

# Joint operating principles among humanitarian actors to improve access

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## Question

*What lessons or evidence is there from previous or ongoing efforts to establish joint operating principles agreed by humanitarian actors to improve humanitarian access and what factors contributed to their success or failure?*

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# 1. Summary

This six day helpdesk review provides an overview of academic, policy and practitioner literature that explores lessons or evidence from efforts to establish joint operating principles agreed by humanitarian actors to improve humanitarian access and factors that contributed to their success or failure? While there is some general guidance on strategies to address access constraints and an emerging body of joint operating principles, there is a dearth of publically documented evidence on the success or failure of joint operating principles. Rather what emerges is a plethora of anecdotal information from a range of geographic contexts and an array of actors that suggests there is a role for joint operating principles and that they may have contributed to improved access in some contexts. However, there is much debate as to their efficacy amongst different actors. Given the diffuse nature of the evidence base, this report is structured in three parts:

- *Part 1:* provides an overview of access constraints faced by humanitarian actors and factors that may enable or constrain the delivery of humanitarian aid, and an overview of joint operating principles and lessons learned.
- *Part 2:* provides an annotated bibliography of global and country specific readings that touch on, or have relevance, for the development of joint operating principles and humanitarian access.
- *Part 3:* provides examples of operating principles.

In an effort to maintain presence and continue to deliver on humanitarian commitments, a number of organisations have strengthened their risk management capabilities, and explored strategies and operational practices aimed at creating greater acceptance for their activities and increasing their access to affected populations. Joint operating principles represent one such mechanism. A number of principles have been articulated that underpin the actions of humanitarians (humanity; neutrality; impartiality; independence) and joint operating principles are designed to preserve the sanctity of these.

Whilst joint operating principles attempt to establish a common platform for actions in complex settings, research demonstrates that organisations often adopt different approaches to managing threats and negotiating access. Variables that influence an organisation's negotiations include organisation's size, the number of sectors it responds in, the Government's knowledge of the organisation (i.e. brand recognition or historic presence in the country), the experience of their staff, and an organisation's influence within the coordination structure, among other factors including geographic areas of operations and presence of non-state actors with whom negotiations will have to be conducted. Relationships with host government authorities (or alternate sources of authority i.e. non state actors) at various levels are also critical to humanitarian operations but simultaneously represent a significant increased vulnerability to various types of threats. Several sources of guidance exist to support practitioners in applying humanitarian principles but organisations often apply different approaches depending on context. This has important ramifications for the development of joint operating principles.

Some anecdotal evidence suggests that joint operating principles have helped clarify expectations with armed groups. They have proved more helpful with relatively moderate groups, by providing staff members with a credible reference document to enable them to ask for passage at checkpoints; they have limited to no effect on more radical groups, such as Islamic State. Other reports suggest that whilst there are increasing attempts to establish joint operating

principles, or at least to increase coordination and coherence between local and international actors, these often to have limited effect. SAVE suggests that in contexts such as Afghanistan, South Sudan and Syria, agencies also engage in ad-hoc, local-level coordination to devise joint approaches to negotiations outside the UN system; such efforts are also seen as useful. Further to this it is commonly felt that coordination and information-sharing efforts continue to be hampered by lack of trust: among international organisations; between international and national organisations; and between organisations operating within a country and those across-borders.

A key message that emerges from this report is that there is a clear need for more evidence and independent academic research to understand the tensions and strategies used to overcome restrictions to humanitarian access – indeed some of the tensions highlight contradictions in approaches between actors within the humanitarian community regarding negotiating access, establishing red lines and ultimately have an influence on the viability of joint operating principles. Finally, in order to develop functional and appropriate joint operating principles a number of priorities are identified from existing literature.

- **Strengthening analytic capacity:** The world for humanitarians is increasingly complex and complicated. If they are to remain significant players, they must learn to better analyse and understand it (Shannon, 2009). Developing JOPs requires an understanding of who the key humanitarian actors are within a given context, nature and geographic areas of engagement and the array of state and non-state actors active. This may enable the development of JOPs that are relevant within a distinct geographic area or amongst a certain constellation of actors. This may allow a degree of flexibility for organisations who provide assistance to the hardest to reach to maintain operations (Belliveau, 2015; Egeland et al., 2011)
- **Strengthening collective leadership:** Addressing the leadership deficit, particularly around collective action, must be the priority. The most critical gap appears to be that between the international community's diplomatic strategy and its approach to humanitarian assistance (ODI, 2018). Whilst some organisations have invested in training for negotiating with state and non-state actors (i.e. MSF and ICRC) others have not. In order for JOPs to be developed mechanisms for collective action and negotiation must be established supported by investment, training and capacity building (Jackson, 2014).
- **Resetting the relationship with the belligerents:** Some authors comment on the need to demonstrate that the international community is unwilling to accept the increasingly predatory behaviour of belligerents (ODI, 2018). JOPs have been identified as performing such a function, establishing red lines and a means of engaging with armed actors (Haver & Carter, 2016; Svoboda et al., 2018). Egeland et al, (2011) suggests that a key objective should be to identify actions that can be taken, either temporarily or permanently, to reduce the indirect benefits the government (or others) is accruing from the humanitarian operation.
- **Improving the capacity to manage risk:** Outsiders struggle to understand how power and influence operates in a contexts such as South Sudan, making it difficult to manage the unintended consequences of actions. Building this understanding demands proximity and strong relationships with a range of local actors, and requires personnel to spend considerable time with those people who are the beneficiaries of their work (Belliveau, 2015; MSF, 2018). The development of JOPs can be supported by engaging with those

who have been operational on the ground longest, they will have insights based on historic experience of how to navigate complex contexts.

- **Acknowledging the heterogeneity of humanitarian actors:** Whilst JOPs are designed to add a degree of coherence to engagement with a range of stakeholders, they often fail to acknowledge the different positions of humanitarian actors. Organisations such as ICRC and the MSF often avoid subscribing to such documents as they are deemed to impact their ability to deliver aid (MSF, 2018). By strengthening analytic capabilities and understanding the dynamic nature of conflict – JOPs may be developed for particular actors in certain areas. Engaging with and understanding actors or areas where JOPs may be less viable would better represent the fluid nature of conflict and the nature of hard to reach groups (Belliveau, 2015).
- **Acknowledging the significant role of national and local staff:** In many contexts, national and local staff are often the main delivery mechanism for aid. It is important to recognise the role they play and the risks they take. It is also important to acknowledge the impact they have on the legitimacy of aid (both positively and negatively) and how JOPs on their ability to undertake humanitarian work and the risks they take (Belliveau, 2015).

## 2. Humanitarian access in complex environments

Providing humanitarian assistance in complex contexts represents a challenging endeavour. Over the last decade humanitarian worker casualties have increased, reaching an estimated 100 deaths per year<sup>1</sup>. Since 2005 the largest number of attacks on humanitarian workers have occurred in a selection of countries representing the most difficult operating environments –South Sudan, Somalia, Afghanistan etc. (Egeland, Harmer, & Stoddard, 2011).

Alongside increasing threats to life, accessing groups in need is challenging. Access constraints include bureaucratic obstacles, such as visa restrictions, travel permits, registration and approval procedures, and checkpoints; interference in the implementation of humanitarian activities by state and non-state actors, including through demanding fees; and security constraints such as ongoing fighting and violence against humanitarian workers. The range of beliefs, motivations, and ways of operating among non-state armed groups also make negotiating access with them particularly challenging (Rohwerder, 2015; Egeland, Harmer, & Stoddard, 2011).

Access is defined as the ability of affected people to claim and reach humanitarian assistance and protection, as well as the ability of humanitarian assistance and aid workers to reach affected people and deliver life-saving services in accordance with humanitarian principles (FDFA, 2014)<sup>2</sup>.

In an effort to maintain presence and continue to deliver on humanitarian commitments, a number of humanitarian organisations have strengthened their risk management capabilities, and explored strategies and operational practices aimed at creating greater acceptance for their

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<sup>1</sup> <https://www.theguardian.com/global-development/2014/aug/19/deaths-aid-workers-world-humanitarian-day>

<sup>2</sup> Definition derived from Conflict Dynamics International, Humanitarian Access in Situations of Armed Conflict: Practitioners Manual, 2014, 11, [https://www.eda.admin.ch/dam/eda/en/documents/aussenpolitik/voelkerrecht/Human-access-in-sit-of-armed-conflict-manual\\_EN.pdf](https://www.eda.admin.ch/dam/eda/en/documents/aussenpolitik/voelkerrecht/Human-access-in-sit-of-armed-conflict-manual_EN.pdf)

activities. Joint Operating Principles represent one such mechanism. A number of principles have been articulated that underpin the actions of humanitarian actors and joint operating principles are, in part, designed to preserve the sanctity of these. Table 1 provides an overview of what these practices mean in practice for humanitarian access.

**Table 1: Humanitarian principle and meaning in practice (Source: FDFA, 2014: 22)**

Humanitarian principle	What the principle means in practice for humanitarian access
<b>Humanity</b>	<ul style="list-style-type: none"> <li>Humanitarian access is sought for the purpose of alleviating human suffering and promoting human dignity.</li> <li>Humanitarian access serves to identify and address essential needs of the civilian population and others not participating in hostilities.</li> </ul>
<b>Neutrality</b>	<ul style="list-style-type: none"> <li>In seeking and maintaining access, humanitarian practitioners cannot take sides in hostilities or engage in controversies of a political, religious, or ideological nature.</li> <li>Negotiations or agreements on humanitarian access must not be linked to or contingent upon political negotiations.</li> <li>Practitioners should engage with all of the actors relevant to access to ensure they can reach all affected people and to ensure that the organisation is not perceived to be supporting one side in a conflict.</li> </ul>
<b>Impartiality</b>	<ul style="list-style-type: none"> <li>Humanitarian practitioners must assess needs and must pursue access to meet those needs without discriminating against individuals or groups on the basis of ethnicity, gender, nationality, political opinions, race, religion, or any other identity characteristic. Those most in need of assistance and protection must be prioritised.</li> <li>Humanitarian practitioners must maintain quality standards to ensure that the provision of goods and services achieve their intended purpose, and without discrimination.</li> </ul>
<b>Independence</b>	<ul style="list-style-type: none"> <li>Humanitarian organisations must retain operational control and direction of activities related to securing and sustaining humanitarian access.</li> <li>Humanitarians must negotiate agreements on humanitarian access separately from peace talks or ceasefire negotiations</li> <li>Funding arrangements must preserve the ability of humanitarian organisations to engage with all parties.</li> </ul>

## Joint operating principles and factors influencing access

It is a common refrain that presence and proximity to affected populations is a prerequisite of effective humanitarian action. According to UN OCHA, the objective for humanitarian actors in complex security environments is not to avoid risk, but to manage risk in a way that allows them to remain present and effective in their work (UN OCHA, 2011).

Research demonstrates that organisations often adopt different approaches to managing threats and negotiating access (UN, 2006). Variables that influence an organisation’s negotiations regarding access include organisation size, the number of sectors it responds in, the Government’s knowledge of the organisation (i.e. brand recognition or historic presence in the country), the experience of their staff, and an organisation’s influence within the coordination structure, among other factors. Relationships with host government authorities at various levels are also critical to humanitarian operations but are also considered to be a significant factor in increased vulnerability to various types of threats. Figure 1 provides a diagrammatic representation of some of these factors.

**Figure 1: Factors that influence an organisation’s ability to enable humanitarian access and quality (Haver & Carter, 2016: 35)**



Several sources of guidance exist to support practitioners in applying humanitarian principles but organisations may apply different approaches depending on context – this has important ramifications for the articulation of JOPs. Four examples of guidance that may serve as support documents for the development of JOPs are:

- *Humanitarian access in Situations of armed conflict: Practitioner’s Manual*: developed in 2009 by the Swiss Federal Department of Foreign Affairs (FDFA), the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), and Conflict Dynamics International (CDI)<sup>3</sup>.
- *Humanitarian negotiations with armed groups*: A manual produced by the UN in collaboration with members of the Inter-Agency Standing Committee (IASC) provides a structured approach and guidance on humanitarian negotiations with Non-State Armed Groups<sup>4</sup>.
- *Civil-military relations*: A compilation of guidelines and references developed by the UN and the IASC on civil-military relationships and coordination<sup>5</sup>.
- *Security and risk management*: Guidance on humanitarian security and risk management developed by the UN and other studies/evaluations.

The Secure Access in Volatile Environments (SAVE) research programme on humanitarian presence and coverage found that only a small pool of international aid agencies consistently works in the most dangerous countries (Stoddard et al., 2016). The data they collected also revealed that a varied, and slightly different constellation of aid actors makes up the access picture, depending on the country analysed. This suggests that specific practices in specific contexts can make a difference for access (and quality) and that this must be factored in when developing joint operating principles.

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<sup>3</sup>[https://www.eda.admin.ch/dam/eda/en/documents/publications/Voelkerrecht/CDI\\_Access\\_Manual\\_Web\\_Dec5.pdf](https://www.eda.admin.ch/dam/eda/en/documents/publications/Voelkerrecht/CDI_Access_Manual_Web_Dec5.pdf)

<sup>4</sup> [https://www.unicef.org/emerg/files/guidelines\\_negotiations\\_armed\\_groups.pdf](https://www.unicef.org/emerg/files/guidelines_negotiations_armed_groups.pdf)

<sup>5</sup> <https://www.unocha.org/sites/unocha/files/Civil-Military%20Guidelines%20and%20Reference%20CUN-IASC%202021%20Oct%2008%20English.pdf>

A number of actors have played a lead role in developing joint operating principles. The UN has often played a lead in inter-agency negotiations or agreeing on 'ground rules', particularly in the 1990s (Jackson, 2012), this has continued in contemporary conflicts such as Afghanistan, South Sudan and Syria.

- In Afghanistan, following the withdrawal of foreign military forces, the UN established communication channels with Taliban leaders, with the goal of facilitating humanitarian access (Dyke, 2014).

In South Sudan and Syria (for operations from Turkey), OCHA has sought to facilitate dialogue between parties to the conflict and the humanitarian community, including producing 'ground rules' to be followed by armed groups and aid actors.

- In non-government held parts of Syria, this resulted in a Declaration of Commitment and a set of joint operating principles signed by several dozens of armed groups in Syria.
- In South Sudan, what resulted was a 'ground rules' agreement signed in the 1990s by opposition commanders in the first months of the conflict.

According to Haver and Carter (2016: 58) in interviews aid staff said that for Syria, while not 'game-changing', these initiatives have helped clarify expectations with armed groups. They have proved more helpful with relatively moderate groups, by providing staff members with a credible reference document to enable them to ask for passage at checkpoints; they have limited to no effect on more radical groups, such as Islamic State.

- For operations based in Damascus, the UN has worked hard in consultation with the ICRC and the few Damascus-based NGOs to devise joint approaches to encourage the government to facilitate access, with limited success.

In many contexts the development of joint operating principles is challenged by the nature of actors engaged and approaches adopted. In Afghanistan and Somalia, military and political stabilisation efforts exacerbated divides between 'multi-mandate' aid agencies (those working on development and humanitarian programming) and 'single-mandate' aid agencies (those opting to focus solely on humanitarian programming) (Haver and Carter, 2016).

They continue that the UN agencies in both countries tend to align more closely with the host governments, such as by providing development support and/or working within an (integrated) UN peace operation. These factors contribute to the challenges OCHA and the UN agencies face in effectively negotiating with non-state armed actors for humanitarian access which has had knock-on effects on NGOs working within UN humanitarian coordination systems. The ICRC and MSF, for example seek to manage their staff, security and assets separately from the UN, so that armed groups and local populations are more likely to see them as distinct, thus building trust.

SAVE research also suggests that in contexts such as Afghanistan, South Sudan and Syria, agencies engage in ad-hoc, local-level coordination to devise joint approaches to negotiations outside the UN system; with such efforts broadly seen as useful (Stoddard et al., 2016)

- In Syria, for example, several INGOs coordinated their approach to responding to the demands of the Islamic State.
- In Afghanistan, NGOs came together to discuss security issues via the International NGO Safety Office, which also produces joint analysis that is seen as helpful (Jackson, 2014).

Agencies' tendency to negotiate indirectly with the Taliban and other groups (e.g., via local elders), and the high degree of local variation have limited the usefulness of joint local approaches in Afghanistan.

This multifaceted response to negotiating access thus has significant impact on the validity and broader uptake of joint operating principles. Whilst some actors are happy to operate according to the consensus position articulated, others prefer more independent approaches for negotiating access – seen to be less contentious when dealing with an array of non-state actors.

Indeed, Haver and Carter (2016) suggest that whilst joint initiatives are important, the agencies that are successfully working in the most difficult environments do not see them as an effective substitute for direct bilateral negotiations. Some aid agencies working in Syria from Turkey were more critical of joint operations, stressing that too much information-sharing is counterproductive or dangerous. Generally, the organisations that are active in difficult areas tend to negotiate directly with armed actors at the local level to maintain their access.

Haver and Carter (2016: 69) conclude that the evidence suggests that the humanitarian community needs to be more honest, within organisations, between donors and organisations, and even with the general public in donor countries, about the realities of helping people in war. Sometimes agencies make justifiable compromises, and sometimes they are inappropriately influenced by political actors. Knowing the difference between the two is an important starting point of making sure that people suffering in crises can access the help they need.

## **Learning lessons from past experiences**

Reports consistently highlight that whilst there are increasing attempts to establish joint operating principles, or at least to increase coordination and coherence between local and international actors, these often have limited effect. According to Svoboda et al (2018: 15), in Syria for example, international humanitarian organisations and their local partners applied a Whole of Syria approach designed to improve operational planning and increase coherence. This involved a concerted effort to negotiate access with armed groups on behalf of the humanitarian community as a whole, and saw the adoption of a common protocol stipulating the importance of humanitarian principles, and setting out the demands aid agencies would and would not accede to. Some international and local organisations interviewed in 2016 believed that this had helped aid agencies set clear boundaries when negotiating with armed groups, at least with those who were receptive to the idea of humanitarian assistance. However, Svoboda et al conclude that coordination and information-sharing efforts continue to be hampered by lack of trust: among international organisations; between international and national organisations; and between organisations operating from Damascus and those operating cross-border from Turkey.

Research also suggests that international humanitarian actors must be cognisant of the role of local and national actors. Haddad and Svoboda (2017: 27) comment that that, while their evolution, visions and strategies may be different, 'international' and 'local/national' actors grapple with very similar challenges. They continue that the general guidelines utilised by local groups mirror conventional approaches in many ways: careful and sustained dialogue with all actors, taking advantage of temporary windows for access, consulting local communities and authorities on needs assessments and beneficiary selection lists, an awareness of the interests of all actors, relying on local contextual knowledge and connections to facilitate access, and maintaining clear red lines regarding the compromises they are prepared to make.

In a similar vein Harmer and Fox (2018: 28-29) comment that ground rules need to be contextualised and most agencies agree that setting global red lines or ground rules does not tend to be very effective. Harmer continue that these efforts are not always seen as effective at enabling access, but can create a better environment for understanding i.e. clarifying expectations with armed groups, especially among the more moderate groups, by providing a credible reference. Harmer and Fox also identify that INGOs have sought to establish ground rules with armed opposition groups before beginning programmes in their areas of control. The content of these ground rules can include sharing publicly available details about the organisation and its funding sources, the principles by which they operate as well as what conditions need to be met by the armed opposition group for the aid organisation to operate. In most cases these have entailed oral agreements. Concluding pre-defined agreements *before* beginning operations has allowed them to operate with limited interference. But it is not always successful. Both oral and written agreements have been violated, including with major security incidents, resulting in the suspension of activities or closure of offices.

### 3. Annotated bibliography

#### Liberia and South Sudan

**ODI (2000). The Politics of Principle: the principles of humanitarian action in practice. ODI.**  
<https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/311.pdf>

This report was compiled by ODI's Humanitarian Policy Group and represents a synthesis of case studies on the Joint Policy of Operation (JPO), the Principles and Protocols of Humanitarian Operation (PPHO) in Liberia and the Agreement on Ground Rules in South Sudan<sup>6</sup>. The supporting case studies set out to investigate three broad questions:

- What do humanitarian principles mean to agencies?
- What difference does the adoption of an explicitly principled approach make to agency decision-making and behaviour in the field?
- What impact does this approach have on the behaviour of the warring parties?

ODI note that a variety of strategies were attempted to promote greater respect by the belligerent for the rights of non-combatants. Broadly, the mechanisms were viewed to have had limited impact as the incentive and disincentives for abuse of non-combatants by the belligerent were determined by factors over which humanitarians had little influence (notably political, military and economic developments).

ODI did however highlight a number of limited success which occurred when agencies were able to capitalise on pre-existing political, military and economic processes that were already reducing the incentives for abuse. Findings suggest that an approach based on promoting protection by the authorities was more successful than the use of conditionality as a lever. ODI

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<sup>6</sup> The 'Agreement on Ground Rules' in South Sudan (<https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/307.pdf>); The 'Joint Policy of Operation' and the 'Principles and Protocols of Humanitarian Operation' in Liberia (<https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/309.pdf>); The Principles of Humanitarian Action in International Humanitarian Law (<https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/305.pdf>)

comment that JOPs often assume that belligerents will preserve a degree of respect for IHL – in a number of recent contexts this has been shown not to be the case (e.g. Syria and Iraq).

Alongside the actions of belligerents, the compliance of humanitarian actors influence the viability of mechanisms developed. ODI noted that compliance by individual agencies was variable but broadly, agencies abided by the mechanisms to the extent that they saw it was in their interest. Key messages drawn by ODI from across the case studies are as follows:

- An ethical framework is necessary for humanitarian action if it is to maximise the ability to meet humanitarian need and minimise the potential for manipulation.
- Agencies need to improve the internal management, and external coordination, of principles – from ethical framework through to administrative procedure – in order to minimise the potential for manipulation.
- A better understanding of the political economy of conflict and of the likely impact of humanitarian action, and inaction, on the rights of those affected by conflict is needed.
- Current accountability mechanisms are weak, and there is an uneasy tension between institutional interest and issues of principle. Standards such as Sphere and the Red Cross/NGO Code of conduct have been agreed, but there is little cost to agencies in not meeting them.

## South Sudan

**Maxwell, D. Santschi, M. & Gordon, R. (2014). Looking back to look ahead? Reviewing key lessons from Operation Lifeline Sudan and past humanitarian operations in South Sudan. SLRC. <https://securelivelihoods.org/wp-content/uploads/Reviewing-key-lessons-from-Operation-Lifeline-Sudan-and-past-humanitarian-operations-in-South-Sudan.pdf>**

This report reviews lessons from Operation Lifeline Sudan and their implications. The team conclude that there was no single ‘right’ way to do things– much less when trying to transpose anything learned then to the current context. Nevertheless, several major points do emerge from this review that are relevant– with the strong caveat that their application requires an in-depth knowledge of the current context. Key findings and recommendations include:

- The Ground Rules were the centrepiece of OLS, but there was no clear mechanism then for enforcing them, such agreements depend on continuous discussions and negotiations.
- It is unrealistic to think that a negotiated compromise is going to prevent aid diversion, distortion or political manipulation and humanitarian agencies should plan for these contingencies, rather than thinking that an ideal negotiated agreement will make them go away.
- There is a difference between providing assistance to conflict- or crisis-affected populations, and trying to build sustainable institutions or lay the groundwork for peace.
- Incorporation of protection into negotiated access discussions makes them more fraught, not less.
- OLS was vulnerable to donor politics and inconsistencies of funding, leading to short-term shifts in approach. Ideally, humanitarian decision-making would be clear, consistent

and evidence-based, but is often at the mercy of forces outside of humanitarian control. Contingency plans should take these forces into consideration.

- Effective monitoring and evaluation of relief activities, inclusion of data disaggregated by sex, age and other social characteristics, and methods of capturing and disseminating learning are essential to effective operations.
- Negotiations over access, before and including the Ground Rules, created pockets of relative peace – sort of ‘accidental’ ceasefires. These allowed the creation of some governance structures that were quite unlikely otherwise, which in turn improved the delivery of aid and ultimately contributed to the building of sustainable institutions.
- The issue of humanitarian assistance conferring legitimacy on the political institutions through which the assistance is proffered has significant implications for the present. One clear lesson from OLS relates to the recognition of traditional authorities as a bridge between humanitarian efforts and affected communities.

### **ODI (2018). The Unintended Consequences of Humanitarian Action in South Sudan: Headline Findings.**

The U.S. Institute of Peace (USIP) commissioned ODI to undertake a study of the political implications of the response to the humanitarian crisis in South Sudan. This report summarises the headline findings of that research. The report is based on data analysis, a literature review, and confidential informant interviews with over 40 international and local staff, experts, academics, donors and diplomats, both inside and outside South Sudan. Information collected suggests that the manipulation and diversion of aid by the parties to the conflict significantly undermines the intended purposes of humanitarian aid. The degree to which the delivery of international assistance is inconsistent with humanitarian principles is increasingly significant.

The study highlights that the current paradigm of assistance disproportionately benefits the government in Juba financially and politically. This has resulted in a dynamic whereby the government, focused on maintaining its international legitimacy, derives it in significant part from the international presence. In addition, diplomats, donors, the UN, and operational humanitarian organisations are not able to mount a collective response to the parties to the conflict who are seeking to benefit from the humanitarian operation. A critical disjoint appears to be the failure to effectively connect international political engagement with the humanitarian operation. Changing this dynamic requires the international community to send strong messages around what constitutes an acceptable enabling environment for humanitarian action. This study identifies three priority areas that need to be addressed to protect humanitarian space.

**Priority 1: Strengthening collective leadership:** Addressing the leadership deficit, particularly around collective action, must be the priority. The most critical gap appears to be that between the international community’s diplomatic strategy and its approach to humanitarian assistance.

**Priority 2: Resetting the relationship with the belligerents:** Approaches must be pursued to demonstrate that the international community is unwilling to accept the predatory behaviour of belligerents. A key objective is to identify actions, either temporarily or permanently, to reduce the indirect benefits government is accruing from the humanitarian operation. Examples include:

- Pushing activities out of the country by building on existing cross-border delivery pipelines. The World Food Programme has negotiated access from Sudan and Ethiopia and more informal operations have been taking place across the Ugandan border.

- Decentralising the operation out of Juba. This would involve relying more significantly on access negotiations and agreements with local authorities and commanders. This would also more closely respond to the increasing fragmentation of “administrative” functions across the states and counties as well as the evolving trends of control and command.

Evidence from Afghanistan, Sudan and Somalia shows that those agencies that developed coherent strategies for engagement with armed groups, in particular at the local level, and who invested heavily in resources and training for staff in humanitarian negotiations had greater and sustained access in the long term (see Jackson, 2014 below).

**Priority 3: Improving the capacity to manage risk:** Building this understanding demands proximity and strong relationships with a range of local actors, and requires personnel to spend considerable time with those people who are the beneficiaries of their work.

Based on the findings, a series of recommendations were generated by ODI, these included those for the diplomatic community, donor agencies, the humanitarian country team and individual humanitarian organisations, both UN and non-governmental:

**Conflict Sensitivity Resource Facility (2018). Displacement, Access, and Conflict in South Sudan: A Longitudinal Perspective. CSRF.** <https://www.southsudanpeaceportal.com/wp-content/uploads/2018/06/CSRF-Research-Displacement-Access-and-Conflict-in-South-Sudan.pdf>

This report was prepared by the CSRF to support conflict sensitive donor programming. The authors comment that contemporary debates about humanitarianism focus on the problems of the present, with access issues and violence at the forefront of concerns. While valuable, this focus has meant that the ways in which aid shapes conflict in the long term have not been discussed. This paper focuses on the Sudanese civil war (1983-1986), prior to Operation Lifeline Sudan, and analyses the historical structure of the political economy of humanitarianism. This paper argues that understanding this conflict requires two elements of analysis:

- (1) **Understanding how aid becomes a weapon of war**, in this paper, the focus is on the way that aid was used to depopulate rural areas in favour of government garrison towns. These population movements afforded a series of economic benefits to Sudanese actors associated with the military. In the current civil war, the political-economic goals are different, but the use of access restrictions and the depopulation of rural areas as techniques of war remain. The logic of these campaigns can only be understood if one understands the denial of aid as a tool of war designed to ensure impoverishment of a hostile population and economic gains of a dominant group.
- (2) **Understanding how aid becomes an object over which war is fought.** The way that aid is politicised has meant that selective distribution of humanitarian relief has become part of a pattern of unequal access to resources in situations of contested land rights. These patterns of inequality are a driver of the contemporary conflict.

The paper critiques perceptions that blame problems of access on command and control issues within the Sudan People’s Liberation Army (SPLA). It is commonly claimed that lower level commanders do not receive, or ignore, memos from high-ranking commanders. However, evidence indicates that access issues are not command and control problems, but rather part of a series of broader questions of political economy. In general, an apparent absence of hierarchy is an indication that lower-level commanders are being allowed to obtain resources from the

distribution of aid, often as the state is unable to pay soldiers' wages. Allowing relief provision to occur can also function as propaganda for the government and armed groups, or as a reward for services rendered.

This paper isolates dynamics of the conflict and makes some recommendations for what actions humanitarians might usefully consider in order to mitigate their consequences.

**Rural/Urban Displacement:** In order not to be a part of a concerted military campaign to depopulate rural areas, humanitarian actors have to be wary of establishing relief efforts in urban settlements under the control of the government. A fuller commitment to rural distribution of aid is necessary, and an awareness of when an armed actor removing access restrictions may be part of the war effort.

**Unintended Resource Transfers to Armed Groups:** At present, the humanitarian community financially supports the war effort in two senses.

- (1) Some money paid to use infrastructural services inside South Sudan is going to military and opposition forces. Options for reducing the humanitarian dependence on infrastructure that benefits conflict actors should be explored and tested.
- (2) Running local relief operations requires paying-off commanders. Using planes based outside of South Sudan would possibly mitigate this. Another possibility would be to direct cash payments to civilians at humanitarian sites, though the success of such payments would be conditional upon there being a market at which such cash payments could be effective.

**Manipulation of Aid:** Humanitarian relief, and its selective distribution, dictated by the government, is an important part of military strategy. Evaluating how humanitarian relief could be made more effective under these circumstances involves a series of structural questions: should the humanitarian effort still be based in Juba? Would its pernicious side effects be lessened if it were devolved to the regions, or else placed outside the country, as during Operation Lifeline Sudan? CSRF conclude that the humanitarian community should develop more thorough standards for deciding when the pernicious consequences of a relief operation outweigh its possible positive consequences. Aid operations tend only to pull out of an area when their security is threatened. This paper recommends that there should be much higher standards for assessing the efficacy of a relief operation in terms of its political economic consequences. If the humanitarian community acted collectively, and ceased operations when humanitarian operations themselves became part of the war effort, then pernicious consequences could be avoided. In addition, if such red lines were much stronger, a much more robust conversation could be had with the South Sudanese government, which is reliant on relief operations in multiple respects. Such a formalisation of red lines requires a broad discussion within the humanitarian community about the way that the distribution of aid plays a part in the current civil war.

**South Sudan Peace Portal (2017). A Rock and a Hard Place: Operating Challenges for Aid Organisations in South Sudan.** [https://www.southsudanpeaceportal.com/wp-content/uploads/2017/04/Operating-Challenges-for-Aid-Organizations-in-South-Sudan\\_April-2017.pdf](https://www.southsudanpeaceportal.com/wp-content/uploads/2017/04/Operating-Challenges-for-Aid-Organizations-in-South-Sudan_April-2017.pdf)

The primary aim of this research is to assist international organisations operating in South Sudan to better prepare for and manage an environment of restricted access, deepening regulatory

complexity and deteriorating relations with the Government. By examining the history of humanitarian engagement in Southern Sudan during Operation Lifeline Sudan and in Darfur, the research identifies parallels with the current landscape. It aims to describe recent changes in relations between the Government and international organisations and identify emerging risks.

The report describes key issues and trends in an operating environment where information sharing among humanitarians has become constrained. This research attempts to compile the analysis and perspective of multiple interlocutors. Respondents included personnel from UN agencies, INGO's, and external stakeholders. Interviewees included a diverse mix of experts with operational, technical or contextual knowledge from Darfur, Operation Lifeline Sudan, and present-day South Sudan.

International organisations operating in South Sudan are characterised by different objectives, principles, approaches and capacities. With the evolution of the conflict, the aid community has found itself increasingly at odds with the Government. Throughout the course of conflict international organisations have used a combination of three methods in dealing with Government – compromise, avoidance, or engagement. Each approach has advantages and disadvantages depending on the type of the organisation, its profile, the size of its operations, whether they are moving quantities of supplies around the country, whether they deliver in government held or opposition areas, and whether their funding is short-term or multi-year.

The report concludes with the identification of a number of coping strategies that humanitarian actors typically draw upon in South Sudan.

**Avoidance and compromise:** Such strategies are based on a calculation that not defending the landscape from government's obstructive policies or practice will win an agency more favourable terms. Agencies believe that being agreeable will delay more aggressive interference. In some cases this may prove true as organisations perceived to be carrying out more advocacy faced challenges with registration. Organisations that are smaller, work in more stable areas, and have less brand visibility have been able to strategically avoid the Government. Organisations and staff with less experience engaging with belligerent parties are likely to be more vulnerable to pressure, and thus acquiesce demands that could set negative precedents.

**Bilateral and multilateral engagement:** Aid workers interviewed noted that their organisations lack formal relationship or stakeholder engagement strategies for their interactions with the Government. For those adopting a more proactive approach with the Government, engagement appears to be ad hoc. The most effective engagement noted a heavy involvement and collaboration amongst senior management teams. In these cases, senior management teams benefited from information sharing and collective analysis.

A number of sources noted that organisations that adopted proactive approaches to engagement with the government had regular, deliberate and independent interaction with them. Experience suggests that this type of independent engagement provides a comparative advantage over the organisations that opt for non-engagement or for those organisations relying more heavily on support from OCHA or UN agencies. This type of engagement has led to improved access to information and more useful context and conflict analysis. It does require significant investment in terms of senior staff time and strategy development. For those organisations adopting this approach, interaction with government officials is calculated and prepared for. Sources noted that high level advocacy, most of it behind the scenes, is thought to have resulted in a progressive easing of one off impediments but little systemic change.

Some sources expressed concern that strategic level engagement on behalf of all humanitarians had not translated into gains for many partners in the system. Sources noted that UN agencies, due to differences in mandate and funding flexibility, have made concessions that might negatively affect less influential partners.

This report comments that there is a strong perception among humanitarians that anchoring around core red lines will reduce the ability to negotiate with the Government and thus create more challenges to delivering assistance. Senior operators in the field noted that negotiations routinely benefit from a clearly articulated understanding of the different types of demands, and their associated costs, that humanitarians can either afford or not afford to comply with. Others noted that defining a clear red line is impossible in an environment where aid workers face multiple impediments each day.

**A culture of silence:** As the environment and relationship with the Government has changed, many organisations now opt for bilateral information sharing. Organisations often feel safer discussing shared experience in small, informal groups with like-minded agencies who have a history of adopting similar approaches. The narrowing space for information sharing has broader impacts beyond coordination. Less information is shared internally with lower ranking staff.

With the conflict's growing complexity, faltering confidence in and fear of information sharing is an obstacle to complementary access negotiations. In 2014, the polarised nature of the conflict and static frontlines made access negotiations relatively straightforward. Through 2015 and 2016, senior aid workers noted that the collective response benefited from greater professionalism and complementarity of access negotiations including improvements in conflict mapping, actor mapping, shared analysis and interagency collaboration. The proliferation of armed groups and the deepening complexity and sensitivity associated with negotiations will challenge the collaborative approach that led to many of the positive improvements in coordinated access negotiations throughout 2015 and 2016.

**Trade-offs:** decisions are seldom clear-cut, especially in an environment with limited information sharing. Decisions are made using logical justifications and often imperfect information. Few decisions, if any, will deliver "win-wins" and most will involve trade-offs of some kind.

Experienced operators in the field noted that open discussions of trade-offs allow stakeholders to think critically about which impacts are more or less important and which set of trade-offs are more or less acceptable. Conceding to a demand in one area can impact other organisations in other areas. According to multiple sources, concessions made to ensure the short-term delivery of programmes may set negative precedents.

## Afghanistan

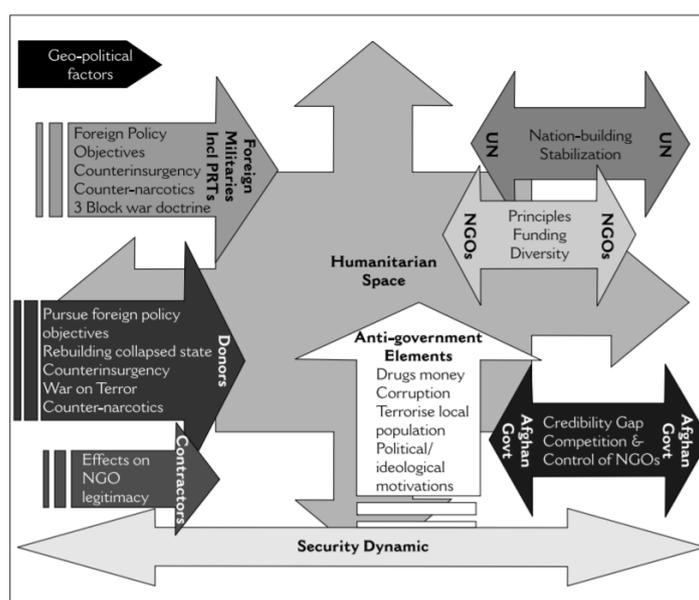
**Shannon, R. (2009). Playing with principles in an era of securitized aid: negotiating humanitarian space in post-9/11 Afghanistan. *Progress in Development Studies* 9, 1. 15–36. <http://journals.sagepub.com/doi/pdf/10.1177/146499340800900103>**

This research, based on field work in Afghanistan in mid-2006, suggests the politicisation, developmentalisation and securitisation of aid, often referred to as 'new humanitarianism', has triumphed in the post-9/11 environment. The international community's response to reconstructing Afghanistan, brought actors such as the military and private corporations more fully into the humanitarian sphere. As a result, the NGOs, traditionally charged with taking

humanitarian action, face a number of challenges and dilemmas. Their legitimacy and their ability to act impartially, be perceived as neutral and to maintain their independence have become increasingly constrained. How the NGOs adapt when their humanitarian space is constrained affects who, where and what aid gets delivered and on what principles.

The actors and factors constraining humanitarian space in Afghanistan are depicted in Figure 1. Geopolitical factors, namely, neighbouring countries and other regional actors with commercial, resource and political interests indirectly affect the operating environment for the NGOs in ways that constrain humanitarian space. At the international policy level, the coherence agenda in which aid is politicised, developmentalised and securitised continues to directly affect the operating environment for the NGOs, also in ways that constrain humanitarian space.

**Figure 1: Depicting actors and pressures on humanitarian space in Afghanistan (2009:32)**



Where NGOs have made most effort in negotiating greater humanitarian space is through differentiating themselves. They pushed for a new NGO law and re-registration of NGOs, the development of a Code of Practice, dissemination of the Code and commissioned research on aid funds. At the local level, in response to insecurity and to help ensure access, they have resorted to travelling in public transport, not carrying identity cards, not marking their premises and so forth. Few of these efforts, however, could be said to have eased a constrained operating environment or challenged the forces and actors with the greatest ability to determine the extent of respect for International Humanitarian Law (IHL).

**Lesson 1 Address analytic capacity issues:** This will depend on the capabilities and quality of staff employed in the field as well as finding ways to address staff turnover.

**Lesson 2 Differentiate and restore legitimacy:** It is important that local populations understand who and what the NGOs are about. The Afghan experience suggests that this needs to be based on an ethical framework if the NGOs are to maximise their ability to deliver aid based on need, maintain the trust of communities and negotiate access to victims.

**Lesson 3 Recognise the importance of local staff and use their expertise:** Human resource capacities have been a serious constraint for most actors in Afghanistan and the practice of UN

bodies etc. recruiting staff from local agencies and governments is common. At the same time, there is a tendency in the aftermath of humanitarian crises for NGOs to expand their programmes and for local aid workers to be bypassed by the appointment of expatriate staff who stay in post for relatively short periods.

**Lesson 4 Re-focus efforts on influencing the military:** As the NGOs become more dependent on donor funds, they lose the ability to speak with authority against the policies and practices of donor governments. The NGOs in Afghanistan have learnt when trying to influence the military, it is necessary to focus advocacy efforts on those who are in a position to make policy decisions and they are not necessarily the military commanders on the ground. A better understanding of how military structures operate, who the key players are and how military doctrine is shaped would place the NGOs in a stronger position to challenge the changing role of the military.

**Lesson 5 Always make the victims the focus:** Development policy, practice and aid modalities make aid based on meeting needs less possible than previously. When the NGOs are caught up in trying to agree with common positions, defend their legitimacy, secure funds, engage with new actors, and protect their organisational interests and investments, the danger is they make decisions and expend energies without prioritising victims or accountability to them. Keeping focussed on their mandate and the victims of conflict and poverty will help ensure that the NGOs do not put organisational and selfish interests over the delivery of aid based on need.

## Somalia

**Belliveau, J. (2015). Red lines and al-Shabaab: negotiating humanitarian access in Somalia. Norwegian Peacebuilding Resource Centre.**

[https://www.clingendael.org/sites/default/files/pdfs/Belliveau\\_NOREF\\_Clingendael\\_Negotiating%20with%20Al%20Shabaab\\_Mar%202015.pdf](https://www.clingendael.org/sites/default/files/pdfs/Belliveau_NOREF_Clingendael_Negotiating%20with%20Al%20Shabaab_Mar%202015.pdf)

Focusing on one of MSF's project sites, this report describes some of the elements, patterns and dilemmas that characterised its experience of engaging with al-Shabaab during the latter's turbulent rule over a territory marked by chronic humanitarian crises and frequent medical emergencies. The author comments that negotiating access with al-Shabaab was as much about determining and managing MSF's own "red lines" as it was about negotiating as such.

Al-Shabaab's treatment of NGOs varied. Whilst the author notes that the project under review was not immune to the group's aggression, it did not experience it to the degree or frequency of many other projects. It is likely that the project would have experienced substantially more problems without the presence of three important factors, together, these factors provided MSF with substantial negotiating leverage:

- the programme existed before al Shabaab arrived,
- it offered a "product" that was highly valued by the community,
- it had experienced senior national staff who could both run the project and represent the organisation.

Much of what characterised the humanitarian organisation's "negotiations" with al-Shabaab was its internal assessment of the limits of what was acceptable. The organisation was in a constant state of compromise, not able to operate according to its standard modus operandi, but the project's life-saving impact tipped the balance toward remaining in operation so long as it could

mitigate the compromises to at least a tolerable degree. At the time when al-Shabaab took over the territory in which the project operated, the latter had been running on a remotely managed basis for over a year due to increased insecurity for international staff. A crucial question in Somalia was whether or not a sufficiently robust remote management system could prevent the organisation from systematically crossing its red lines. The organisation grappled with the four main red-line issues:

**Declining medical quality:** The organisation assumed that over time, in the absence of international medical experts on site, medical quality would diminish. In order to avoid diminished medical quality, the project created new systems and changed its working culture. The project boosted training opportunities for field staff, and remote staff worked closely with them to advise, discuss difficult cases, strategize, and check and crosscheck medical outcomes. The system sought to empower and support field staff while holding them strictly accountable through a robust system of information verification and cross-checking.

**Staff protection:** Without the presence of international staff the potential for risk to national staff increased. The project was able to push back and avoid the impact of some of al-Shabaab's staff-related demands. The project maintained female staff, despite demand to remove them. The organisation also avoided providing personnel details to al-Shabaab beyond a list of staff names. But the clearest red line related to staff protection was the safety of senior staff who represented the organisation locally under remote management. In the organisation's standard projects, international personnel manage the activities and represent the organisation locally. They make decisions relating to such things as selecting local suppliers, hiring and firing local staff, selecting project activities, and so on. They are the ones who negotiate access. This system buffers local staff from the pressures and potential security risks generated from being the project's visible decision makers. In remote management, national staff, particularly those who take on visible decision-making roles, can face increased security risks.

The organisation managed this primarily by shifting the decision-making locus for risk-inducing decisions to the remote team. While the day-to-day responsibilities of senior national staff increased significantly under remote management, decisions related to the hiring, firing and disciplining of staff, as well as selecting and paying local suppliers, were shifted to the regional base outside Somalia.

**Impartiality:** Because local political and clan dynamics are always reflected in the national staff corps, there was a risk that under remote management certain people would be denied the project's services owing to biased treatment by local staff on the basis of their identity.

To mitigate this potential compromise of impartiality, the organisation had ensured a mix among the staff corps that reflected a cross-section of local society. More problematic was that expansion to new areas outside the area controlled by the same al-Shabaab governorate was not possible. This left many Somalis without the services they urgently needed. However, the organisation ultimately concluded that its failure to expand elsewhere would not constitute a red line for this particular project.

**Resource diversion:** One of the most challenging red-line issues was ensuring that resources were directed solely toward the project's medical humanitarian objectives. Broadly speaking, resource diversion can occur: as a spin-off effect of the intended and legitimate payment of salaries and local purchases; via insufficient control mechanisms that permit the "leakage" of cash or consumable items; or via the direct transfer of goods or cash to the controlling authority.

Negotiating humanitarian access with al-Shabaab was challenging and may not have been possible without certain preconditions. These were primarily the humanitarian organisation's long-established presence prior to al-Shabaab's takeover, the high value of the product it provided to the community, and the experience and competence of the national staff that allowed a switch to remote management. Nevertheless, these preconditions were insufficient in themselves. The organisation had to both negotiate exemptions to certain demands and expand its activities, and had to demand corrective action related to unacceptable actions against its staff, operating space and assets. Ultimately, negotiating access under al-Shabaab was not about obtaining a green light to operate, but about whether the conditions for operation were acceptable.

In an increasing number of conflict situations, humanitarians face the prospect of negotiating access with armed groups whose ideology generates hostility toward foreign humanitarian organisations. Yet their ideology may mask other motivations more favourable to humanitarian assistance. Some form of negotiating space may exist even if it is not evident. Organisation's best positioned to take advantage of such negotiations spaces will:

- be able to demonstrate through historical reference their impartial and neutral commitment to people in need, and will ideally already have a presence in the area prior to the arrival or emergence of the armed group;
- offer a "product" that is valued among the community and not easily "lootable";
- have cultivated a national staff that is competent to run programmes but also well versed in the organisation's values and ethos, and at least some of whom are capable negotiators with sufficient community-level respect;
- be prepared to implement less-than ideal operational models while mitigating risks and compromises associated. For many organisations this may imply a shift in the programme's operational culture, as well as systems for quality and resource control. It also requires transparent, thorough and ongoing review of the organisation's red lines.

## Global Studies

**Carter, W. & Haver, K. (2016). Humanitarian access negotiations with non-state armed groups: Internal Guidance and Emerging Good Practice. SAVE.**

[http://www.gppi.net/fileadmin/user\\_upload/media/pub/2016/SAVE\\_\\_2016\\_\\_Humanitarian\\_access\\_negotiations\\_with\\_non-state\\_armed\\_groups.pdf](http://www.gppi.net/fileadmin/user_upload/media/pub/2016/SAVE__2016__Humanitarian_access_negotiations_with_non-state_armed_groups.pdf)

This paper seeks to provide an overview of the operational challenges and emerging good practices in negotiations on humanitarian access with non-state armed groups (NSAGs) during humanitarian responses in high-risk countries. It draws primarily on research conducted for Secure Access in Volatile Environments (SAVE), exploring the question of how to deliver a high-quality<sup>1</sup> humanitarian response amid high levels of insecurity. The research involved extensive fieldwork in Afghanistan, South Central Somalia, South Sudan and Syria.

Carter and Haver conclude that humanitarian organisations and inter-agency mechanisms need to approach access negotiations strategically, and not shy away from engaging NSAGs in areas where donors or the UN are politically aligned with host governments. Where negotiations are happening, humanitarian organisations need to support frontline negotiators and their management with adequate guidance, training and support. They authors also provide series of recommendations:

At the global level:

1. Humanitarian organisations with operations in countries where non-state armed groups are active should develop and disseminate internal policies on humanitarian access negotiations.
2. There should be continued advocacy efforts to promote the political and operational independence of humanitarian action, particularly in relation to donor governments, and of agencies and country programmes themselves to ensure that they adhere to and exercise operational independence.

At the country level:

3. Every humanitarian organisation should formally decide whether or not to negotiate with non-stated armed groups active in its country of operation, and whether to do so directly or indirectly.
4. Field-based staff, including local staff, should receive appropriate training in and explicit guidance on humanitarian access negotiations with non-state armed groups.
5. Aid agencies should seek to understand the specific political motivations of donor governments and UN peace operations, and how these motivations may be influencing their ability to negotiate with non-state armed groups. In some countries, depending on the UN's political positioning and field capacities, NGOs may need to initiate joint, NGO-led initiatives to support access negotiations and preserve their operational independence; this may include investment in non-UN air logistics.

For further research and guidance:

6. Take steps to understand the underlying attitudes and practices of national staff regarding humanitarian access negotiations, given the disparity between international and national staff perspectives on whether such negotiations are acceptable.
7. Conduct exploratory research on the inclusion or integration of protection objectives in humanitarian access negotiations with non-state armed groups.
8. Devise operational guidance for the effective management of intermediaries used in indirect negotiations with non-state armed groups for humanitarian access.

**MSF (2018). Bridging the Emergency Gap: Reflections and a call for action after a two-year exploration of emergency response in acute conflicts. MSF.**

<https://arhp.msf.es/sites/default/files/BRIDGING-THE-EMERGENCY-GAP-FULL-REPORT.pdf>

The Emergency Gap Project combines policy-driven analysis on the internal dynamics of the humanitarian sector when responding to acute conflict emergencies with lessons learnt from MSF's work on the ground and reflections on crises. The report draws on thematic reports and case studies, and consultations with 150 representatives from 60 organisations. The Project defined the emergency gap as the failure to ensure lifesaving services in the right places at the right time, particularly in the first year of an acute crisis. The authors comment that the emergency gap is not a single cause phenomenon. External factors have simultaneously overloaded the humanitarian sphere and created an environment unfavourable for humanitarian action. Externally, the politicisation, instrumentalisation and obstruction of humanitarian action

remain key factors in the shrinking of humanitarian space. However, the dynamics of the emergency gap are also driven by internal factors within the sector's control.

The report reveals growing concerns that emergency response is undervalued by a dominant policy discourse that is increasingly focused on coherence and integration. This discourse has been backed by greater political commitment since the World Humanitarian Summit in 2016 and the more expansive aid paradigm of the New Way of Working, which aims for increased synergies across humanitarian, development and peacebuilding sectors to "end need". The authors comment that post-WHS global humanitarian policies aspire to a 'paradigm shift' that re-defines the essence of humanitarian action as an auxiliary to other goals, while failing to assess the real risks posed by closer alignment of humanitarian and political agendas.

This project has confirmed that many humanitarian NGOs, donors and UN agencies share MSF's concern that the political and structural push for greater coherence of vision, goals and operational models will jeopardise the ability to deliver impartial assistance in conflict settings.

**The Structural Element:** Structurally, the humanitarian sector is failing to capitalise upon the diversity of its actors, approaches and operational models. Instead, coordination, planning and funding streams are articulated around UN-led architecture and processes, which often favour coherence of action over flexibility and timeliness. There is also a mismatch between the core recipients of funding, UN agencies, and frontline deliverers of aid. This is not only a technical challenge for the rapid and cost-efficient transfer of money, but also a design flaw that hampers support for necessary structural and operational investments required for the ability to stay and deliver in acute crises. Growing centralisation has led to policy thinking that sees the humanitarian community more as a system of tightly fitting elements that contribute to one purpose, rather than an ecosystem where independent and often diverging missions, goals, ambitions, and operational and organisational models can interact with and complement each other.

**The mind-set element:** The ethical dilemma facing humanitarian organisations is to decide at what point the risks become so great that it is necessary to limit or withhold assistance. Today's humanitarian mind-set has become conservative, risk-averse and cost obsessed. This is linked to the current structural set-up of the humanitarian system and an aversion to security, financial, and organisational risk. It is often driven by donors' monitoring and reporting policies and by their unwillingness to accept uncertainty or deviation of assets, or to fund potential failure, as well as by NGOs struggling to balance operational demands and institutional constraints.

The authors comment that stakeholders interviewed spoke of unrealistic accountability and compliance norms that restrict ability to accept risk. As a result, organisations go for the 'low-hanging fruit' by responding where needs are evident and access straightforward, rather than moving beyond their areas of regular operations. This report concludes that:

- Emergency response must be reinstated as a critical area of intervention. This means cultivating the humanitarian mind-set of emergency-focused organisations that can operate in conflict setting, and backing their operations with the resources needed.
- It calls for a greater recognition that acute needs will continue as new crises erupt or as more protracted crises slip back into the acute phase. Humanitarian policy must ensure that efforts to make the transition from humanitarian to development approaches do not come at the expense of emergency responsiveness. It is important to retain the specificity of principled humanitarian action. This cannot be achieved by tweaking the

existing system. The system can, however, allow more space for emergency-minded organisations to operate. The UN and donors can create a space where organisations that are willing to take an active role in the early phases of crises can find ways to do so.

Within the humanitarian sector, there is a tendency to pursue one-size-fits-all solutions and global policies. Expectations of others should be informed by an understanding of varied conceptual filters, whether based on humanitarian principles or in transformational agendas to build a better, more peaceful and empowered world.

**Egeland, J. Harmer, A. & Stoddard, A. (2011). To Stay and Deliver Good practice for humanitarians in complex security environments. UNOCHA.**

[https://reliefweb.int/sites/reliefweb.int/files/resources/1D5190B0014508184925784C000737A5-Full\\_Report.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/1D5190B0014508184925784C000737A5-Full_Report.pdf)

This study is designed for aid practitioners seeking practical solutions to gain, maintain, and increase secure access to assist populations in a range of complex environments. It aims to enhance the ability of humanitarian actors to provide aid to people in need, in a way consistent with the core humanitarian principles of humanity, impartiality, independence, and neutrality. The report synthesises findings from six field studies, interviews with 255 practitioners and policymakers, survey data from 1,100 national staff members, and a desk-based review of organisational literature. The resulting compilation of practices offers an opportunity for peer learning and knowledge sharing among humanitarian practitioners across complex security settings. In addition, the study examines the wider, political constraints to humanitarian action in complex security environments, factors over which humanitarian actors have less control, but which they could more effectively approach through increased coordination and advocacy.

The authors comment that in today's operating environments, acceptance of humanitarian action by local authorities and communities needs to be approached as a process rather than as an event, requiring presence, time, and sustained engagement with all relevant parties, including non-state actors as well as influential political, military, or religious leaders. A headline finding of this study is that the greater an organisation's demonstrated capacity to communicate and negotiate with all relevant actors, the better access and security is achieved for humanitarian operations. The ICRC has demonstrated the most active, effective, and sustained acceptance and humanitarian negotiation strategies. It focuses resources on strategically and continuously engaging with all parties to the conflict as well with as local communities. To build this capacity requires significant organisational investment, and so far only a few humanitarian organisations were found to have made major strides in this direction.

This authors describe practices employed by aid providers that have demonstrated usefulness for operating in the most challenging security conditions. The purpose is to highlight examples of good practice and innovative operational solutions. The categories and practices are not mutually exclusive, are typically used in combination, with varying degrees of emphasis depending on the type of aid actor and the operational setting.

**Acceptance-based approaches:** Aid organisations can seek acceptance-based security for their staff and activities in a variety of ways that ranges from passive acceptance (i.e. eschewing association with political or military actors or other international entities), to an active acceptance involving proactive outreach strategies, to direct humanitarian negotiation for access and security guarantees. An important finding was that the more active and diligent the organisation is in its

acceptance efforts, and the greater its capacity to communicate and negotiate, the better access and security it was able to obtain

**Negotiated access:** Negotiating secure access in violent conflicts requires negotiation with a range of armed actors. To do this effectively entails advanced skills, experience, and capacities.

**Localised or devolved management strategies:** Reducing or restricting movement or withdrawing internationals while shifting responsibilities for programme delivery to local staff or local partners is one of the most common programming adaptations to insecurity.

**Low-profile approaches:** An organisation can choose from a spectrum of low-profile measures from low to virtually no visibility, i.e. de-branding measures, more comprehensive blending strategies i.e. locally renting vehicles and taxis, and extreme low profile / no visibility approach. In such scenarios the aid recipients may not know the aid provider.

**Protective measures:** A protection approach uses protective devices and procedures to reduce vulnerability. Although UN agencies rely on protection measures more heavily than NGOs, some forms of additional protective measures will be required by most international entities in insecure settings. The downsides to protection include the risk of 'bunkerisation'.

**Deterrent measures:** Deterrent approaches are defined as those that pose a counter-threat in order to deter the threat. They are primarily understood to mean the threat or use of force. Although many humanitarian organisations are sensitive to the idea of armed security, virtually all aid agencies at one time or another have used some form of armed protection.

The authors also identified a range of other operational measures related to security management, coordination, and preparedness.

### **ICRC (2018). The Roots of Restraint in War. ICRC.**

<https://www.icrc.org/en/publication/roots-restraint-war>

The report sets out to identify the various sources of influence on the behaviour of those bearing arms in different types of armed forces and armed groups. The principal objectives of this study are twofold. First, the research sets out to deepen the ICRC's understanding of some of the processes and mechanisms influencing behaviour that were identified, seeking evidence of what works best. Of particular interest are the impact of IHL training on behaviour and the pedagogic methods judged to be most effective by soldiers themselves. The "integration approach" is unpacked to assess which aspect of the model – knowledge of the law, training in the law, or threat of punishment under the law – has a greater influence on behaviour, and how it compares with the influence of informal norms, particularly peer-group conformity. Report findings include:

- Understanding the structure of armed groups is a first step in identifying potential sources of influence over their behaviour.
- By focusing on restraint as well as violence, one broadens understanding of who or what influences behaviour. Analysing patterns of violence can help to pinpoint instances where restraint has been exercised.
- Youth form the bulk of fighters. Finding innovative and locally adapted ways to reinforce norms of humanity among them, including via digital media, is essential.
- External entities are able to influence the behaviour of armed forces and armed groups. Making it a criminal offence for humanitarian organisations and local communities to

interact with armed groups is counterproductive and hampers efforts to promote respect for humanitarian norms.

The ICRC conclude that approaches to engaging with armed forces of various types involve:

### Integrated state armed forces

<p><b>CHARACTERISTICS</b></p> <ul style="list-style-type: none"> <li>Strictly hierarchical decision-making and authority</li> <li>Codified, observable rules that are consistently applied</li> <li>Observable signs of discipline (professionalism in uniforms, saluting, routines)</li> <li>Separation from civilian life when on duty</li> </ul> <p><b>SOURCES OF AUTHORITY AND RESTRAINT</b></p> <ul style="list-style-type: none"> <li>Senior leadership</li> <li>Junior officers and non-commissioned officers</li> <li>Doctrine, standard operating procedures, rules of engagement and informal norms and values</li> <li>Threat of punishment</li> </ul> <p><b>SOCIALIZATION PROCESSES</b></p> <ul style="list-style-type: none"> <li>Formal training, hierarchy and discipline</li> <li>Informal values and rituals (e.g. hazing, marching songs)</li> </ul>	<p><b>INSIGHTS</b></p> <ul style="list-style-type: none"> <li>The intensity of training in IHL (frequency, methods) makes a difference to battlefield conduct. The trainer must be credible with the audience, whether through experience or expertise.</li> <li>Training effectiveness is best tested under battlefield-like conditions.</li> <li>Norms of restraint need to be reinforced at critical moments by the immediate superior.</li> <li>Formal socialization can be reinforced or undermined by informal socialization processes.</li> <li>Norms of restraint are more likely to hold if they are internalized as part of a soldier's identity – beyond "it is against the law" to "it is not who we are".</li> </ul>
<p><b>CONSIDERATIONS</b></p> <ul style="list-style-type: none"> <li>What events, legends, personalities and values form part of the armed force's identity? How do these shape formal and informal socialization?</li> <li>How much influence do junior and non-commissioned officers have on unit members' behaviour and viewpoints?</li> <li>What intersecting identities (e.g. religious, ethnic) do members of the armed force have? Do they create other entry points for messages on restraint?</li> <li>Do monitoring mechanisms weaken with distance from central command? How does this affect behaviour?</li> <li>What profile of trainer would be most credible with particular audiences?</li> </ul>	<p><b>APPROACHES</b></p> <ul style="list-style-type: none"> <li>Advise and assist in the integration of IHL into national laws and into military doctrine at all levels.</li> <li>Assist in the development of IHL training tailored to the audience. Find references that resonate with participants. Recommend that training be tested under duress.</li> <li>Promote the socialization of values related to IHL by supporting its integration into organizational culture.</li> <li>Track patterns of violence and identify instances of restraint. Investigate the sources of influence on restraint. Distinguish between violence as a policy and as a practice.</li> <li>Encourage States allying with other State and non-State forces to ensure that their partners socialize norms of restraint among their soldiers or fighters.</li> </ul>

### Centralised non-state armed groups

<p><b>CHARACTERISTICS</b></p> <ul style="list-style-type: none"> <li>Leadership exercises tight command and control over subordinates through a strict hierarchy, but monitoring mechanisms may be weak</li> <li>A prominent doctrine or ideology outlines goals, approaches and world view</li> <li>Observable signs of discipline (professionalism in uniforms, saluting, routines)</li> <li>Isolated from civilian population (housed in camps or barracks)</li> </ul> <p><b>SOURCES OF AUTHORITY AND RESTRAINT</b></p> <ul style="list-style-type: none"> <li>Senior leaders and commanders of sub-units</li> <li>Group ideologies and codes of conduct</li> <li>Ideology, codes of conduct, discipline</li> <li>Threat of punishment</li> </ul> <p><b>SOCIALIZATION PROCESSES</b></p> <ul style="list-style-type: none"> <li>Immersive regime (e.g. controlling all aspects of the daily routine)</li> <li>Initiation rituals and informal bonds</li> </ul>	<p><b>INSIGHTS</b></p> <ul style="list-style-type: none"> <li>Groups espouse an elaborate doctrine or ideology that specifies goals. They regularly publish or broadcast the group's ideas and values to a wider public.</li> <li>The rules stipulate the parameters and targets of permissible violence.</li> <li>A weak capacity to monitor the behaviour of fighting units leaves unit commanders with scope to interpret how norms are understood and applied.</li> <li>Group loyalty is forged through intense socialization practices that aim to reshape members' identities.</li> </ul>
<p><b>CONSIDERATIONS</b></p> <ul style="list-style-type: none"> <li>What is the group's ideology? What does its code of conduct say about violence and restraint? Where are the overlaps with IHL?</li> <li>Who articulates or interprets the group's doctrine or ideology?</li> <li>How are group beliefs and rules socialized among members?</li> <li>Are there variations in patterns of violence between different units of the same group? What does this convey about command and control?</li> <li>What is the relationship between the armed group and local communities? Are communities able to resist being drawn into the conflict?</li> <li>What profile of trainer is most credible with particular audiences?</li> </ul>	<p><b>APPROACHES</b></p> <ul style="list-style-type: none"> <li>Track patterns of violence and identify instances of restraint. Investigate the sources of influence on restraint. Distinguish between violence as a policy and as a practice.</li> <li>Discuss parallels between the group's doctrine and IHL, and seek further alignment.</li> <li>Discuss with the leadership any disparities between the rules and observed behaviour. Advise on ambiguities that allow different interpretations of the rules.</li> <li>Discuss with the leadership the informal norms that may undermine formal rules, and the strength of monitoring mechanisms.</li> <li>Discuss with communities ways in which they engage with an armed group and how they shield community members from violence and recruitment.</li> </ul>

### Decentralised non-state armed groups

<p><b>CHARACTERISTICS</b></p> <ul style="list-style-type: none"> <li>Fluid alliances of small armed groups</li> <li>Individual commanders retain decision-making power over group members</li> <li>Units may break away to join new associations, without compromising group cohesion</li> <li>Multiple decentralized groups can work in a broader movement, giving local, regional and global reach</li> <li>Loose coordination within the alliance, including in military planning and operations</li> <li>Few observable signs of military discipline</li> </ul> <p><b>SOURCES OF AUTHORITY AND RESTRAINT</b></p> <ul style="list-style-type: none"> <li>Unit commanders</li> <li>Local business, religious or cultural elites</li> <li>Senior leadership</li> <li>Ideological and religious texts</li> <li>Threat of punishment</li> </ul> <p><b>SOCIALIZATION PROCESSES</b></p> <ul style="list-style-type: none"> <li>Extremely varied</li> <li>Can be based on local culture and customs</li> <li>Could include military and ideological training</li> <li>Strong informal socialization in the peer group</li> </ul>	<p><b>INSIGHTS</b></p> <ul style="list-style-type: none"> <li>The more decentralized the armed group, the more its behaviour is influenced by sources external to the group.</li> <li>The conduct of individual units depends heavily on the commander's preferences.</li> <li>Groups are integrated into local social networks (e.g. communities, local notables) and can retain links to regional or global armed groups.</li> <li>The influence of local actors on the behaviour of the armed group fluctuates over time and in response to events.</li> <li>Group values and rules can promote restraint, even in the absence of monitoring systems.</li> </ul>
<p><b>CONSIDERATIONS</b></p> <ul style="list-style-type: none"> <li>How does the alliance of armed groups fit together? What is the nature of the relationships between small-group leaders and alliance leaders?</li> <li>What is the relationship between the armed group and the local community? Do community/business/religious leaders exert influence on armed-group behaviour?</li> <li>Does the group draw on socialization processes based on local customs or traditions (e.g. coming-of-age rituals)?</li> <li>How has the influence of key actors in an armed group changed over time, and why? What is the source of their influence (e.g. religious, financial, political or social)?</li> <li>What are the customary rules on warfare? What parallels are found in IHL?</li> </ul>	<p><b>APPROACHES</b></p> <ul style="list-style-type: none"> <li>Track patterns of violence and identify instances of restraint. Investigate the sources of influence on restraint. Distinguish between violence as a policy and as a practice.</li> <li>Prioritize dialogue with local commanders. These may change regularly.</li> <li>Develop a nuanced understanding of the most important sources of influence over an armed group's behaviour, noting the type of authority they draw on.</li> <li>Engagement strategies need to mirror the structure of the alliance, interacting at the local, national, regional and global levels.</li> <li>The ICRC must be consistent, predictable and transparent in all that it says and does.</li> </ul>

### Community-embedded armed groups

<p><b>CHARACTERISTICS</b></p> <ul style="list-style-type: none"> <li>Comprise 10–50 young men, and in some cases women, from a local community</li> <li>Formed to defend community interests</li> <li>Flat hierarchical structure</li> <li>Mobilized to fight by community notables or politicians</li> <li>Initiation rituals forge group cohesion</li> <li>Mobilization is temporary</li> <li>Codes of conduct are unwritten and reflect local values, customary law and traditions</li> </ul> <p><b>SOURCES OF AUTHORITY AND RESTRAINT</b></p> <ul style="list-style-type: none"> <li>Traditional leaders</li> <li>Local politicians</li> <li>Local religious leaders</li> <li>Local business elite</li> <li>Leaders of local youth fighters</li> <li>Community norms and values</li> <li>Community debates over interpretation of norms</li> </ul> <p><b>SOCIALIZATION PROCESSES</b></p> <ul style="list-style-type: none"> <li>Community coming-of-age rituals</li> <li>Local religious and customary practices</li> </ul>	<p><b>INSIGHTS</b></p> <ul style="list-style-type: none"> <li>Group members do not remain mobilized, but return to their roles in the community.</li> <li>Community-embedded groups may not choose when, where or how they fight.</li> <li>Local, regional and national actors may compete for influence and control over such groups.</li> <li>Traditional norms regulating violence and restraint may be subject to community debate.</li> <li>The image of chaotic, uncontrolled violence by these groups may mask who is really in control.</li> </ul>
<p><b>CONSIDERATIONS</b></p> <ul style="list-style-type: none"> <li>How do community-embedded armed groups fit into their communities?</li> <li>How do group leaders emerge? On what does their authority lie? What is the extent of their direct influence over the group?</li> <li>Who influences when and how a group fights?</li> <li>What are the customary rules on warfare? What parallels are found in IHL?</li> <li>How does the ICRC engage with group members when they are in their community role? Can we use this engagement to indirectly discuss behaviour during armed conflict?</li> </ul>	<p><b>APPROACHES</b></p> <ul style="list-style-type: none"> <li>Track patterns of violence and identify instances of restraint. Investigate the sources of influence on restraint. Distinguish between violence as a policy and as a practice.</li> <li>Acquire a deeper understanding of how community-embedded groups relate to different types of local and national authority figures.</li> <li>Promote restraint through community norms, customary law or other legal frameworks (e.g. IHL and Islam).</li> <li>Pursue a cross-sectoral approach to understanding and engaging with communities.</li> </ul>

**MSF (2011). Humanitarian Negotiations Revealed The MSF Experience. MSF.**

[https://lakareutangranser.se/sites/default/files/humanitarian\\_negotiations\\_revealed.pdf](https://lakareutangranser.se/sites/default/files/humanitarian_negotiations_revealed.pdf)

This book has been inspired by MSF's in-house debates on the evolution of its freedom of action. The authors have drawn on the association's archives, interviews with key protagonists and on their own experience. The authors note that no parameter is fixed from the outset: the safety of personnel, the presence of expatriates, MSF's intervention priorities, the quality of the assistance provided, control over resources, etc. They are all the result of concessions, some justified by realities and others by their temporary nature. The authors continue that negotiation frameworks do not include universal markers indicating the line that must not be crossed; and MSF must therefore pay attention to the developing dynamic of each situation and to its own ability to revoke compromises that were only acceptable because they were temporary.

The case studies in the book involve understanding processes and observing how MSF participates in them, defines MSF's reasons for taking action and success (or not) in implementing them. Each case presents the justifications for choosing and implementing programmes and recounts the background that provide the context for these choices. The accounts illustrate justifications as they are being formed and adapted based on the events that take place. An analysis of the cases described in this book illustrates the range of behaviours that the actors have adopted.

**Realism:** The general feature of the "realistic" attitude is the acceptance of constraints imposed by national and international authorities in order to preserve opportunities for action. This involves conciliation, either in the interest of obtaining authorisation to initiate and, subsequently, develop an activity or to preserve the possibility of future action. The realistic phase draws lessons from which we can assess the extent to which the humanitarian work is compatible with the constraints and, then to decide whether to continue, confront or withdraw.

**Confrontation:** The strategy of roundly criticising institutions is far from the most common approach. In fact, MSF usually prefers to confine confrontation to the negotiating process. This reality contrasts with the general image of the organisation, a powerful media presence, effective in its use of public criticism and capable of harming businesses, governments and international bodies through its interventions.

**Abstention:** MSF adopts this behaviour regularly as establishing medical priorities means choosing certain interventions and, simultaneously, rejecting others. However, the boundaries between intervention and abstention are becoming increasingly unclear. The decision to abstain or intervene provokes debates that reach beyond medical issues. Both choices have generated and regularly generate controversies, even confrontations, among MSF actors. Some support the termination of a programme on the basis that MSF is an emergency response group, shifting the discussion from the medical register to the political register, and transforming controversy into confrontation. Such an attempt to confine MSF to a narrow identity would be in contradiction with its actual practices, all the more observing the adaptability of the principles guiding its actions and the range of situations in which it intervenes.

**Jackson, A. (2014). Humanitarian negotiations with armed non-state actors: key lessons from Afghanistan, Sudan and Somalia. ODI. <https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/8847.pdf>**

This HPG Policy Brief summarises key lessons from a two-year research project on humanitarian negotiations with armed non-state actors in Afghanistan, Somalia and Sudan. The research project included over 500 interviews with aid workers, members of armed groups and others. Individual case studies and other material from the project. Six key lessons were identified that provide useful guide for actions.

- **Lesson 1:** Comprehensive analysis and understanding of armed groups is essential
- **Lesson 2:** Effective engagement requires a clear strategy and dedicated resources
- **Lesson 3:** Engagement must happen at multiple levels
- **Lesson 4:** Maintaining neutrality, independence and impartiality is integral to gaining acceptance for humanitarian activities
- **Lesson 5:** Greater transparency about the risks and compromises of engagement is needed
- **Lesson 6:** Coordinated action and advocacy is required to tackle the broader challenges to engagement

## 4. Examples of operating principles

### **SPLM/OLS (Operation Lifeline Sudan) Agreement on Ground Rules**

This agreement was intended to lay out the basic principles upon which Operation Lifeline Sudan (OLS) works and to lay out the rules and regulations resulting from such principles. It sought to define the minimum acceptable standards of conduct for the activities of OLS agencies and Sudan Relief and Rehabilitation Association (SRRA), as the official counterpart in areas controlled by the Sudan People's Liberation Movement/Army (SPLM/A).

Whilst the example which follows is the agreement signed between the SPLM/OLS, the content of the agreements with other movements was to all intents and purposes the same.

- Those carrying out relief activities under the auspices of OLS must be accountable to the beneficiaries and their representative structures in first place, and to those who fund the activities. This places the following obligations on the various parties:
  - those rendering humanitarian aid have a duty to ensure its appropriate end use.
  - local authorities through the SRRA must ensure that aid is distributed fairly to civilian beneficiaries. Diversion of aid from intended beneficiaries is regarded as a breach of humanitarian principles.
  - decision-making on the selection of beneficiaries and the monitoring of the use of inputs and resources must be and be seen to be transparent and responsive to broad-based decision-making at the level of affected communities.
- OLS is based on the complete transparency of all its activities. This means that local authorities have the right to expect that OLS agencies provide full information regarding the resources to be provided. In return, it is expected that local authorities will report

honestly and fairly in all their dealings with OLS with respect to needs identified populations in need use of resources etc.

- All humanitarian actions should be tailored to local circumstances and aim to enhance not supplant locally available resources and mechanisms. Strengthening local capacity to prevent future crises and emergencies and to promote greater involvement of Sudanese institutions and individuals in all humanitarian actions is an integral part of OLS's humanitarian mandate.
- The fundamental human right of all persons to live in safety and dignity must be affirmed and supported through appropriate measures of protection as well as relief. All those involved in OLS must respect and uphold international humanitarian law and fundamental human rights.
- Bona fide staff members of OLS agencies and others living working or travelling in Sudan under the auspices of OLS have the right to go about their business freely and without restraint provided that they adhere to these Ground Rules and to local laws and customs. In all their dealings relief workers and local authorities must demonstrate mutual respect.

**Somalia NGO Consortium (2009). NGO Position Paper on Operating Principles and Red Lines. <http://somalianoconsortium.org/download/578571d6b8069>**

In Somalia in 2009, NGOs developed a red lines paper, strongly reaffirming not only the humanitarian principles, but also focusing on not paying taxes or bribes, as well as not handing over NGO assets to armed groups and committing themselves to proactive information sharing around humanitarian negotiations.

**Code of Conduct**

1. The humanitarian imperative comes first.
2. Aid is given regardless of the race, creed or nationality of the recipients and without adverse distinction of any kind. Aid priorities are calculated on the basis of need alone.
3. Aid will not be used to further a particular political or religious standpoint.
4. We shall endeavour not to act as instruments of government foreign policy.
5. We shall respect culture and custom.
6. We shall attempt to build disaster response on local capacities.
7. Ways shall be found to involve programme beneficiaries in the management of relief aid.
8. Relief aid must strive to reduce future vulnerabilities to disaster as well as meeting basic needs.
9. We hold ourselves accountable to both those we seek to assist and those from whom we accept resources.
10. In our information, publicity and advertising activities, we shall recognise disaster victims as dignified human beings, not hopeless objects.

Three red lines were agreed upon. These were:

1. Direct payment (material or cash) for access to beneficiaries.
2. Payment of taxes, (percentages of) staff salary, registration fee or other forms of payment to any armed group;

3. Transfer of humanitarian goods to any party to the conflict for distribution. Agencies were clear that they have not and will not hand over assets to armed groups, and that any threat or compulsion to do so should result in the suspension or closure of a programme.

**UN et al. (2013). The Basic Operating Guidelines (Nepal): A Guide for Practitioners and Signatories.** UN et al. [http://www.ain.org.np/uploads/cmsfiles/file/BOGS-manual%20\\_20130304110859.pdf](http://www.ain.org.np/uploads/cmsfiles/file/BOGS-manual%20_20130304110859.pdf)

This manual was designed as a training resource for use by the signatories to the Basic Operating Guidelines and implementing partners when conducting training on the guidelines.

The Basic Operating Guidelines were introduced in Nepal in 2003, in the context of the internal armed conflict between the State and the then Communist Party of Nepal (Maoist), and were revised with minor changes to the wording in 2007. The armed conflict was having a negative effect on operational space for development organisations, and the Basic Operating Guidelines were developed as a way of keeping operational space open and ensuring the security of staff. They allowed development work to continue by clearly explaining the operating principles to all actors concerned in a clear and comprehensible way. Although the armed conflict has now been concluded, the Basic Operating Guidelines remain as relevant as ever. The context in which the Basic Operating Guidelines signatories are working is becoming increasingly complex. It is important to remember that the Basic Operating Guidelines express principles that are internationally accepted best practices that should be respected in war, peace or periods of transition. The guidelines include the following points:

- **Point 1:** We are in Nepal to contribute to improvements in the quality of life of the people of Nepal. Our assistance focuses on reducing poverty, meeting basic needs and enabling communities to become self-sufficient.
- **Point 2:** We work through the freely expressed wishes of local communities, and we respect the dignity of people, their culture, religion and customs.
- **Point 3:** We provide assistance to the poor and marginalised people of Nepal, regardless of where they live and who they are. Priorities for assistance are based on need alone, and not on any political, ethnic or religious agenda.
- **Point 4:** We ensure that our assistance is transparent and we involve poor people and their communities in the planning, management and implementation of programmes. We are accountable to those whom we seek to assist and to those providing the resources.
- **Point 5:** We seek to ensure that our assistance tackles discrimination and social exclusion, most notably based on gender, ethnicity, caste and religion.
- **Point 6:** We recruit staff on the basis of suitability and qualification for the job, and not on the basis of political or any other considerations.
- **Point 7:** We do not accept our staff and development partners being subjected to violence, abduction, harassment or intimidation, or being threatened in any manner.
- **Point 8:** We do not work where staff are forced to compromise core values or principles.
- **Point 9:** We do not accept our assistance being used for any military, political or sectarian purposes.
- **Point 10:** We do not make contributions to political parties and do not make any forced contributions in cash or kind.

- **Point 11:** Our equipment, supplies and facilities are not used for purposes other than those stated in our programme objectives. Our vehicles are not used to transport persons or goods that have no direct connection with the development programme. Our vehicles do not carry armed or uniformed personnel.
- **Point 12:** We do not tolerate the theft, diversion or misuse of development or humanitarian supplies. Unhindered access of such supplies is essential.
- **Point 13:** We urge all those concerned to allow full access by development and humanitarian personnel to all people in need of assistance, and to make available, as far as possible, all necessary facilities for their operations, and to promote the safety, security and freedom of movement of such personnel.
- **Point 14:** We expect and encourage all parties concerned to comply strictly with their obligations under international humanitarian law and to respect human rights.

**United Nations Office for the Coordination of Humanitarian Affairs (2015). Joint Operating Principles (Protocol for Engagement with parties to Conflict). UN.**

[https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/jop\\_protocol\\_for\\_engagement\\_with\\_parties\\_conflict\\_eng\\_final.pdf](https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/jop_protocol_for_engagement_with_parties_conflict_eng_final.pdf)

The humanitarian community engaged in humanitarian response in northern Syria agree that the principles outlined in this Protocol reflect well established international practices for interaction by humanitarian organisations with parties to the conflict. Humanitarian organisations agree that this Protocol forms the basis for engagement with parties to the conflict in northern Syria.

Organisations may decide to discontinue all or part of humanitarian assistance to vulnerable populations in any given area, if the principles stated below are not adhered to.

In order to address human suffering and provide life-saving assistance, humanitarian organisations will:

- Request unhindered access to areas under the control of parties to the conflict;
- Agree to provide publically available organisational information; and
- Agree to provide information on planned humanitarian activities in areas under the control / influence of a party to the conflict; and

Humanitarian organisations will not accede to requests by parties to the conflict to:

- Provide beneficiary information revealing personal particulars. This is in order to protect the privacy and dignity of those receiving humanitarian assistance;
- Influence the selection of staff for humanitarian organisations. This is to ensure our independence and neutrality is respected by all parties;
- Allow the use of armed escorts for humanitarian vehicles or personnel;
- Allow influence over the content or findings of needs assessments or other such questionnaires, which adhere to internationally recognised methodologies for assessing humanitarian needs and response. This is to maintain independence and to assess needs impartially so they are credible and acceptable to the international community and beneficiaries;

- Deliver humanitarian assistance to parties to the conflict. Under International Humanitarian law, only wounded combatants without weapons/disarmed are considered hors de combat and may be treated by medical agencies;
- Take control of humanitarian stores, commodities or warehouses;
- Pay taxes or duties on aid deliveries or humanitarian services to beneficiaries. Where authorities require taxes and duties to be paid by law, the formal procedures and requirements necessary to pay taxes or duties should be publicly available;
- Accompany humanitarian personnel carrying out their humanitarian activities.

**UN (2017). Parameters and Principles of UN assistance in Syria. UN.**

<https://www.kommersant.ru/docs/2018/UN-Assistance-in-Syria-2017.pdf>

This agreement sets out the following initial parameters and principles shall apply in all UN actors operating in Syria in order to ensure support and assistance is provided to those in need in all areas of Syria. The documents establishes a number of parameters and principles of engagement.

A critique of the failed implementation of the recommendations of a 2017 review of its operating principles is included in the footnote<sup>7</sup>.

Parameters

- Life-saving humanitarian needs remain enormous in Syria and assistance delivery through the most direct routes remains critical. **Humanitarian principles of neutrality, impartiality and independence apply to life-saving humanitarian assistance as well as early recovery and resilience activities with humanitarian objectives.** The UN, with the active engagement of the Secretary-General, will endeavour to secure the maximum possible flow of humanitarian assistance into Syria, including through the most direct route, ensuring non-interference with its operations, to sustain operations envisaged in the Humanitarian Response Plan (HRP).
- The HRP must remain humanitarian in order to ensure the United Nations can deliver on essential humanitarian activities to save lives and ensure the basic needs for people. Development or reconstruction activities that are outside this will need to be reflected in other frameworks that are by nature a longer negotiation with governments. This is essential given the complex legal and political issues involved.
- Early recovery and resilience activities in Syria, as currently outlined in the HRP, offer an opportunity to go beyond immediate life-saving assistance and offer minimum living conditions for local affected communities.
- The UN will advocate for the full range of durable solutions for IDPs and refugees, in the whole of Syria, support host communities and promote rights-based approaches in accordance with international law and standards. The UN will not promote the return of refugees and IDP, but will support returnees with a view to ensuring the safe, dignified, informed, voluntary and sustainable nature of return and reintegration, as well as the right of Syrians to seek and enjoy asylum.

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<sup>7</sup> <https://www.irinnews.org/feature/2018/02/26/exclusive-un-shelved-2017-reforms-syria-aid-response>

- **Only once there is a genuine and inclusive political transition negotiated by the parties, would the UN be ready to facilitate reconstruction.**

#### Principles

- The aforementioned activities are delivered under the following principles :
- Principles of neutrality, impartiality and independence in mind and keeping with basic principles of **human rights-based approach** to programming, including participation, empowerment, local ownership, and sustainability.
- Assistance must be **prioritized based on the needs of the population** (rather than government driven) with a particular focus on the needs of vulnerable groups and individuals, in a manner that protects human rights as an outcome.
- It must be **delivered in a fair, equitable, non-discriminatory and non-politicized manner.**
- The UN shall **work directly with communities and households, such that United Nations assistance is delivered with uniformly throughout Syria, regardless of zones of influence.**
- The UN will consider carefully **human rights and protection implications**, especially with regard to where and how assistance is provided. UN assistance must **not** assist parties who have allegedly committed war crimes or crimes against humanity.
- UN assistance shall be determined consciously and explicitly without prejudice to the goals of accountability for serious human rights violations, and the goals of legitimate, equitable, and sustainable political settlement.
- The specific needs and vulnerabilities of women shall be at the forefront of UN response planning and implementation.

#### **UNOCHA (2017). Principles of engagement of humanitarian organizations with Civilian Administration Entities Cross-border humanitarian response. UNOCHA.**

[https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/principles\\_of\\_engagement.pdf](https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/principles_of_engagement.pdf)

This document articulates key principles that should guide the engagement of humanitarian organisations with Civilian Administration Entities in order to strengthen the provision of a principled, effective and sustainable humanitarian response in Syria.

The document represents a response to consultations with stakeholders (clusters/sectors, donors, UN agencies, INGOs and Syrian NGOs, stabilisation actors, and Civilian Administration Entities which concluded that there was an ongoing confusion with respect to the nature and operational roles between humanitarian organisations and Civilian Administration Entities in program implementation in Syria, particularly when humanitarian organisations are involved in resilience and/or early recovery activities. Principles of engagement are as follows:

1. **Humanitarian Principles:** Humanitarian organisations may decide to discontinue all or part of their engagement with Civilian Administration Entities in any given area, if such an engagement hinders or negatively impacts their adherence to humanitarian principles.
2. **Accountability to local communities and affected populations:** Humanitarian organisations may decide to discontinue all or part of their engagement with Civilian

Administration Entities in any given area, if such an engagement hinders or negatively impacts their accountability to local communities and affected populations.

3. **Promotion of sustainability and do no harm:** Humanitarian organisations should link their programming to services that may already be provided by Civilian Administration Entities to avoid programmatic overlap, encourage technical coordination and promote sustainability
4. **Reinforcement of local systems and capacities:** Throughout this process, humanitarian organizations should ensure that they are not re-enforcing exploitative power structures and that humanitarian principles remain the framework for decisions and action.
5. **Transparency:** Transparency around the humanitarian response allows for effective participation of Civilian Administration Entities, local communities and affected populations, which in turn ensures a more effective, relevant and sustainable humanitarian response.

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## About this report

*This report is based on six days of desk-based research. The K4D research helpdesk provides rapid syntheses of a selection of recent relevant literature and international expert thinking in response to specific questions relating to international development. For any enquiries, contact [helpdesk@k4d.info](mailto:helpdesk@k4d.info).*

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