

European Humanitarian Forum

Forum humanitaire européen



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European Humanitarian Forum (EHF) - Regional Consultation in MENA and European Neighborhood

“Humanitarian Access” Final Report

I. Overview:

The regional consultation “Humanitarian Access” was held on 25th November 2021.

Co-hosted by the DG ECHO Regional Office and the French Embassy in Amman and facilitated by the International Council of Voluntary Agencies (ICVA). The virtual event was attended by 71 persons from National non-governmental organizations (NGO), UN agencies, international NGO and the Red Cross/Red Crescent family.

The consultation kick started with a presentation of the results for the widely distributed survey on the topic (see Annex with the presentation) and was followed by a technical presentation by United Nations Office for the Coordination of Humanitarian Affairs (OCHA) on the challenges and best practices for humanitarian access. The consultation then moved to breakout rooms where participants were encouraged to have open, transparent dialogue and share thoughts and recommendations about the topic. The discussions were presented in plenary and participants reflected about challenges, constraints, and opportunities posed by the increasingly complex landscape.

The overall objective of this report is to capture the dialogue and main themes on climate change and humanitarian needs as discussed throughout the event and in its sessions, identifying recommendations and advocacy points to be shared with all stakeholders and feed into the EHF.

Questions Discussed:

1. Is there an in-depth analysis of the access situation in your country – through a break-down of the different access constraints, looking at both access for humanitarian actors and access to services for affected populations? Please describe
2. Describe ongoing advocacy around humanitarian access by the UN agencies / donors / Governments and local and international organizations
3. What are the red lines in terms of engagement with parties to the conflict and how do they affect your access (counter terrorism law and international sanctions)?
4. What could be done locally to improve access?
5. Is the localisation agenda instrumentalised to impede access to international actors?
6. Are local actors sufficiently empowered and supported by international actors when they are left alone in negotiating access in “deep field” locations? Are they any accountability mechanisms?

7. What are the risk-sharing methods in place to ensure that local actors are not being negatively impacted? What are the challenges in risk-sharing? What needs to be done further?
8. How is shrinking civic space affecting issues around humanitarian access, and is this being addressed?
9. Is there an exaggerated risk-adverse mentality within the humanitarian community that may contribute to “self-imposed” access constraints?
10. What current barriers surrounding funding for overcoming the impediments are present? What is being done about these barriers?

II. Key Issues emerged

- Humanitarian organizations have a strong and clear understanding of the access issues that they face, however, a request for stronger analysis of existing data was put forward.
- NGOs reported a lack of communication and response when highlighting access issues, often having to circle between OCHA directly, the Access Working Group, and Brussels
- There is increased regularly communication between UN agencies and key Institutional donors to the Access Working Group. The topic of counterterrorism laws, bank restrictions, high bureaucratic burdens on NGOs and legal liability—and their associated burdens and risks—were omnipresent.
- Negotiating access with internationally recognized governments, de facto authorities or armed non-state actors is a constant struggle for humanitarians in the field, including local responders.
- US and EU sanctions have had a chilling impact on financial transactions that support humanitarian aid access.
- Access to aid by beneficiaries has been highlighted as the greatest access issue. Serious issues such as gender-based violence (GBV), and safeguarding often go unreported, and there isn't enough accountability by humanitarian organizations to affected populations.
- Risk-shifting relationships between donors and implementers and also between international and national actors is ongoing rather than risk-sharing.
- Humanitarian access is an inalienable right, enshrined in International Humanitarian Law (IHL) and mandatory to be observed by all parties to the conflict.
- Enhance attention, especially by the Access Working Group, on beneficiaries' access to assistance instead of focusing solely on the access of humanitarian organizations to beneficiaries.
- Ensure the focus remains on the parties to the conflict (in line with IHL) rather than transferring responsibilities only to humanitarian actors. There is a need for increased accountability.

III. Advocacy Messages

- Humanitarian actors should benefit from the presumption of innocence rather than having to prove that they are not guilty of financing terrorism when they are supplying humanitarian aid.

- Increased advocacy with local officials from national authorities should be a priority in order to ensure work visas and permits for humanitarian workers are processed on a regular and timely basis.
- Data regarding access should be collected and presented to authorities to make a targeted, strong joint advocacy case for access, or for implementing an access mechanism for all.

IV. Identified Recommendations

- EU should continue support to NGO coalitions in the region by providing the financial means and expanding support for advocacy with key institutional donors and through diplomatic communication and advocacy efforts with members states.
- Humanitarian actors expect continuous engagement from member states and key institutional donors, applying political pressure on national authorities to facilitate negotiation and address access issues.
- Implement a “counterterrorism humanitarian exemption” for financial transactions and provision of goods and services under all humanitarian aid funding. Requirements vary among donors, and more coordination and alignment between them is expected. Member states should be sensitized to the humanitarian impact of anti-terrorist legislation.
- The EU is expected to play a vital role with other key institutional donors to better understand and accept constraints on the ground via greater openness (i.e. incidents can be shared with donors), ultimately leading to a risk-sharing approach (between donors and responders).
- Enhance local actors’ role on access through increased inclusion and meaningful participation in access working groups and coordination efforts. Local actors need clarity and information sharing from donors on red lines in operations and communication with non-state armed groups, access negotiation etc. Moreover, there is a need for more training programmes for security staff on enabling humanitarian programmes.
- Utilize a risk-sharing methodology—instead of one of risk-transfer—with local organizations when dealing with access and implementation.
- The EU to extend its support to implement more localized programming, premised on quality, multi-year and flexible funding, to give humanitarian organizations stability and continuity while allowing them to quickly and rapidly adapt to changing situations. The extension of time of such frameworks allows local or implementing organizations to build relationships that are crucial for understanding the dynamics in which humanitarian actors operate.
- Build a more cohesive and uniform platform for engaging with non-state armed actors and offer them IHL trainings (i.e., training in access norms).
- Continue progress towards a "humanitarian specificity" for DG ECHO to ensure that IHL and humanitarian principles are taken into account.