wants to stay in the area because of its important strategic position and water resources. As for Syria, it still refuses to demarcate this disputed area, under the pretext, according to the former Syrian Foreign Minister, that “we cannot demarcate a region under occupation...”⁷⁷ Thus, “Syria has used the ongoing disagreement over the farms between Lebanon and Israel to postpone progress on demarcating its own border.”⁷⁸

Last but not least, Hezbollah is certainly not interested in the official delineation of any area with Syria, nonetheless the Shebaa Farms, even though it is in its interest

75 Josiane Tercinet, op.cit.

76 Issam Khalife: *مزارع شبعا وقرية النخيلة وتلال كفرشوبا: قوة الحق في مواجهة حق القوة* Institute of Palestinian Studies, Autumn 2006, N. 68. Available on the following link: <https://www.palestine-studies.org/ar/node/36014>

77 ibid.

78 “Boundaries and demarcation: delimiting and securing Lebanon’s borders. A conversation with General Nizar Abdel Kader, op.cit.



that it be demarcated as Lebanese. Doing so would mean for the Syrian regime to end the disputes on all contested areas and to file, along with Lebanon, a detailed delineation plan to the United Nations, which is contrary to the interests of Hezbollah and Assad's Syria.

The Akkar Explosion: The Cherry on Top

In the middle of the night, a few minutes before 1:25 am, a huge explosion was heard on the night of the August 14, 2021, in the village of Tleil in Akkar, on the road connecting Halba the capital to the large city of Qobayat. The explosion occurred in a gasoline depot apparently intended for smuggling to Syria.⁷⁹ According to the Ministry of Health, the explosion in Akkar killed 28 people and injured 80 others. Two soldiers were killed while 11 others are in critical condition and four are missing, the army said in a statement.⁸⁰ According to corroborating sources, including journalist Michel Hallak, based in the region, the explosion took place when dozens of locals rushed to the depot to supply themselves with gasoline, which has been in short supply for months. The shortage has worsened dramatically since the announcement by the Bank of Lebanon of a lifting of fuel subsidies.



In the absence of an official statement from the army or other security authorities on the subject, sources on the ground are the only ones available. The factory belonged to a certain Georges Ibrahim Rashid, who, himself, is said to have rented it to a man from Wadi Khaled named El-Faraj. Rashid is an entrepreneur while Faraj is said to be a well-known smuggler, having been arrested at least three months ago with his sons.⁸²

Source: Gulf Business⁸¹

79 L'Orient-le jour: "Hecatombe in Akkar: the balance sheet is growing, the first tracks are emerging", <https://www.orientlejour.com/article/1271712/vingt-morts-dans-lexplosion-dun-camion-citerne-au-akkar.html>.

80 Al Jazeera: "Fuel Tanker Explodes in Lebanon, killing at least 28", <https://www.aljazeera.com/news/2021/8/15/fuel-tanker-explodes-in-lebanons-akkar-at-least-20-killed>.

81 Gulf Business: "Lebanon fuel tank explosion kills at least 20, Red Cross says", <https://gulfbusiness.com/lebanon-fuel-tank-explosion-kills-at-least-20-red-cross-says/>.

82 Garda World: "Lebanon: Fatalities reported following fuel tanker explosion in Tleil area, Akkar District, early Aug. 15", <https://www.garda.com/crisis24/news-alerts/513501/lebanon-fatalities-reported-following-fuel-tanker-explosion-in-tleil-area-akkar-district-early-aug-15>.



Conclusion and recommendations

The importance of tackling the issue of the Lebanese-Syrian borders today lies in the fact that both countries have experienced intense internal turmoil over the past decade. Their mere existence as unitary states is threatened: talks of a federal Lebanon, as well as a federal Syria, are being raised very seriously lately. We believe that it is extremely urgent for both countries to define and delineate their borders before tackling such a subject.

Scholars, researchers and historians are challenging the way the borders in the Middle East came into being. “The main argument invariably repeated was that the borders were artificial and that they brought together heteroclitic and competing ethnicities and sects. The states created on the ruins of the Ottoman Empire were essentially artificial because they did not follow the ethnic and religious fault lines of the Middle East.”⁸³

Should we then draw new borders throughout the region along these “ethnic and religious fault lines”? We do not think so.

Lebanon’s borders should not be redefined, and “there is neither intent nor appetite among the different national and subnational political and military actors – not to mention the regional or international ones – for a dramatic redefinition of the post-1918 territorial settlements.”⁸⁴ At the same time, as Younes Hassar puts it, “playing with the borders is not going to bring peace and stability to the Middle East.”⁸⁵

Our recommendation is rather to resort to the United Nations, on the legal basis of the existing UNCSR resolutions, which are sufficient, in order to force Syria to implement them and to agree to delineate its borders with Lebanon. This step should start with the Shebaa Farms, thus paving the way for Lebanon to officially file a complaint against Israel in this regard, demanding its immediate withdrawal from Lebanese territories. As a result, Hezbollah would have no legitimate grounds to maintain its resistance army and activities.

On the other hand, the issue of large-scale smuggling along the borders must be addressed wisely. Even now that subsidies have been almost entirely lifted in Lebanon, there still is

83 Younes Hassar. *The Middle East Needs a Westphalian Moment, Not New Borders*, in *The Paris Globalist*, July 21, 2016. Available at the following link: <http://www.parisglobalist.org/middle-east-needs-westphalian-moment-not-new-borders/>

84 Leïla Vignal, *op.cit.*

85 Younes Hassar, *op.cit.*



a vibrant drug-smuggling economy from and to Lebanon through its porous borders with Syria. The day the Lebanese state decides to seriously tackle this endemic scourge, it must do so wisely. Jobs should be created, viable opportunities should be offered to the youth, especially in the areas where this smuggling business thrives. Indeed, “it is important to create economic hubs upon which the border areas can rely and integrate. These areas’ marginalization is not necessarily due to their location at the border, but largely due to being disconnected from an economic center and relying chiefly on precarious economic mechanisms (smuggling etc.)”⁸⁶

In fact, a large part of state sovereignty is also about ensuring decent living conditions and viable job opportunities for all citizens.

As a matter of fact, “the state is present in its ability to block decisions or to man the national borders through the LAF, along with the support of the international community, but it remains absent when it is most needed by the local community.”⁸⁷

The government owes to its people, as pledged by the Preamble of the Lebanese Constitution: “The even development among regions on the educational, social, and economic levels shall be a basic pillar of the unity of the state and the stability of the system.”

Another very important recommendation would be to start “reinforcing state structures and empowering state legitimacy”⁸⁸, in order to reach stability.

The rampant weakness of the Lebanese state should be better recognized and addressed. The inactivity of the government should cease, and we should get rid of the image of “governance incapacity”⁸⁹ that has characterized Lebanese politics for decades.

Some may argue that this is perhaps not the right time for Lebanon to address the issue of its Syrian borders. On the contrary, the endless economic and social downfall of Lebanon and Syria makes it all the more urgent to address the issue and implement UN Security Council resolutions 1559, 1680, and 1701.

In order to do so, Lebanon must stop building itself as a state, and finally become one.

The Lebanese Constitution, which every sworn-in President of the Republic pledges to respect, is a sufficient tool to implement the much-needed national sovereignty and to act in front of the international community. We have to bear in mind that the United Nations, as well as the numerous friendly states that offer to help Lebanon, cannot do so if the latter does not help itself first. A careful and definitive delimitation of Lebanon’s borders with Syria and Israel must first and foremost be achieved.

⁸⁶ Jamil Mouawad, *op.cit.*

⁸⁷ *ibid.*

⁸⁸ Younes Hassar, *op.cit.*

⁸⁹ Simone Tholens, *op.cit.*





For this to happen, the country's representatives must act as such, and they have the legal means to do so.

Finally, the field visits we have made, amply demonstrate that the existing legal crossing points are absolutely insufficient, while being heavily militarized.

"The number of border crossing points in Lebanon are reported to be insufficient and their infrastructure in poor shape. Furthermore, the coordination within and among various agencies active in border management has been described as minimal by our interlocutors."⁹⁰

These recommendations may seem utopic to skeptical observers. While the challenge is certainly real, and while it will definitely not be easy to meet, we must keep in mind that all that is needed is a genuine will to implement Lebanon's sovereignty over its territory. "Stable and mutually agreed boundaries are a major pre-requisite for a peaceful cooperation between countries."⁹¹

90 Amreesha Jagarnathsingh for Lebanon Support and Respond. "Lebanon's border regime: fluid rigidity, foreign interference and hybrid assemblages". https://civilsociety-centre.org/sites/default/files/resources/ls_lebanon_wp2_country_report_wps.pdf

91 Mohammad Al Sayel, Peter Lohmann, Christian Heipke, op.cit.

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