

HPG Report

Holding the keys

Humanitarian access and local organisations

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Executive summary

Much of the debate and research on access over recent years have focused on the ‘formal’ system (the UN, the International Committee of the Red Cross (ICRC), international NGOs). There is limited research on whether other, local actors (i.e. diaspora groups, businessmen financing relief operations, local activist groups, grass-roots movements, faith-based groups, philanthropists or the private sector) obtain access, and if they do, how they negotiate such access to conduct relief and protection operations. This report aims to address this gap by looking at the role of local actors in Ukraine and Syria, and reflecting more broadly on how local knowledge on access can be better harnessed to serve those in need.

In both contexts, access has been significantly curtailed. Humanitarian organisations grapple with bureaucratic impediments, restrictions on the type of aid programming permitted, widespread and sustained insecurity as well as counter-terrorism legislation. Both conflicts have now lasted for several years and neither seems close to a resolution. In Ukraine, parties to the conflict have repeatedly failed to implement ceasefire agreements; in Syria, the conflict is now so fragmented and complex that a comprehensive solution seems further away than ever.

This report finds that humanitarian organisations broadly face similar access challenges regardless of whether they are international or local. Essentially, parties to the conflicts in these countries hold the upper hand in deciding, indeed dictating, the rules that will apply to humanitarian access, the consequences of which will have similar effects on organisations regardless of their provenance. The difference lies in how local organisations address these challenges, and their flexibility and proximity to people in need. The strategies adopted by local actors (using local knowledge, adapting language to suit the authorities controlling access, hiring staff with the right skills and expertise) are a reminder to the international humanitarian sector of its own good practice – good practice that has long been identified by international organisations and regularly highlighted in research, evaluations and lessons learned, yet is still not being systematically used.

While being local certainly adds value, in itself it is not necessarily sufficient to ensure access. Having the right networks is essential, be they kinship or tribal ties, a shared ethnic background or a common past in activist work or political affiliation. In both contexts, local organisations were able to take advantage of temporary windows of opportunity to negotiate access, though such access was limited in both time and space. Access for local organisations is also always a function of their relationship with local authorities, armed groups and communities, which in turn depends on the relevance and timeliness of the aid they provide. Access negotiations are always fraught with difficulties and often entail compromises. This is the case for both international and local organisations. In both contexts, obtaining access for protection activities was difficult if not impossible. Local organisations navigated their way through these challenges, sometimes opting for material assistance in the hope of being able to do protection later, or packaging protection activities in a way that was palatable to the particular group in power. Similar compromises are made in adherence to humanitarian principles. At first unfamiliar with them, local organisations in Ukraine and Syria became increasingly aware of the principles, and found them useful.

At the outset, local organisations in both contexts were typically small and nimble, and relied mainly on private donations. As both conflicts have dragged on and private donations dwindled, local organisations turned increasingly to international organisations for support. In the process, local organisations were faced with a dilemma: change their structure to facilitate access to institutional funds, but lose their flexibility and agility in the process, or stay small and nimble, but continue to struggle for funds. For some, this was more than a question of organisational change, but also of a change in identity. Being small and flexible allowed local organisations in both contexts to respond rapidly to mounting needs, and their character and credibility in many ways derived from their proximity and capacity for rapid response. While structural changes and access to more formal funding sources brought other advantages, the evolution of these organisations also risked weakening the very attributes that gave them proximity and enabled them to respond to needs.

Both case studies show the complexity of access negotiations, from the Security Council all the way down to the soldier at the checkpoint, and ultimately affected communities themselves. The success or failure of negotiations often depend on numerous factors, not all of which may be under a humanitarian organisation's control, whether local or international. Not all organisations are equally well placed to negotiate at all levels. Some have more leverage and influence on one end of the spectrum while others may have more at the other. If the aim of humanitarian organisations is to alleviate suffering then they must make use of the comparative advantages of each in negotiating access, and allow those who are best placed to respond to suffering to do so. As the localisation agenda moves forward,

it will also be important to ensure that labels do not inadvertently reinforce differences that may not be of great significance. To be clear, differences will remain within the spectrum of humanitarian organisations, and the aim cannot be to create a system where everybody is the same. Instead, the challenge will lie in acknowledging the diversity among humanitarian actors, and discussing how populations can best be reached in a particular context. This will rarely be an easy discussion as organisations might have to admit that they are not the best equipped, and as a result should withdraw and instead support those with a comparative advantage. It is to be hoped that humanitarian organisations, international and local, will have the courage and the wisdom to do this.

1 Introduction

The needs of communities affected by conflicts have risen dramatically in recent years: for 2017, the UN appealed for a record \$22 billion, only to revise this figure upwards six months later to \$23.5bn, to cover the needs of 141 million people suffering from the consequences of natural and man-made disasters, as well as protracted conflicts (OCHA, 2017). Presence and proximity are essential if aid workers are to provide assistance and protection to people in need. While access challenges are not new, there is a growing sense among aid workers that even previously accessible conflict areas are becoming increasingly hard to reach (Burch, 2015). A range of factors determine access, including the level of insecurity and what is deemed an acceptable risk by an organisation and an individual, an enabling environment, capabilities and skills, networks, community acceptance, robust security management, logistical and financial independence, the type, timeliness and quality of the assistance and protection provided, the presence of proscribed groups, counter-terrorism provisions and sanctions regimes.

Much of the debate and research on access in recent years have focused on the ‘formal’ system (the UN, the International Committee of the Red Cross (ICRC), international NGOs). There is limited research on whether other, ‘non-traditional’ or local actors (diaspora groups, businesses financing relief operations, local activists, grassroots movements, faith-based groups, philanthropists, the private sector) obtain access, and if they do, how they negotiate such access in order to conduct relief and protection operations. Given the critical role of local actors in the provision of assistance in extremely challenging environments, from the Rwandan genocide to the Nuba Mountains, Myanmar and Afghanistan, this is a significant gap. This report – the final output of a two-year research project entitled ‘Holding the Keys: Who Gets Access in Times of Conflict?’¹ – sheds light on the role of these actors, and the challenges they face and the strategies they use in securing access to people in need. The aim is to identify trends and patterns in access, and suggest ways to improve how international

and local organisations interact with each other, with affected communities and with parties to conflict.

1.1 Scope and methodology

Two case studies, on Syria and Ukraine, form the core of the research. The study involved a review of primary and secondary sources on humanitarian access in these two contexts as well as more broadly, including documents from UN agencies, international NGOs (INGOs), the Red Cross/Red Crescent Movement and local organisations, grey literature and academic publications. Fieldwork in the two case study countries involved interviews with international and local aid agencies, in addition to focus group discussions with affected populations. Seventy semi-structured interviews were conducted remotely and on the ground in Ukraine between April and July 2016, and for the Syria study 60 interviews were carried out in Lebanon and southern Turkey (including 15 with members of civil society organisations and local councils in Syria), as well as four focus group discussions. The research, which was conducted between February and April 2016, focused mainly on organisations operating cross-border from Turkey (and to a lesser degree Lebanon and Jordan), and organisations present in opposition-held areas, not government-held areas. In the Ukraine study, interviews were conducted with organisations operating across the line between government-controlled and non-government-controlled areas, with only a small number of interviews with organisations based in areas outside government control. Both case studies examined organisations that were initially established to engage in activities other than those that might be regarded as ‘pure’ humanitarian assistance. Unless otherwise stated, examples are taken from interviews conducted as part of the two case studies.

1.2 Definitions

1.2.1 Access

Although there is no universally agreed definition of humanitarian access, it is generally understood to mean access by aid agencies to people in need, and

1 See <https://www.icrc.org/en>

people's ability to access services (OCHA, 2009). The *Practitioners' Manual on Humanitarian Access in Situations of Armed Conflict* defines access as follows:

Access by humanitarian actors to people in need of assistance and protection AND access by those in need to the goods and services essential for their survival and health, in a manner consistent with core humanitarian principles (FDFA/OCHA/CDI, 2014).

Similarly, the Global Protection Cluster Working Group's *Handbook for the Protection of Internally Displaced Persons* notes that:

Humanitarian access should be understood both from the perspective of the affected population having access to protection and assistance, as well as the humanitarian actors having access to those requiring assistance and protection. The freedom of movement of the affected population is, thus, essential to ensure adequate access to humanitarian assistance (GPCWG, 2010).

While there is general agreement that access should be two-way – access for humanitarian agencies to affected people, and access by affected people to assistance – beyond that there is a lack of clarity on what constitutes unimpeded or unhindered access. Is it when access can be sustained over a long period regardless of what can actually be done in terms of alleviating suffering? Can one speak of unimpeded humanitarian access when agencies are told what they can and cannot do, as opposed to delivering what is actually needed? If agencies work where they *can* (where it is easier or safer to work), as opposed to where they *should* (where the greatest needs are, but also the greatest risks), does this constitute good access?

1.2.2 Labels: who is a local humanitarian actor, and who isn't?

There is no agreed definition in the literature on access on what constitutes a 'local' actor. In fact, in the context of globalisation and modern communications technologies, 'local' as a geographically delimited concept is increasingly problematic. For example, diaspora groups may identify as local, but might be physically present anywhere in the world (Wall and Hedlund, 2016). Haver and Carter use the term 'hyper-local' or 'very local staff' – often defined as 'those that live in or very close to a community or area where programming is taking place' (Haver and Carter, 2016). Similar

difficulties arise with the label 'international'. For example, an NGO may be international in the sense that it has offices in various countries, but may be entirely run by local staff in-country (Wall and Hedlund, 2016). 'International' may also be, or at least may be perceived to be, 'Western' rather than global. This was starkly apparent in Ukraine, where local actors defined many of their international counterparts as 'Western'.

Rather than local/international, some studies have instead chosen to use the designation 'traditional' – to mean the 'formal' or 'international' system – and 'non-traditional' instead of 'local'. This definition differentiates between organisations set up for the purpose of humanitarian relief and protection – based on the standard humanitarian principles as per the Red Cross/Red Crescent Code of Conduct² – and newly formed organisations or organisations originally set up with a purpose other than providing assistance and protection, including private companies, foundations and networks of activists.

Systematically distinguishing between international, local, traditional and non-traditional organisations is beyond the scope of this report, and for convenience the authors have opted to use international and local throughout, while acknowledging that these labels are imperfect in the specific contexts under study. The key focus of analysis is in any case less on the particular origins of specific organisations, and more on broader similarities and differences in the strategies, organisational make-up, skills and networks that the broad range of actors in Ukraine and Syria have employed.

The discussion on what is considered local or international is being conducted against the backdrop of what many observers regard as a critical juncture in the life of the 'formal' humanitarian system, defined by some as the 'mainly Western-funded humanitarian system which works closely within or in coordination with the international authority of the United Nations and Red Cross movements' (Slim, 2006). This crisis of the formal humanitarian system has also brought to the fore the role of other actors whose evolution and understanding of humanitarian action may differ from that of the international system.³ The 'localisation

2 See <https://www.icrc.org/eng/resources/documents/publication/p1067.htm>.

3 See the various publications of the HPG project on the 'Global history of modern humanitarian action': <https://www.odi.org/projects/2547-global-history-modern-humanitarian-action>.

agenda' that emerged out of the World Humanitarian Summit in 2016 is part of an effort to reform the international humanitarian system and make it more inclusive of humanitarian actors from cultures and regions outside of the Western tradition. Here too, there are questions of definition, not least around the term 'localisation', as well as a lack of clarity around who and what defines the organisations localisation is concerned with.⁴

1.3 Context

1.3.1 Ukraine

The current crisis in Ukraine began in late 2013, when the government's decision to halt preparations for an association agreement with the European Union (EU) led to months of protests in the capital, Kyiv, and across the country. Named after the central square in Kyiv, Maidan Nezalezhnosti (Independence Square), the protests forced the removal of President Viktor Yanukovich and the installation of a more pro-European government. Russia refused to recognise the new administration, and Russian forces entered and annexed Crimea in March 2014. The following April pro-Russian separatists seized parts of Luhansk and Donetsk in the Donbas region of eastern Ukraine, where they established the self-declared Luhansk People's Republic (LNR) and Donetsk People's Republic (DNR). The government in Kyiv launched an Anti-Terrorist Operation (ATO) authorising the deployment of the Ukrainian military in eastern Ukraine and imposing controls on the movement of people and goods, including humanitarian goods, between government- and non-government-controlled areas (referred to as GCAs and NGCAs respectively). Despite diplomatic efforts to resolve the conflict and a ceasefire agreement in February 2015, fighting has continued along a contact line between the two sides. At the time of the study, an estimated 800,000 people were living either side of the contact line separating the Ukrainian army and separatist forces. While not technically besieged, security conditions and checkpoints made movement difficult; most local authorities left the area near the contact line, and services and social payments, including pensions, were suspended in areas outside of the government's control.

Most international actors started operations in Ukraine towards the end of 2014, and the cluster

system was activated that December. However, bureaucratic hurdles, in particular the accreditation required to work in non-government-controlled areas of eastern Ukraine, introduced by the de facto authorities in NGCAs in July 2015, made officially negotiated access very difficult for the majority of international (and local) organisations. While UN agencies rejected the accreditation process and tried to engage in access negotiations with the de facto authorities, INGOs applied for, but failed to get, access through accreditation. At the time of the study, the International Committee of the Red Cross (ICRC) and the Czech NGO People in Need (PIN) were the only international organisations with official access (PIN subsequently lost its accreditation in December 2016 (PIN, 2015)). UN agencies are physically present in NGCAs, but can only operate through local partners. Restrictions on the type of aid programming permitted and the de facto authorities' control of the delivery of aid have raised further questions around aid organisations' ability to operate according to the core principles of humanitarian action.

1.3.2 Syria

The civil war in Syria began with nationwide protests against the government of Bashar al-Assad in 2011. As violence escalated, the country fragmented into a patchwork of areas variously controlled by the government, Syrian rebel groups, the Shia group Hezbollah, Islamic State and Kurdish forces. More than 1,000 armed groups have been identified (Elhamoui and al-Hawat, 2015), and a 60km stretch of road can have checkpoints controlled by 40 different armed factions (Haddad and Svoboda, 2017). An array of foreign powers has also become involved, including Russia and Iran, on the side of Assad, various countries supporting the rebels and a US-led coalition fighting Islamic State. The intense level of combat and lack of adherence to the International Humanitarian Law (IHL) principles of distinction and proportionality make the conflict particularly dangerous for civilians, and for organisations trying to help them. According to the UN, over 250,000 people have been killed (OCHA, 2015a), though the actual figure is unknown and other estimates are substantially higher.⁵ Some 14 million Syrians are in need of humanitarian assistance, 5m have fled the country and over 6m are internally displaced. The war has also had a devastating effect on Syria's social

4 See <https://charter4change.org/2016/12/05/localisation-and-ngos-different-interpretations-different-outcomes>.

5 The Syrian Center for Policy Research estimated the death toll at 470,000 in February 2016. See <http://scpr-syria.org>.

fabric, infrastructure and cultural heritage (Cunliffe et al., 2014).

The scale, intensity, duration and impact of the conflict have revealed the weaknesses of both the political and the humanitarian response. Access is constrained by insecurity and volatility, bureaucratic obstacles and donor requirements. Humanitarian organisations based in Damascus and operating in government-held areas have to follow Syrian government guidance, which stipulates that aid must be predominantly delivered through the Syrian Arab

Red Crescent (SARC). Government authorisation is also required for all aid convoys. Access for agencies mounting cross-border operations from Turkey is limited. Cross-line aid convoys departing from Damascus with the objective of reaching affected communities in areas controlled by the opposition have been severely restricted, with only three allowed in June and none in July 2017.⁶

6 Syria Humanitarian Briefing, 26 July 2017, <http://www.whatsinblue.org/2017/07/syria-humanitarian-briefing-4.php>.

2 Humanitarian access: an overview

Access challenges for humanitarian organisations are neither new nor fundamentally different today than they were in the past. During the Cold War, norms of state sovereignty meant that aid agencies were mostly confined to helping people once they had left their country of origin (Terry, 2002). However, since the end of the Cold War, humanitarian agencies' presence in conflict contexts has increased substantially, in line with the aid sector's growing funding and geographical reach and the organisational need to maintain visibility in high-profile emergencies (Collinson et al., 2013). Inevitably, this increased presence amid – rather than on the periphery of – conflict in countries such as Afghanistan and Iraq has exposed international aid organisations to greater levels of insecurity and risk. Concerns for the security of aid staff and operations, coupled with the reluctance of state and non-state belligerents to permit aid organisations to work, has pushed questions of access to the fore.

2.1 Security and security management

A lack of physical safety for aid workers remains the most important factor determining access for humanitarian organisations (SAVE, 2016a). Insecurity – typically kidnapping, bombings or shootings – undoubtedly plays a significant role in organisations' decision-making, and there is at least anecdotal evidence that individual aid workers feel at greater risk today than ever before in their careers (Jackson and Zyck, 2017). Aid agencies have responded to these (real or perceived) concerns by developing a range of risk management frameworks and protocols to guide decision-making in high-risk contexts, as well as 'a proliferation of security-related networks, inter-agency platforms, joint UN/NGO initiatives, good practice guides and security-related consultancy work' (Collinson et al., 2013).⁷ One effect of this increased sensitivity to staff security has been the progressive

withdrawal of aid workers into protective compounds, offices and guesthouses, heightened security and travel restrictions ('bunkerisation') and the increased use of remote programming through national staff, with a concomitant decrease in the actual physical presence of international aid organisations within affected communities (*ibid.*; Duffield, 2010; Fast, 2014).

There are various degrees of remote management, just as there are differing definitions of the concept. At one end of the spectrum, distant international managers retain full decision-making power, with local staff or subcontractors delivering actual operations on the ground, with very little monitoring or oversight. In its less extreme form, some decision-making power can be delegated to the field, with some support and oversight, albeit at a physical remove (Collinson et al., 2013). Either way, what was once considered a last resort to extreme insecurity has, for some organisations in some contexts, become the default option even where other international organisations have continued to operate (Jackson and Zyck, 2017; see also Rivas, 2015; Steets et al., 2012). Rather than a short-term response to access problems, remote management can also be of considerable duration; in Afghanistan, for example, it has been used on and off since the late 1980s (Donini and Maxwell, 2013).

Bunkerisation, remote management and an over-reliance on national staff and local partners (and,

⁷ For a critical analysis of organisational responses to security management, see the landmark study *To Stay and Deliver: Good Practice for Humanitarians in Complex Security Environments* (Egeland et al., 2011) and the follow-up *Presence and Proximity: To Stay and Deliver Five Years On* (Jackson and Zyck, 2017), which concludes that, while progress in some of the areas originally identified had been made, for instance in context analysis, training and duty of care, 'not enough has changed, particularly at the field level'. The European Interagency Security Forum has compiled many of these resources in its library, available at <https://www.eisf.eu/resources-library>. ODI also produced several studies on mainstreaming security management. See <https://odihpn.org/resources/operational-security-management-in-violent-environments-revised-edition>.

increasingly, outsourcing to contractors) have changed the face of aid agencies' field presence. As a result, agencies are present in conflict, but in a shallow manner, hunkered down in safer areas and delivering more rudimentary aid (SAVE, 2016b), with operations in higher-risk areas conducted by national or local staff who typically do not enjoy the same duty of care as their international counterparts. The use of remote management or partnership arrangements to compensate for a lack of access for international organisations and/or staff also raises concerns around risk transfer and funding arrangements. For instance, insurance is rarely provided for implementing partners who experience injury or loss of life. Local organisations sometimes cover medical expenses and salaries to families of those no longer able to work out of their own core funds as funding arrangements with international organisations do not foresee such expenses. Remote management also impact on international aid agencies as their growing detachment from their surroundings affects an organisation's ability to gather information on the dynamics of a conflict, understand the context and build the networks with communities and belligerents that facilitate successful access negotiations.

2.2 Access negotiations

In 1859, the soon-to-be founder of the ICRC, Henri Dunant, witnessed the horrors of the battle of Solferino. In just a day, 6,000 Austrian and French soldiers were killed and another 40,000 injured. While tending to the wounded and the sick regardless of their nationality, Dunant also negotiated the release of Austrian doctors held by the French (Bugnion, 2012). This is just one example, and certainly not the oldest, of negotiations undertaken for a humanitarian cause. While conflicts and the weapons belligerents use have evolved significantly since, the reason why humanitarian agencies engage with belligerents – to reach individuals in need of assistance – has remained essentially unchanged.

Negotiations with parties to a conflict are an integral part of the provision of humanitarian assistance and protection, but they are also often complex, delicate and sensitive, which has meant that details about how negotiations are conducted, successes and failures and the compromises that have had to be made have in the past remained hidden in the archives of aid agencies. Thankfully, there has been a recognition over recent

years that sharing these experiences can help improve outcomes. Individual organisations such as Médecins Sans Frontières (MSF) have published candid accounts (Magone, Neuman and Weissman, 2012), and in 2016 five organisations, the ICRC, the United Nations High Commissioner for Refugees (UNHCR), the World Food Programme (WFP), MSF-Switzerland and the Centre for Humanitarian Dialogue (HD), launched the Centre of Competence on Humanitarian Negotiation (CCHN) to share experience and analysis and foster a more systematic approach to humanitarian negotiations.⁸ There has also been renewed attention to the history and evolution of humanitarian negotiations as part of wider interest in the history of humanitarian action more generally (Jackson and Davey, 2014).

Humanitarian organisations working in civil conflicts have also become increasingly aware of the importance of negotiations with non-state armed actors, as well as with states. Again, while such engagement may not necessarily be new, it has traditionally been the remit of the ICRC, and other organisations tend to have less experience in dealing with non-state actors. Guidance from the UN Office for the Coordination of Humanitarian Affairs (OCHA) is not systematically applied in the field, and there is still insufficient investment in and commitment by aid organisations to careful and sustained dialogue with armed groups (Jackson, 2014; GPC, 2012; Schreter and Harmer, 2013). Crucially, many organisations do not invest adequately in developing the skills and knowledge needed to negotiate with armed non-state actors (Jackson and Giustozzi, 2012).

There is also still a reluctance to systematically share information on humanitarian negotiations with non-state groups, or even to admit that such negotiations have taken place at all. There are various reasons for this, including fear of jeopardising ongoing negotiations, a perception that negotiations confer legitimacy on non-state groups, an assumption that aid agencies are not allowed to engage with these groups, restrictive counter-terrorism measures and sanctions regimes and agencies' own self-interest (FDFA, 2014). Even within organisations there can be a culture of 'don't ask, don't tell', and negotiations with armed groups are regularly left to national staff, particularly in contexts where expatriates have no or only limited access (Jackson, 2014). Asking national

8 See <https://frontline-negotiations.org/portfolio/whoweare/#aboutus>.

staff to take on this role can expose them to risks and potential pressures. Some organisations working in Northern Syria, for example, limit the role of their Syrian colleagues to carrying messages between armed groups and international organisations, and make it clear that decisions are made outside Syria. However, not all organisations proactively seek to protect their national staff, or give them the necessary institutional and moral support. In Afghanistan and Somalia, for instance, national staff regularly engage in negotiations with Taliban representatives without any clear guidance, support or training (Jackson and Giustozzi, 2012; Jackson and Aynte, 2013). In the absence of direct contact with armed groups, organisations may conduct negotiations through village leaders or clan elders, but this approach too is not without risks to the intermediaries (*ibid.*).

Aid organisations generally recognise the importance of ‘red lines’ or ‘ground rules’ stipulating the conditions beyond which they will not operate (Bradbury et al., 2000; Grace, 2006; Schreter and Harmer, 2013). Organisations in a particular context might collectively agree on issues such as paying registration fees or hiring practices, and there are numerous examples where aid agencies have jointly agreed on a framework as part of their negotiations with parties to a conflict.⁹ However, while there are positive examples where red lines were not just drawn, but also implemented, there are many more ‘where red lines have been drawn and redrawn time and again to accommodate the increasing threats agencies face on the ground’ (Egeland et al., 2011). Without some basic common understanding, agencies can be vulnerable to manipulation by belligerents (Jackson and Aynte, 2013; Carter and Haver, 2016).

Counter-terrorism legislation and sanctions regimes are another challenge to humanitarian negotiations. Many of the individuals and groups targeted by sanctions are crucial in providing access for humanitarian actors. In Afghanistan, for instance, engagement with the Taliban is a prerequisite for effective and safe humanitarian access in areas of strong Taliban influence or control. Many humanitarian agencies have become concerned that engaging with proscribed groups will make them liable to criminal prosecution

(Pantuliano and Mackintosh, 2011). This is not a theoretical concern: in the wake of 9/11, Islamic charities felt the immediate impact of counter-terrorism laws, resulting in decreased funding or the freezing of bank transactions. The chilling effects of counter-terror measures have since become more general across the humanitarian sector. In Somalia, for example, funding to humanitarian organisations decreased significantly after Al-Shabaab was declared a terrorist group (Mackintosh and Duplat, 2013). While humanitarian organisations are seeking dialogue with states in an effort to discuss the direct impact of such legislation on humanitarian action (Burniske et al., 2014), progress on mitigating the impact of these measures on humanitarian activities has so far been limited in the context of the conflict in Syria and the rise of Islamic State in Iraq. States have introduced measures to punish so-called foreign fighters through prosecution (cancelling passports, imprisonment), but sweeping efforts to prevent citizens from travelling to conflict zones and joining proscribed groups rarely make a distinction between genuine humanitarian efforts (mostly by Islamic groups) and individuals looking to join Islamic State.

Gaining and maintaining access requires consistent and comprehensive engagement. Access is often hard-won, and humanitarian organisations must be prepared to renegotiate access that they thought they had previously obtained. To do this successfully, they need the right resources and commitment, not just from staff in the field, but also from managers. Donors and states also have a responsibility to facilitate access negotiations, not least by ensuring that there is legal clarity for humanitarian organisations on their engagement with proscribed groups.

2.3 Access by local actors

Local organisations’ involvement in responding to the consequences of armed conflicts or natural disasters has a long history. It also has a long history of being undervalued. There are signs that this is beginning to change, at least at a rhetorical level. As part of the Grand Bargain agreed at the World Humanitarian Summit (WHS) in 2016, for instance, donors undertook to provide 25% of their funding as directly as possible to local organisations by 2020. There have also been calls for greater efforts to reduce the barriers that prevent organisations and donors from partnering with local and national responders.

⁹ See Operation Lifeline Sudan (1989), the Principles and Protocols for Humanitarian Operations (PPHO) and the Joint Policy of Operations (JPO) during the civil war in Liberia (1989–96).

Yet despite formal commitments and declarations on the importance of involving local actors in decision-making processes, to support them financially and to let them lead whenever possible ('as local as possible, as international as necessary'), these aspirations have not been meaningfully translated into concrete action on the ground. Local actors are often relegated to a role as implementing partners, particularly where international organisations seek to operate in a non-permissive environment. Genuine partnerships are not yet the norm across the sector, and as a result the humanitarian community is 'missing significant opportunities to strengthen its performance' (Ramalingam et al., 2013).

Well before the momentum generated by the WHS, local organisations have been responding to the needs of affected people either well before the arrival of international actors, or in some cases almost entirely without them. Local organisations, including Christian churches, played a critical role in the response to the Rwandan genocide in 1994 (Benda, 2016). While high-ranking officials of various Christian denominations actively participated in or encouraged the carnage (and churches were sites of some of the most intense violence), religiously affiliated local organisations and actors also provided crucial assistance, just as the scale of the violence forced most international agencies to withdraw. The locally led response in the Nuba Mountains in Sudan has largely operated without any outside support. Lack of access by UN agencies and international aid groups has meant that local communities¹⁰ have

had to rely on self-protection measures taught by civilian protection volunteers (Corbett, 2012). In Kachin State in Myanmar, local organisations have succeeded in delivering aid and providing protection to IDPs despite the challenging political and security environment. Not only did it take six months after the beginning of the conflict there in June 2011 for the UN to obtain access, the first convoy also had to rely on the facilitation of local organisations (Jaquet and O'Loughlin, 2012). In Afghanistan, the Afghan Red Crescent Society is operational in nearly every province, unlike either international or other local aid organisations (Stoddard and Jillani, 2016).

Despite these and other examples of effective local responses, often in contexts where the international presence is patchy or absent altogether, the focus in this overview on the difficulties international organisations face in securing access is symptomatic of a general bias in the literature in this area. Most research on humanitarian access focuses on international organisations; local organisations and staff tend to feature largely when international aid agencies operate remotely, and are rarely seen as a unit of analysis in themselves. Focusing on Syria and Ukraine, the following chapters examine the role of local organisations as aid providers in their own right: the access challenges they face, and the strategies they employ to address them.

¹⁰ Since the outbreak of the civil war, the Sudanese government has denied humanitarian access, whether 'cross-line' from the north, or 'cross-border' from the south.

3 Local actors in Ukraine and Syria: origins and development

Both Syria and Ukraine illustrate the critical role local organisations play in the provision of humanitarian assistance and protection. Charitable work has long played an important role in Syria despite severe limitations on freedom of expression and association. Although restrictions were eased in 2000 the government continues to control civil society organisations, notably through the Syria Trust, a collection of high-profile organisations established by the president's wife, Asma al-Assad (Kraft, 2000; Bosman, 2008). Faith-based organisations (Islamic and Christian) were also active prior to the conflict, and unlike secular associations or organisations were generally exempt from having to register with the government. Many of their services were provided out of mosques and churches. With their strong community support, a wide network and the advantage of being monitored less closely by the government than Syrian NGOs, faith-based organisations continue to play an important role in the provision of assistance in areas inaccessible to other organisations (Svoboda and Pantuliano, 2015). As the conflict has dragged on, civil society has become one of the only sources of social cohesion in the absence of the state and functioning governance structures, with local actors at the forefront of responding to the needs of Syrians affected by the conflict.

Civil society in Ukraine has followed a different trajectory. During the Soviet period, associational life was state-controlled; there were limited incentives to develop civil society organisations, and a 'strong level of avoidance and a low level of trust of any type of civil organization among citizens' (Udovyk, 2017). This changed following independence, and by 2016 70,321 public associations, 15,384 charitable organisations, 1,415 self-organised bodies and 279 creative unions and other professional associations were registered in Ukraine (USAID, n.d.). Many had a long history of receiving international grants, as well as locally raised funds (Barbelet, 2017).

Today, local actors in Ukraine include individual volunteers, civil society and activist groups, faith-based

groups (both Orthodox and Protestant) and private sector philanthropists. In Syria they cover a similarly wide spectrum, including medical groups, faith-based charities, civil society and diaspora organisations and anti-government activists, ranging in size from a handful of volunteers on a small budget to multi-million-dollar operations with hundreds of staff and volunteers. Many of these organisations grew out of the political opposition, in Ukraine's case the activist networks that emerged during the anti-government demonstrations in 2013, and in Syria following the uprising against Assad in 2011. In both cases, and more by necessity than by design, over time many grassroots organisations have moved from a political to a humanitarian focus, or have assumed multiple roles; in Syria, for example, a 2014 survey of local civil society groups found that nearly three-quarters were simultaneously pursuing development, humanitarian, peace-building and human rights work, rather than compartmentalising relief work into its own category of response (Khalaf, Ramadan and Stolleis, 2014).

Volunteers have featured prominently in both contexts. In Syria, initial assumptions that the conflict would be over quickly led many Syrians from the diaspora to volunteer in their free time, even travelling to Syria on leave from their regular jobs back home. Ukrainian organisations similarly depended heavily on volunteers in the early part of the conflict. However, as time has gone on many organisations that started life as loose networks have developed more formal structures, with distinct departments, management, websites and publications and paid staff. The Ukrainian organisations Station Kharkiv and Vostock SOS, both of which started out as small cells of between five and 20 volunteers, have since become implementing partners of UN agencies. In Syria, local organisations have received training from international counterparts in strategic planning and the management skills to run ever-larger organisations and write complex funding proposals. In turn, more experienced Syrian organisations started assisting smaller ones in much the same way as international organisations had assisted them. Local organisations

are also increasingly using terms commonly associated with the formal humanitarian system. One Syrian aid worker remarked that she had not been familiar with the term ‘TOR’ (Terms of Reference) or ‘clusters’ until she started interacting with international organisations. Speaking English helped in dealing with international organisations, and both contexts were illustrative of a complaint expressed by local organisations elsewhere that the formal system’s predilection for conducting meetings in English risks excluding local actors who do not speak the language.

A similar evolution is evident in how these groups are funded. At the beginning, both Syrian and Ukrainian organisations relied heavily on private donations from local or diaspora communities, raised through crowd-funding, self-funding and Facebook and other social media. Collecting funds from family, friends and co-nationals abroad meant that no proposals were needed and administrative requirements were kept to a minimum. However, as both conflicts became protracted individual donations started to dwindle, and as a result there has been a gradual shift towards institutional funding, mainly through partnerships with international organisations. This is not necessarily direct funding (which remains very low – see below), but funds received often through a chain of other recipients: for instance, a donor provides funds to a UN agency, which in turn funds an INGO, which then provides funds to a diaspora organisation, which then disburses funds to the local Syrian organisation. In Ukraine, this entailed spending considerable time and energy on responding to donor requirements.¹¹ More broadly, the study found a sense among smaller organisations that this new dependence on institutional funding was reducing the flexibility and agility of these organisations to respond promptly to needs.

11 The Time to Listen project shows similar findings from the perspective of beneficiaries. See <http://cdacollaborative.org/wordpress/wp-content/uploads/2016/02/Time-to-Listen-Hearing-People-on-the-Receiving-End-of-International-Aid-Presentation.pdf>.

This ambivalence towards institutional funding is part of a wider dilemma these organisations face around structure, scope and vision, all of which have potentially important implications for their ability to secure and maintain access. In both contexts, in addition to a potential loss of comparative advantage, there was also a sense that, with increased formalisation and institutionalisation, the identity of local organisations was changing. Being small and flexible allowed local organisations in both contexts to respond rapidly to mounting needs, and their character and credibility in many ways derived from their proximity and capacity for rapid response. While structural changes and access to more formal funding sources brought other advantages, the evolution of these organisations also risked weakening the very attributes that had allowed them to be close to people and respond to their needs.

While it is difficult to quantify how much assistance is actually delivered by local Syrian organisations (Els et al., 2016), it is widely acknowledged that ‘Syrian NGOs and other frontline humanitarian actors such as the Syrian Arab Red Crescent (SARC) continue to shoulder the lion’s share of relief efforts throughout the country’ (UN, 2016). Yet reported direct funding to Syrian organisations accounts for only 0.3% of total humanitarian funding to the Syria crisis (Els et al., 2016).¹² It is likely that local NGOs receive more funds through indirect sources which are not or only partially reported, but it is difficult to give exact figures (GHA, 2016). Donors are seeking to remedy the imbalance in funding to local organisations, as illustrated for instance through the Grand Bargain launched at the World Humanitarian Summit, but the implementation of this commitment is proving difficult, not least because there is no clear agreement on issues such as what is considered a local organisation and what exactly constitutes ‘direct funding’ (Redvers, 2017).

12 Globally, data from the Financial Tracking Service (FTS) shows that 0.5% of total humanitarian funding went to local and national NGOs (GHA, 2016).

4 Factors affecting access

Access negotiations are rarely straightforward, and their success or failure depends on a multitude of factors, some of which are beyond the influence of humanitarian organisations, whether international or local. For example, how quickly an organisation can react to calls for help from people in need may determine the level of credibility it will ‘earn’ in the process, and most organisations will decide strategically what kind of programmes might be easier to implement than others, in the hope that initial access will allow programming to expand later on. Ultimately, the path of negotiation is strewn with often very difficult decisions.

4.1 Flexibility, agility and local knowledge: a critical mix

Being embedded in a community places local organisations in a unique position to identify and react to the needs of affected people, and allows them to exploit small windows of opportunity where access might be possible. In Syria, local organisations based their access negotiations on an in-depth analysis and understanding of the armed groups they were dealing with. Local civil society organisations described changing the language they used (revolutionary or religious) depending on the ideology of the armed group; others described using local religious authorities as intermediaries to negotiate access. As one local actor explained in an interview for this study, ‘you need to know which checkpoint to turn down the music, and the right language to use with the guy who has the gun’. Likewise in Ukraine, an understanding of local culture and local political dynamics helped volunteer groups to manage interactions when negotiating access with the de facto authorities. So as not to be seen as competing with the authorities in the provision of aid,¹³ and to avoid attracting unwanted attention, local actors reduced their visibility, operating mostly covertly

and on a small scale (Barbelet, 2017). This is in stark contrast to the roll-out of the cluster system and the flood of international organisations and aid structures that arrived in Donbas, overwhelming and confusing both local organisations and the de facto authorities in the NGCAs.

In both Syria and Ukraine, local groups relied heavily on networks of volunteers, acquaintances, relatives and friends formed over years. Trust was earned in part through these groups’ membership of affected communities, their continued presence during periods of heightened insecurity (as opposed to international organisations, which tend to withdraw in line with their security protocols), and their provision of timely and relevant aid. In Ukraine, local groups were the first to react to the suffering of civilians in mid-2014, when the conflict proper started (international organisations started operating towards the end of 2014, and only established a more coherent and systematic response at the beginning of 2015). While the initial international response focused on people who had fled eastern areas for Kyiv and other government-controlled parts of the country, needs were significantly higher in and around the front lines in Donetsk and Luhansk (Bennett and Jovanovski, 2015).

In both contexts, a large number of local actors came from a background of political activism linked to the Syrian revolution and the EuroMaidan protests. Political credentials such as these can be helpful in securing access from groups sympathetic to this past activism. In Syria, for instance, activists and local councils have been involved in negotiating local ceasefire agreements between government and opposition forces. At the same time, an activist past can also undermine more formal access negotiations if it is seen to compromise an organisation’s neutrality. In eastern Ukraine, for example, volunteer groups with an activist past have been blacklisted by the de facto authorities and denied official permission to access areas under their control. In Syria, the government considers organisations operating in areas outside of its authority as a tool to further the interests of ‘terrorist’ groups or of hostile foreign governments supporting the opposition. As a result, humanitarian access in both

¹³ Medical assistance in particular may have been seen as challenging the vested economic interests of Ukraine’s oligarchs, and disruptive to a long- and well-established, highly corrupt, economy with links to the black market and illegal trade.

contexts is highly fragmented, and no organisation – international or local – has access everywhere.

4.2 Programming

Access can often depend on the type of programme proposed, as well as on a particular organisation's identity or 'label'. In areas of Syria not controlled by the government, cash programming, medical aid and non-food distributions were easier to negotiate access for than programmes involving protection, such as child-related or gender-based violence, or educational and awareness-raising activities, in particular programmes linked to peace-building and democracy, which were viewed with suspicion by some armed groups and communities. Negotiations for such activities were particularly delicate, and as a result Syrian organisations adapted their language and the way they 'packaged' a particular activity to make it more palatable to potentially hostile armed groups, while at the same time not materially changing the actual project just to 'please' those in control. One group in Syria explained that it adjusted its terminology, and instead of using the term 'sexual harassment' discussed the issue through the lens of 'raising children in the correct way', or discussed survival sex through the lens of poverty. When dealing with more secular groups, the language used might be 'revolutionary', and more 'religious' when dealing with groups with an Islamic ideology. In Ukraine, it was easier to gain access for the reconstruction of houses or food assistance than for needs assessments or protection programming, which the de facto authorities tended to consider part of a Western humanitarian discourse. Local organisations focused on distributions of food and non-food items such as blankets and clothes, which were considered uncontroversial by the de facto authorities. Any interventions that involved sensitisation, protection or education – in other words, programming that required more interaction with affected communities – were not tolerated by the de facto authorities.

Introducing protection programmes has also been a significant challenge for international organisations in Syria and Ukraine (and elsewhere). While aid agencies cannot be expected to physically protect civilians, they do have a role and mandate to respond to protection threats arising from conflict. In recent decades, attention to protection issues through norms and policies has increased significantly, but this has not

translated into significantly improved protection for civilians on the ground (Jackson, 2014; see also Niland et al., 2015), in part because of a lack of dedicated funding for protection programming. The sector is also struggling to measure the results of activities intended to reduce risk, although there is growing interest in using results-based approaches to achieve protection outcomes.¹⁴ Understanding protection needs requires proximity: when organisations are not or are only sporadically present in a given context, communicating with affected communities and thereby identifying protection threats, designing an appropriate response and monitoring protection outcomes can be very challenging (Jackson and Zyck, 2017). While primary data is critical for the analysis of protection trends, there is also a recognition that it may simply not be available, and that secondary data may have to suffice. In Syria, for instance, the Strategic Needs Analysis Project (SNAP) took a pragmatic approach, accepting that most data is useful provided that limitations of the methodology used (i.e. the choice of secondary data) are clearly stated (Niland et al., 2015).

4.3 Different levels of negotiations

While acknowledging that assurances and negotiations at a higher level – the Security Council through resolutions,¹⁵ Ministries of Foreign Affairs – are important steps in securing access, any progress will ultimately be futile if local negotiations fail. Both case studies showed that such negotiations depend heavily on the strength of local networks, contextual knowledge and trust. They also call for good relationships with local authorities. Local groups in Syria regularly use local councils¹⁶ as intermediaries in access negotiations, both with armed groups and with

14 See Interaction's results-based protection project: <https://www.interaction.org/work/results-based-protection>.

15 Since September 2013, the Security Council has passed four resolutions on Syria: Resolution 2118, regarding the destruction of chemical weapons; Resolutions 2139 (February 2014) and 2165 (July 2014), demanding increased humanitarian access and, in the case of Resolution 2165, also authorising cross-border access; and Resolution 2191 (December 2014), which re-authorised 2165.

16 Local councils play a critical role in negotiations. They are not just gatekeepers to the community, but also provide logistical support, information on needs in the area they cover and in some cases operate as third-party monitors of aid deliveries. Some of the larger councils have established humanitarian coordination offices.

communities. Whether these negotiations go smoothly often depends on the capacity and experience of the local council in question. After what is now seven years of conflict, some councils are well-established entities with their own humanitarian coordination offices, which engage directly with NGOs. Others can provide only limited assistance due to a lack of capacity, or because different political and armed groups are competing for authority. For example, in November 2013 in Manbij in the governorate of Aleppo, armed factions from outside the area accused the local council of supporting the Syrian government, disbanded it and replaced it with a more politically acceptable body (Khalaf, Ramadan and Stolleis, 2014).

Community leaders too play a critical role in access negotiations, both in their own right and as members of local councils. Their influence can also have a positive effect on the conduct and actions of armed groups in their area (Al Abdeh, 2013). In one example in Aleppo, one Syrian NGO providing education described how, when faced with pressure or unacceptable restrictions on their programming from armed groups, it shut down the school and wrote to parents explaining why it had decided to close. The parents then put pressure on the armed groups, which subsequently withdrew their conditions. Local groups in Syria regularly find themselves in direct negotiations with armed groups, particularly when negotiating physical passage for people and goods from one point to another. Given the fragmentation of the conflict, local organisations may have to conduct numerous negotiations each time a stretch of road changes hands.

In Ukraine, many organisations adopt the approach of ‘taking’, rather than negotiating, access, bypassing formal negotiations with the de facto authorities altogether on the ground that access that is not requested cannot be denied. As noted above, these organisations deliberately adopt a low-visibility approach, for instance by using women to transport cash because they arouse less suspicion at checkpoints than men of fighting age, and are thus less likely to be searched. Volunteers may also not disclose that they are delivering medicine or money to people in need on the other side of a checkpoint, but claim instead to be on their way to visit relatives. A small number of local organisations also attempted to negotiate access through local facilitators such as the Orthodox Church or groups loyal to the de facto authorities. Groups that had started operating before the de facto authorities consolidated their control simply continued

what they were doing as they had not been explicitly told to leave, stop their operations or apply for accreditation. As such, access was not negotiated, but nor was it explicitly given. This is not to say that the de facto authorities were oblivious to the presence or activities of such groups, but simply that they chose to tolerate them.

At the extreme, some organisations chose high-risk options, such as crossing a minefield to circumvent checkpoints or secretly bringing medicines into the DNR using vehicles transporting other cargoes. Although rarely explicitly discussed, it was also evident that some organisations used bribery to buy their way through checkpoints. Respondents alluded to how money could solve anything in Ukraine, where corruption is prevalent and has permeated all aspects of life. Bribing Ukrainian government troops and armed groups manning checkpoints was generally seen as a small price to pay in order to gain access to NGCAs. Some volunteers even argued that international organisations did not have access precisely because they refused to pay for it, though the study found no evidence to support this.

Most organisations, both international and local, face the difficult decision whether to pay bribes or make some kind of payment to facilitate access to affected communities. In Somalia in 2011 and 2012, Al-Shabaab demanded payments from aid agencies in exchange for granting access to people affected by famine (Stoddard and Jillani, 2016). Following the tsunami response in 2004, during which numerous cases of corruption were reported, Transparency International investigated corruption risks specific to humanitarian operations, and has highlighted cases of aid diversion – not necessarily corruption – in Afghanistan, Haiti, Iraq, Pakistan and Somalia (TI, 2014; see also Steets et al., 2016). Findings from Syria suggest that the question of access is closely linked with the war economy. Diversion is widespread, and in many cases bribes are hidden in the extortionate prices local groups must pay to purchase assistance (Haddad and Svoboda, 2017). While bribes may succeed in securing access in the short term, perpetuating a culture of corruption may create an environment where bribery becomes an access tool, rather than a means of last resort. The question is therefore not so much whether there is diversion, but rather what can be done to mitigate it, establish what constitutes an unacceptable level of diversion and decide what to do when that level is reached.

4.4 Access and humanitarian principles

One criticism often levelled at local humanitarian actors by their international counterparts is that they fail to abide by humanitarian principles in their negotiations and programming. These principles – humanity, neutrality, impartiality and independence from political, economic or military objectives – are seen as necessary, not just to ensure principled access, but also to safeguard against the diversion and politicisation of humanitarian aid.

Such accusations need to be tempered by a recognition that organisations within the formal system themselves have an ambiguous relationship with the humanitarian principles. There are those who maintain that the principles are fixed, permanent and universal. Others argue that humanitarian action based on the principles is a ‘concept that had arisen in a particular geopolitical context, in which the only type of conflict was the classic inter-state conflict, with a clear separation of military and civilians, of relief and development assistance, and in which the sovereignty of a state was inviolable’ (Nan, 2010). Others stand somewhere in the middle, adopting a more pragmatic and perhaps more realistic approach. This sees the principles as a useful tool, while accepting that it is rarely possible to adhere to all them all of the time without fail, and that certain compromises will therefore have to be made. The question organisations then need to ask themselves is what kind of compromises they are willing to make, and where their red lines are. Regardless of the type of organisation engaged in these contexts, all face difficult choices.¹⁷

The question of universality, and more specifically the interpretation of the principles in non-Western cultures and contexts, poses further challenges. Given that a large number of recent and current conflicts are in predominantly Muslim countries, most research available today centres around the relationship between humanitarian principles/humanitarian law and Islamic culture/law (Modirzadeh, 2006; Mohamed and Oferinger, 2016; Salek, 2016). There are numerous commonalities between international humanitarian law and Islamic law, including the

protection of prisoners, the prohibition against indiscriminate attacks and the protection of property (Al-Dawoody, 2017). That said, there are those – Islamic State is one example – that do not see such commonalities and consider IHL or humanitarian principles as an imposition on Muslim societies by Western states and aid agencies. How aid organisations engage with armed groups that disagree with the principles of IHL or that reject them outright will depend on how experienced in the art of negotiating the agency is, its knowledge of both IHL and Islamic law, and its familiarity with the culture, history and values of the context in which it is working (Aly, 2014). Similar parallels between principles grounded in IHL and traditional customs of warfare in the Pacific Islands have also been identified, for instance the special protection afforded women and children. But here again, as in Islamic law, there are differences; as one study by the ICRC stresses, ‘caution must be taken not to overstate the correlations between traditional practices and contemporary rules of IHL’ (ICRC, 2009).

Applying humanitarian principles in a conflict context is never straightforward, and is beset by contradictions and dilemmas. In practice, the principles ‘often sit uneasily with the reality of crisis situations and require trade-offs in their use’ (Bennett et al., 2016). The use of armed escorts, bribes/taxes, hiring staff ‘suggested’ by belligerents, providing assistance in areas that may not have the largest needs, in the hope that this opens up access to areas where needs are graver: such trade-offs are made by international and local actors, sometimes inadvertently but often deliberately. What is needed is an honest discussion about the ethical and operational dilemmas faced by organisations responding to a crisis, and ‘greater transparency about the way [the humanitarian sector] conducts its operations and greater openness to other actors within the humanitarian space’ (*ibid.*).

In the Ukraine study, local actors explicitly referred to the principles as guiding their operations, though in practice adherence to and understanding of the principles was variable. When asked what had guided their work before they were introduced to what one interviewee referred to as the ‘classical’ humanitarian principles, volunteer groups overwhelmingly referred to a simple desire to help. The principles of voluntary service (understood as volunteerism or unpaid work by local groups) also resonated strongly, and several

¹⁷ For a more in-depth discussion on the humanitarian principles see International Review of the Red Cross No 897/898 (2016).

interviewees were openly critical of the careerism and salary-seeking that they believed marked out the work of traditional organisations. Transparency was also widely mentioned in relation to the importance these actors placed on accountability to affected people, and to the individuals providing the funds that allowed them to operate. Interviewees believed that their work was most valuable when the people they were trying to help were most at risk, yet it was precisely during periods of heavy conflict that traditional actors suspended their operations because of security management protocols. As one respondent put it: ‘why would they [international actors] put themselves at risk; this is not their war’. For groups with a particular political leaning, being neutral or apolitical meant not seeking political power or influence, rather than not taking a political position or taking sides in the conflict. Most local actors were politically against the de facto authorities, but this did not seem to affect how they managed access. Local actors also viewed their international counterparts as partial by virtue of their membership of the Western humanitarian system, and their associations with Western governments that were clearly aligned with one side of the conflict.

In Syria, many international aid actors have noted that the vast majority of local NGOs do not have the experience of Somalia, Afghanistan or Iraq – where compromises on a principled approach have had detrimental effects on access – and have therefore not had to manage the long-term consequences of partial adherence to humanitarian principles. While this may be true, a closer look at the ways in which local NGOs negotiate access reveals a more complicated picture, whereby Syrian NGOs are increasingly realising, not just the value of humanitarian principles in aid delivery, but also their limitations. In the absence of principled access, many local NGOs have come up with alternative approaches to delivery, drawing on their knowledge of the context to pursue tactical negotiation strategies, and through the innovative use of technology. In interviews, respondents often highlighted the importance of humanitarian principles, language and practice in their work, even if they remained staunchly on one side of the political divide. ‘We are neutral to the humanitarian situation, not the political situation’, explained a member of a local Syrian group. Some Syrian groups have also made a concerted effort to ensure that their mandates, emblems and logos do not include overtly political messages, such as the revolutionary flag or religious verses. Some have refused funding from political or military sources.

4.5 Coordination and collaboration

In both Syria and Ukraine there were some attempts to increase coordination and coherence between local and international actors, though these proved to have limited effect in either setting. In Syria, international humanitarian organisations and their local partners applied a Whole of Syria (WOS) approach designed to improve operational planning and increase coherence between aid operations in different geographical locations (OCHA, 2015b). Once OCHA established a presence in Turkey in 2014, there was a more concerted effort to negotiate access with armed groups on behalf of the humanitarian community as a whole, and a common protocol was adopted¹⁸ 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, 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.

Apart from formal coordination mechanisms with international organisations, local organisations have also found their own ways to collaborate. In Syria, for example, 19 local aid agencies formed the Syrian NGO Alliance (SNA) for the purpose of joint advocacy, to provide support to local organisations and to respond to needs.¹⁹ There have also been improvements in coordination for access negotiations and aid distribution among local groups, including through organisations such as Baytna and the Syria Relief Network. In Ukraine, volunteer groups maintained strong operational collaboration with other volunteers, which enabled them to coordinate logistics and direct people with specific needs to the right organisation. Unlike in other volatile and sensitive environments, local actors in Ukraine shared information widely within their volunteer networks, thanks in part to the solidarity engendered by their shared participation in the EuroMaidan protests, as well as the existing relationships underpinning faith groups and diaspora communities.

18 See https://www.humanitarianresponse.info/system/files/documents/files/jop_protocol_for_engagement_with_parties_conflict_eng_final.pdf.

19 See <http://syrianna.org/en>.

5 Conclusion

This study examined the access challenges international and local actors face in Ukraine and Syria, and how they have sought to address them. For both sets of actors, access challenges are similar. Essentially, parties to the conflicts in these countries hold the upper hand in deciding, indeed dictating, what rules will apply to humanitarian access, the consequences of which will have similar effects on organisations regardless of their provenance. The difference lies in how local organisations address these challenges, and their flexibility and proximity to people in need. At the same time, some of the strategies adopted by local actors (using local knowledge, adapting language to suit the authorities controlling access, hiring staff with the right skills and expertise) are a reminder to the international humanitarian sector of its own good practice – good practice that has long been identified by international organisations and regularly highlighted in research, evaluations and lessons learned, but not systematically used.

The study found that flexibility, agility and connectedness with people in need were critical failings in the international response. In particular, the Ukraine experience suggests that the full cluster system activation may have been a hindrance rather than a help in securing access. From having few international players, eastern Ukraine experienced the full force of the cluster system, when it was precisely the low-visibility, small-scale, ‘hard’ assistance provided by local organisations that demonstrated the value of humanitarian presence to the de facto authorities. Parties to the conflict in eastern Ukraine were reluctant to allow humanitarian assistance because they saw it as a threat to their efforts to consolidate their legitimacy and authority. International actors underestimated this, and the full cluster system overwhelmed and confused local organisations and de facto authorities alike.

In both Syria and Ukraine, local organisations had better access in part due to their agility, flexibility and connectedness with affected communities. Being local allowed them to detect temporary windows of opportunity to negotiate with a particular group in charge. However, being local in itself was rarely enough. In both contexts, trusted networks were

repeatedly mentioned as a facilitating factor in obtaining access. This trust is not limitless: it needs to be earned through timely and appropriate assistance. Both case studies also showed that access for local organisations was neither uniform across the country nor permanent. Local groups in both Syria and Ukraine became progressively more aware of the principles and recognised them as valuable tools in their negotiations, but the Syria case in particular showed how difficult, if not impossible, it is in such contexts for both local and international actors to fully adhere to the principles. This highlights the importance of openly acknowledging and thinking through the compromises that organisations – both local and international – are prepared to make when deciding to operate in highly volatile environments.

Labels such as traditional and non-traditional or local and international are not helpful in identifying who is given access and who is not during a conflict. Both case studies reported on here show that *all* organisations struggled with access issues. Volunteer groups in Ukraine recognised the suspicion with which the de facto authorities viewed humanitarian assistance, and decided to work discreetly and on a small scale in an effort to minimise the appearance that they were competing with the authorities in providing for people’s basic needs.

Both case studies also show the complexity of access negotiations. Access is negotiated at the highest level at the Security Council all the way down to the foot soldier at the checkpoint. The success or failure of such negotiations often depends on numerous factors not all of which may be under a humanitarian organisation’s control, whether local or international. The various layers of negotiations also highlight the need to make use of the skills, leverage and experience of different organisations. Some may be better placed to attempt to influence states or even the Security Council; others may have a comparative advantage in negotiating at the local level with local commanders, local councils and affected communities. Gaining access in order to respond to the needs of affected communities should not be a question of ‘international’ *or* ‘local’; rather, it should

be ‘international’ *and* ‘local’, taking advantage of the comparative advantage of both and then deciding who is best placed to respond.

This research points to the advantage of being small and flexible. However, this operational approach may not be one that international actors can easily adopt for structural reasons, and because the weight of donor requirements and institutional funding gives them little flexibility on the scale and scope of their assistance. Perhaps an even bigger obstacle is the change in culture that would need to accompany structural and organisational changes. The way the current formal humanitarian system is set up makes change very difficult and slow (Bennett et al., 2016), and it is highly unlikely that large and unwieldy international organisations will suddenly become small and nimble. This does not mean that international organisations are either redundant or irrelevant, but it does imply that they should be capable and mature enough to step aside and support smaller and more agile organisations when they are able to get access. The key is not to expect local organisations to become like international ones, or the other way around.

Local organisations must not be crowded out by their international counterparts. On the one hand, local organisations in the two study contexts had distinct advantages in negotiating access based on their local knowledge and networks. On the other, they lacked sustained funding and experience, at least in the early stages of the conflicts in Yemen and Syria. A more complementary approach could involve a swift mapping of local aid actors, including organisations that do not focus exclusively on providing humanitarian assistance, to understand where they have a presence, how they work and what international agencies can usefully do to support their efforts to provide assistance and protection. This will entail joint discussion around how the comparative advantage of each set of actors can best be deployed. Establishing a mentoring system, where staff from international organisations are temporarily seconded to local organisations and vice versa, was mentioned

by Syrian organisations as a collaborative way of transferring skills (not just from international to local, but also from local to international). While such an approach will require a radical overhaul in the long term, pilot projects that test such complementarity should be feasible. Admittedly, experimentation when needs are dire may not be appropriate, but then again neither is failing to change the way the current system functions. The Listening Project shows that, in the rush to respond, the international humanitarian system fails to listen or give local actors the chance to work, and important principles such as participation and conflict sensitivity can be lost (Anderson et al., 2012).

Approaches to collaboration with – and in some cases mere sub-contracting of – local organisations when access for international agencies is limited should not be conflated with ‘localisation’. The drive toward localisation emerges from a recognition of the need to transform the humanitarian system in a way that shifts the epicentre away from the bulk of international organisations towards the local organisations that are currently at the periphery. In this logic, merely partnering with a local organisation that takes the risks involved in operating in a volatile environment, while decisions and funds remain with international actors, is not localisation. As the localisation agenda moves forward, it will also be important to ensure that labels do not inadvertently reinforce differences that may not be of great significance. To be clear, differences will remain within the spectrum of humanitarian organisations, and the aim is not to create a system where everybody is the same. Instead, the challenge will be acknowledging the diversity among humanitarian actors and discussing how populations can best be reached in a particular context. This will rarely be an easy discussion as organisations might have to admit that they are not the best equipped, and as a result should withdraw and instead support those with a comparative advantage. It is hoped that humanitarian organisations, international and local, will have the courage and the wisdom to do this.

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