Evaluation and review of humanitarian access strategies in DG ECHO funded interventions

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The opinions expressed in this document represent the views of the authors, which are not necessarily shared by the European Commission.

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Abbreviations and acronyms

ACF . . . . Action Contre la Faim
ANSO . . . . Afghanistan NGO Safety Office
ASEAN . . . . Association of Southeast Asian Nations
DG DEVCO . . . . . European Commission Directorate-General for Development and Cooperation
DG ECHO . . . . . . European Commission Directorate-General for Humanitarian Aid and Civil Protection
EC . . . . European Commission
GIZ . . . . Deutsche Gesellschaft für Internationale Zusammenarbeit
HIP . . . . Humanitarian Implementation Plan
ICRC . . . . International Committee of the Red Cross
IDP . . . . Internally Displaced People
INGO . . . . International Non-Governemental Organization
IOM . . . . International Organization for Migration
M&E . . . . Monitoring and Evaluation
MSF . . . . Médecins Sans Frontières
NSP . . . . NGO Safety Program
ODA . . . . Official Development Assistance
OIC . . . . Organisation of Islamic Cooperation
SAFRON . . . . Ministry of States and Frontier Regions (Pakistan)
TA . . . . Technical Assistant
TFG . . . . Transitional Federal Government (Somalia)
UN DSS . . . . UN Department of Safety and Security
UN OCHA . . . . . . UN Office for the Coordination of Humanitarian Affairs
UNAMID . . . . United Nations African Union Mission in Darfur
UNHAS . . . . United Nations Humanitarian Air Service
USAID . . . . United States Agency for International Development

Executive summary

Donors and implementing organizations are alarmed by the gap between humanitarian needs in today's most acute crises and the apparently diminishing access to populations in need. The total number of attacks against humanitarian aid workers has risen starkly over the past decade, and humanitarians face myriad barriers when trying to deliver assistance. These trends, however, have to be seen against the background of the rapid growth of the humanitarian sector as a whole. With more means at their disposal, humanitarian organizations have deployed more staff on the ground who are providing more assistance than ever before. While alarmist claims about diminishing access need to be viewed with some caution, the challenges that humanitarian organizations face in the countries visited for this evaluation and review (Somalia, Sudan, Afghanistan, Pakistan and Myanmar) are real.

Based on a literature review and 388 interviews with representatives of donors, implementing organizations, governments and local authorities, this study analyzes what the most relevant access constraints are, what strategies humanitarian actors apply to overcome them and what trade-offs these strategies entail. It also addresses the questions of what compromises humanitarian actors should and should not accept when programming under limited access, as well as explores what DG ECHO needs to do to ensure that urgent humanitarian needs are met while the humanitarian principles are upheld in the most challenging environments.

Table 1 at the end of this executive summary provides an overview of the main findings and related recommendations of this evaluation and review.

Access constraints

Apart from security-related restrictions, implementing organizations struggle with constraints imposed by national governments and de-facto authorities, which may either reject humanitarian assistance altogether or attempt to regulate humanitarian activities in areas under their control. Governments may limit access through immigration policies or by imposing travel restrictions on humanitarian organizations in sensitive regions. Authorities can refuse or delay customs clearance for essential humanitarian supplies. Beyond these well-known examples, this study found that governments and non-state actors influence humanitarian management and programming in very elaborate ways, for example in Sudan and Somalia, and are quick to learn from each other how to do so.

In addition, indirect constraints may also prevent humanitarian assistance from reaching those in need. While reforms are underway, internal security rules of

organizations still constitute a major impediment in insecure environments, as does legislation that prevents organizations from engaging with armed actors listed as terrorists. Finally, the "politicization of aid" (i.e., the blurring of lines between political and humanitarian goals) can restrict the ability of humanitarians to reach populations in need.

Dealing with access constraints

The evaluation found that some organizations are more successful than others in gaining or maintaining access. Yet, it is impossible to pinpoint any single access "strategy" that would account for success across different contexts. What works to overcome access constraints in one country can be counterproductive in others. This being said, the evaluation identified three groups of activities that humanitarian organizations can undertake to expand or preserve access. First, they can try to tackle constraints at their source by trying to persuade those in control to allow more access. Second, organizations can mitigate and manage security risks to continue their assistance. Finally, where access is restricted, humanitarians can operate through remote management.

Persuading those who control access

When advocating for access, many humanitarian organizations traditionally sought to mobilize national and international public opinion through media campaigns and other forms of external communication. During the early years of the Darfur conflict, public condemnations of human rights abuses and violations of international humanitarian law were used to pressure the Sudanese authorities. Today, most organizations have concluded that these efforts have most of the time been ineffective. International humanitarian NGOs, including those with a longstanding tradition of "speaking out," have largely reverted to less vocal forms of private advocacy and networking to persuade rather than pressure power holders to grant access.

This renewed emphasis on persuasion does not imply, however, that humanitarians generally oppose public advocacy. Rather, they expect other, less operational actors to speak out on their behalf. In countries such as Pakistan, Myanmar or Sudan, implementing organizations encouraged humanitarian donors, the Humanitarian Coordinators and UN OCHA to raise access concerns with government authorities, including through the adoption of public positions. To increase the chances of success, interviewees emphasized the need to actively engage relevant non-Western actors in a more strategic manner. Finally, there is widespread agreement among humanitarians that the task of negotiating humanitarian access with non-state armed groups should be left to implementing organizations.

DG ECHO and the Commissioner should thus focus advocacy efforts on their home constituencies, other donors and selected governments, where leverage is expected to be greatest. DG ECHO should raise awareness among EU Member States and other Western actors of the negative consequences of counter-terrorism legislation and structural UN integration on humanitarian access. Further, DG ECHO and its representatives on the ground should lobby national authorities to remove specific access barriers.

Mitigating security risks

To protect themselves against attacks from armed groups and criminal actors, humanitarian organizations have invested significantly in security measures, entrenching themselves in heavily fortified compounds in major cities. After years of "bunkerization," humanitarian actors generally agree that many measures adopted over the past two decades have gone too far. In fact, the growing reliance on hard security measures has turned into a vicious cycle of ever more stringent security rules and a growing isolation of humanitarian aid workers from the civilian population that they strive to assist.

This recognition has led to the adoption of a new approach that is reflected in the recent reform of the UN Security Management System. While the benefits of this reform have yet to materialize on the ground, information gathered for this evaluation and review suggests that it presents a step in the right direction: a shift from focusing on risks to balancing risks and operational requirements. Nonetheless, the evaluation team noted a growing trend among UN agencies to outsource large operations to private contractors that operate outside the UN security and coordination systems. This practice raises a number of normative questions, considering that international organizations with a political or military agenda often rely on the very same private contractors as humanitarian organizations. In view of these and other concerns about how to hold such private organizations accountable, DG ECHO should develop its own guidance on the use of commercial aid providers in humanitarian operations and initiate a policy dialogue with key humanitarian actors on the issue.

The evaluation also demonstrated the central role of collective security arrangements for NGOs. Feedback received regarding these collective security arrangements in Afghanistan, Pakistan and Kenya/Somalia was very positive, suggesting that investments made by DG ECHO and other donors have paid off and should be continued or expanded.

Programming under limited access

Where access is limited, humanitarians confront the question of what compromises to accept without risking the long-term deterioration of established

humanitarian principles and minimum operating standards. They also need to determine the point at which compromises required to keep operating become so overwhelming that leaving people in need to their own devices is the best option.

The humanitarian principles remain valid as a basic guide for such decisions. However, complying with the principle of humanity, which requires organizations to save lives and alleviate suffering, can contradict the requirements to remain neutral, independent and impartial.

To deal with this trade-off, organizations in the countries visited have developed internal or emergency-wide "red lines" that specify acceptable practice – for instance regarding the use of armed guards, paying for access or delivering cross-border assistance. Essential for upholding humanitarian standards and principles, such initiatives have clear limitations too.

Donors in general and DG ECHO in particular have an important role in defining how far humanitarian actors can go. Prescribing rigid global red lines that determine what is acceptable, however, would not do justice to the different contexts encountered by humanitarian organizations. Rather, DG ECHO should base its decisions on a systematic reasoning process based on commonly agreed principles and standards.

Remote management

DG ECHO's approach to remote management provides a widely debated example for the dilemmas outlined above. Remote management is an approach that can allow organizations to continue some activities in situations where access is limited by transferring management and monitoring responsibilities to less experienced national or local staff members and/or external partners. On the one hand, managing projects remotely means reducing control and oversight. This increases the risk of aid diversion and can reduce project quality. It can also entail a transfer of risks to local staff or partners. On the other hand, remote management is often the only way to provide assistance to those in need. Currently, DG ECHO finances remote operations to a variable extent in all countries visited. But as the heated debates within DG ECHO show, the related decisions are not based on a common method for assessing individual situations.

The increasing reliance on remote management has led to a growing sense of unease among donors and implementers. DG ECHO should be clear about what kind of remote operations it is prepared to finance. DG ECHO should consider seven issues when taking these decisions and ensure that its partners address these issues in proposals and remote policies. First, organizations must avoid undue risk transfer to field staff, partners and beneficiaries. Sec-

ond, partners proposing remote approaches should describe how they intend to build acceptance – both as a security measure and to eventually regain access. Third, they need to specify the level of experience and technical capacity of responsible field staff. Fourth, where projects are implemented in volatile areas with fragile access, organizations should have contingency plans for how to switch to remote mode when access deteriorates. Fifth, monitoring procedures have to be adapted to the challenges of remote management. Sixth, DG ECHO should give precedence to organizations that have located senior staff as close as security conditions permit to the proposed area of intervention. Finally, DG ECHO should give precedence to organizations that seek to deliver outputs directly or limit the chain of contractors and sub-contractors for implementing projects.

In addition to applying these criteria, DG ECHO should support good practices to ensure that accountability standards are not lowered in the long-run and to prevent remote management from turning from the exception to the rule. The most promising approaches that this study has observed involve innovative human resources policies and creative approaches to recruit and actively engage non-Western staff.

DG ECHO needs to improve its ability to monitor projects directly. It should recruit senior staff who can more easily "blend in" with the respective local environment and who are less encumbered to travel by administrative restrictions.

Deciding when to disengage

There are also other situations when donors and implementers need to decide what compromises are acceptable to continue serving populations in need. Donors and implementing organizations face political pressures, financial incentives and other dynamics that make them accept more compromises than they would if they acted based on purely humanitarian considerations. In Sudan and South-Central Somalia, many humanitarians with hindsight regret not having stopped the step-by-step deterioration of the humanitarian situation.

DG ECHO's standard instruments already cover most elements that are relevant for deciding whether or not to disengage. However, they do not sufficiently consider potential negative effects of humanitarian activities. The evaluation recommends that DG ECHO give greater weight to this aspect in instruments like the Single Form, as well as in evaluations.

Conclusion

The countries assessed for this review and evaluation show that there are no silver bullets for increasing access. What works to increase access in one con-

text can be counterproductive in another. Still, important lessons have been learned. Humanitarians have recognized that "bunkerization" and an over-reliance on hard security measures cannot substitute for acceptance building. They are thus rediscovering the importance of understanding the social and political context that they are working in. In addition, a clear trend emerges among the most successful organizations to de-Westernize their staff and recruit members of Diaspora communities or experienced locals for management positions.

When attempting to maintain or increase access, humanitarian actors face dilemmas and need to carefully balance humanitarian principles and minimum requirements for providing assistance, so as not to compromise their credibility in the long run and risk unintended harm. As a donor, DG ECHO not only has an important enabling role to play for organizations that seek to increase access. It should also engage in continuous, critical dialogue with its partners to see whether a specific context still allows for effective and principled assistance – or whether the compromises to maintain a minimum level of access would be too much to accept.

Finally, when seeking to increase access, international humanitarian organizations should not neglect other ways to alleviate suffering and save lives. Donors like DG ECHO should also strive to find other ways to allow populations to access the assistance they need. Where appropriate, they should prioritize support for local responses and other coping mechanisms.

TABLE 1: MAIN FINDINGS AND RECOMMENDATIONS

Main findings	Recommendations
PERSUADING THOSE WHO CONTROL ACCESS	
Most organizations have concluded that past efforts to exert public pressure on governments and de-facto authorities have been largely ineffective. Implementing agencies emphasized the need to separate public advocacy from program implementation. They expect other, less operational actors to speak out on their behalf.	**Recommendation 1: Adopt a more active and strategic role in advocacy** • Adopt positions on anti-terrorism legislation and UN integration • Increase efforts to define coherent positions on humanitarian issues with other branches of the European Commission, the European Parliament and EU Member States • At the country level, continue advocating for humanitarian access and demand the lifting of specific restrictions (coordinated with partners)

Main findings

Recommendations

In many of the countries where access is severely restricted, non-Western powers (e.g., China, India, Turkey) influence national authorities. Getting such "new" actors on board is difficult, but doing so is a promising avenue for increasing humanitarian access.

Recommendation 2: Increase efforts to engage non-Western actors

- Identify which non-Western actors are particularly influential in a given context

- Use the entire EU network to reach out to non-Western actors and contribute to other actors' initiatives

Those INGOs that were able to keep operating in difficult contexts long after others had to leave implemented their programs in close cooperation with local communities and have frequently integrated a development perspective into their work. Successful organizations maintained close contact with local authorities and traditional leaders.

Other successful organizations have invested strategically in networking with all relevant groups before and during project implementation. They frequently employed dedicated staff for this purpose, such as "outreach teams."

Organizations need to adhere to the humanitarian principles and offer something tangible. They need to have a clear position on what is acceptable for them.

Recommendation 3: Support partners in negotiating access and building acceptance

- Demand a clear commitment from partners to negotiating access and building acceptance

- Support outreach initiatives and networking capacities of partners financially

- Provide funding for small-scale tangible projects intended to increase access

- Continue to support joint access initiatives for smaller NGOs

Following pressure to concentrate on other tasks, UN OCHA has reduced its activities in the area of advocacy with government authorities. Many smaller organizations do not have the capacity or resources to engage in lengthy negotiations with governments.

Recommendation 4: Encourage UN OCHA to focus more on liaising with governments

Use DG ECHO's upcoming role as chair of UN OCHA's Donor Support Group to encourage OCHA to reconsider its priorities

Main findings	**Recommendations**
MITIGATING SECURITY RISKS	
There is a growing tendency among UN agencies to outsource humanitarian operations to commercial providers, circumventing UN security regulations and other social standards related to human resources policies. This practice undermines accountability and raises normative questions.	**Recommendation 5: Initiate a policy dialogue on the use of private contractors delivering humanitarian assistance** • Analyze the extent of private contractors' involvement in humanitarian assistance as well as corresponding risks and benefits • Suggest the development of IASC guidelines on how and when to work through private contractors in humanitarian operations
Collective NGO security bodies help organizations make informed decisions on how to mitigate security risks and whether or not to expand their presence into insecure operating environments. Feedback received regarding the usefulness of common security organizations was generally very positive.	**Recommendation 6: Increase support to collective NGO security bodies** • Support their work financially • Encourage their creation where necessary • Support NGO security bodies in providing training

Main findings	Recommendations

PROGRAMMING UNDER LIMITED ACCESS

The search for "red lines" and common rules

Where access strategies reach their limits, humanitarian actors face the tough question of what compromises they are prepared to accept to reach people in need. Organizations therefore guard themselves against excessive compromises with internal or country-specific "red lines" and common ground rules, but their effectiveness remains limited in practice.

Donors play an important role in defining acceptable practice and clarifying how far organizations should go to secure or expand access. The study finds that it would not be feasible for donors to define rigid global "red lines" that predetermine which activities are considered acceptable and which not. Instead, decisions should be based on a systematic reasoning process based on commonly agreed principles and standards.

For this purpose, the humanitarian principles of humanity, impartiality, neutrality and independence remain valid. However, they do not always all pull in the same direction. The "humanitarian imperative" to save lives and alleviate suffering can, for example, contradict efforts to remain impartial or independent. In practice, principles need to be weighed against each other and balanced with considerations regarding accountability and the potential negative effects of assistance.

Existing instruments of DG ECHO combine most of the necessary assessment criteria to judge whether compromises to maintain or expand access are still acceptable.

Recommendation 7: Support staff members and ensure consistent decisions

- Do not create dogmatic global "red lines"

- Adopt a systematic reasoning process based on commonly agreed principles and standards

- Encourage de-centralized leadership

- Introduce a peer review system to support staff in deciding on difficult trade-offs

- Further develop and practice with teaching cases to achieve coherent decision-making on moral and practical dilemmas

Main findings

Recommendations

The example of remote management. In all countries visited, humanitarian organizations relied on remote management to overcome access restrictions that are linked to both insecurity and bureaucratic regulations by national governments and de facto authorities.

These approaches entail risks that need to be carefully reviewed in each case by DG ECHO and partners. Remotely managed operations can bring about a loss of control and oversight. Further, remote approaches potentially lead to a transfer of risk to national staff and recipients. The quality of assessments cannot always be guaranteed in remote operations, and switching into remote mode can reduce the complexity and quality of projects.

Remote management should thus be a last resort.

Rather than rule out or permit all remote approaches, DG ECHO needs to distinguish between different degrees of remoteness and different remote management approaches. Organizations need to assess risk exposure of different staff categories to avoid risk transfer to field staff and beneficiaries. Partners proposing remote approaches should describe how they intend to build acceptance – both as a security measure and to eventually regain access. Regarding capacity and qualification, they should specify the level of experience and technical capacity of responsible field staff. Also, they need to show that adequate policies and guidelines are in place and that management and reporting has been adapted to meet the requirements of remote settings. Where projects are conducted in volatile areas, organizations should have contingency plans for how to switch to remote mode when access deteriorates. Monitoring procedures have to be adapted for the particular challenges of remote management. DG ECHO should generally give precedence to organizations that have senior staff as close as security conditions permit to the proposed area of intervention, and that seek to deliver outputs themselves or work with a limited number of trusted national/local implementing partners.

Recommendation 8: Adopt a common definition of remote management

- Suggested definition: "An approach that can allow organizations to continue some activities in situations where access is limited by transferring management and monitoring responsibilities to less experienced national or local staff members and/or external partners."

- Whether expatriates or nationals manage and monitor operations on the ground should not constitute the defining criterion

- Define seniority as a combination of years of relevant work experience and exposure to different humanitarian contexts

Recommendation 9: Develop operational guidance on remote management and adapt existing DG ECHO tools

- Consider attaching access-related questions to the Single Form for Humanitarian Aid Actions

- Include criteria and corresponding questions in Humanitarian Implementation Plans (HIPs) and/or corresponding operational guidelines

Recommendation 10: Improve DG ECHO's ability to monitor projects directly

- Keep up a strong field presence

- Recruit senior staff holding citizenship in the country who are less encumbered by administrative access barriers and who can "blend in" with the respective local environment (culturally, ethnically)

Main findings	Recommendations
In the long run, diversifying the management of organizations and actively recruiting non-Western staff could reverse the trend towards remote management and allow for more direct oversight and accountability.	**Recommendation 11: Promote and financially support staff diversification within the humanitarian sector** • Develop recruitment strategies for diversifying staff structure • Consider financing a common human resources project to support the diversification of NGO staff
Deciding when to disengage. Staying in contexts of restricted access may require excessive compromises with regard to humanitarian principles and minimum standards. DG ECHO is in a responsible position to help define what is acceptable and to prevent a gradual deterioration of situations away from core principles and good practice. Instead of global red lines, contextualized judgement needs to be based on consideration of positive and negative effects of interventions. Current assessments of project proposals tend to focus on positive planned outcomes. Similarly, assessments of DG ECHO's operations in contexts of restricted access do not always pay enough attention to negative externalities.	**Recommendation 12: Pay more attention to negative externalities when assessing project proposals and country situations** • Pay more attention to potential harm that projects can cause and to long-term effects on humanitarian access • Assess potential negative effects of DG ECHO's combined activities in specific country contexts in external reviews **Recommendation 13: Reduce budget-pressure in high-profile emergencies** • Strengthen the role of country teams when deciding on overall budget allocations • Increase flexibility of country allocations • Increase attention for less visible crises **Recommendation 14: Go into "hibernation" when compromises become excessive:** • Reduce the overall budget and restrict funding to strategic partners • Enable partners to maintain a networking capacity on the ground and support small-scale projects

A Background and scope

1   International aid workers and donors are concerned that their ability to deliver humanitarian assistance is shrinking. Kidnappings, attacks on aid workers, expulsions, refusals to grant visas or travel permits, red tape and many other obstacles make it very difficult to reach populations suffering from the effects of conflicts or disasters.

2   While this sounds alarming and paints a bleak picture of the future, talk of a reducing ability to assist those in need can be misleading as it overlooks the fact that, overall, more funds are allocated to humanitarian assistance today than ever before. The share of official development assistance (ODA) dedicated to humanitarian assistance has grown continuously from about 2% in the 1970s to more than 8% in 2010.[1] Overall humanitarian funding has quadrupled during the past two decades.[2] Correspondingly, the number of aid workers has grown sharply. This growth also puts the sharp rise of attacks against aid workers (see Chapter C) into perspective and shows that relative rates of attack have risen more modestly. As a recent ODI report points out, aid workers have ventured into active conflict settings and spheres that were previously inaccessible and have more resources and power at their disposal than ever before.[3] Hubert and Brassard-Bourdeau (2010) conclude that "[a]lthough difficult to measure, sweeping claims about a decline in humanitarian access seem inconsistent with a reduction in the number of civil wars combined with a continued expansion of humanitarian operations."[4]

The debate about access may be too alarmist…

3   While alarmist claims about increasing risks should be taken with a grain of salt, the challenges for humanitarian organizations are real, especially in protracted conflicts such as Sudan, Afghanistan and Somalia. Humanitarian workers are deliberately attacked and threatened, as evidenced by the growing numbers of kidnappings for ransom. Moreover, humanitarian actors must struggle with constraints imposed by governments or de-facto authorities who reject external humanitarian assistance.

but access constraints are real…

4   These and other constraints make it difficult – in some cases even impossible – to deliver assistance in an effective, impartial, neutral and independent way. At the same time, the most acute humanitarian needs

…and pose difficult dilemmas

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1   Based on OECD/DAC Query Wizard for International Development Statistics, http://stats.oecd.org/qwids/ [accessed 16.4.2012]

2   Figures represent constant 2008 prices. Data source: www.globalhumanitarianassistance.org

3   Collinson, S. & Elhawary, S. (2012): Humanitarian space: a review of trends and issues

4   Hubert, D. & Brassard-Boudreau (2010): Shrinking Humanitarian Space? Trends and Prospects on Security and Access

often arise in contexts where access is restricted. This presents humanitarian organizations with dilemmas and difficult questions. How can they effectively reduce access constraints? Where restrictions persist, should they try to deliver at all cost? What compromises can they accept? Similar questions arise for humanitarian donors. How can they help to reduce some of the access constraints? Which operations under restricted access should fund and which not? How can they best support the organizations they fund in finding answers to these difficult questions? With these questions in mind, DG ECHO commissioned this review and evaluation to inform practical guidance on how best to deal with access constraints.

Definition

5   The concept of *humanitarian access* concerns both the ability of humanitarian organizations to reach populations affected by crises and the ability of affected populations to access humanitarian services.[5] While the perspective of the affected population is at least as important as that of humanitarian organizations, it is not the focus of this study because the study aims to provide recommendations to DG ECHO. For the purpose of this review and evaluation, we understand full humanitarian access as *the ability of all staff members of different humanitarian organizations, and donors, to visit project implementation sites at the time of their choosing to provide humanitarian needs-based assistance and protection to people affected by crises, in line with the principles of humanity, neutrality, impartiality and independence.*[6]

Ability of all staff members to visit project implementation sites

Scope and objectives of the study

6   This evaluation and review analyzes what humanitarian actors, including donors, do to deal with access constraints. To judge the effectiveness and appropriateness of access strategies, the study asks whether measures have led to an increase – or have prevented a reduction – of access in terms of people reached and types and relevance of services offered. It also discusses the potential trade-offs and negative consequences of access strategies. Important to note is that this requires the observer to make a judgment. The following report therefore contains evidence collected by the evaluation team and also the team's judgments.

The study focuses on how to deal with access constraints and the trade-offs of access strategies

5   This corresponds to the definition adopted by the United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA), http://www.unocha.org/about-us/publications/humanitarian-access.

6   This corresponds closely to the draft definition of "humanitarian space" suggested in a recent internal meeting of ECHO staff.

7   Following a short description of the methods and limitations of this review and evaluation (chapter B), the report starts by asking what access constraints humanitarian organizations face and describes related trends (chapter C). Chapter D looks at how humanitarian actors deal with these constraints. It examines how humanitarians seek to persuade those controlling access to grant them more access (chapter D.1), to manage security risks (chapter D.2) and to work under restricted access (chapter D.3). For each part of the analysis, the study develops recommendations for DG ECHO.

B Methods and limitations

8   To answer the questions outlined above, the study team[7] conducted a re-view of relevant literature and field research in Afghanistan, Pakistan, Somalia, Sudan and Myanmar. These five countries were selected in consultation with DG ECHO and based on the following criteria: humanitarian operations in the countries should display a broad range of approaches to humanitarian access; key impediments identified during the initial review had to be covered; different crisis contexts should be assessed (natural disaster, protracted crisis and conflict settings). Finally, practical considerations and complementarity with existing or ongoing studies were taken into account.

Country studies: Afghanistan, Pakistan, Somalia, Sudan and Myanmar

9   In addition to interviews in the countries, the team conducted expert interviews over the phone. In total, the team interviewed 388 representatives of donors; international and national NGOs; UN agencies; the International Organization for Migration (IOM); the International Committee of the Red Cross (ICRC); National Red Cross/Crescent Societies; military actors involved in disaster response and United Nations (UN) missions; research institutions; as well as representatives of national and/or regional governments. To protect the confidentiality of information and avoid potential negative repercussions for organizations on the ground, annex 1 only contains summary statistics regarding interviews conducted at the field and global level. Moreover, findings from the interviews are presented anonymously and usually do not indicate the interviewee's name, organization or country of operation.

388 interviews

10   The evaluation team discussed a draft of this report with representatives of DG ECHO and selected partner organizations. The draft was also sent to interviewees and an internal peer review group. The team received written comments from 26 parties.

Feedback and peer review

Limitations

11   The team did not consult recipients of humanitarian assistance. This is due to practical constraints and because the team wanted to avoid increasing the risk for affected populations and partner organizations that team members depended on when traveling to field locations. Instead, the team focused on donors and implementing organizations dealing with access constraints.

No consultations with recipients

7   Profiles of team members and division of tasks are provided in Annex 1.

12   The evaluation team focused on the access of humanitarian organizations to people in need, rather than the access of populations in need to humanitarian services. This decision was taken in order to make a broad topic more manageable and to concentrate on questions relevant to DG ECHO. It should be acknowledged that by neglecting the question of access by people to services, the study does not deal with important corresponding constraints.[8]

Focus on access of humanitarian organizations

13   During the course of the study, the team encountered many of the typical access constraints in the respective countries. Some visas were only issued with delays (Myanmar). Certain regions were not accessible to the study team – for instance, South Kordofan in Sudan, areas under the control of Al-Shabab in Somalia, and areas outside Islamabad in Pakistan. Moreover, there are less reliable data for countries facing severe access restrictions, making it impossible to rigorously judge criteria for assessing access strategies.

Access constraints for the evaluation team

14   The team did not manage to talk to all actors controlling humanitarian access. While it was possible to meet relevant government officials during the country visits, time constraints and other factors made consulting representatives of non-state armed groups impossible. This is an important constraint, considering that areas under the control of armed groups are often inaccessible to humanitarian actors. Approaching armed groups would have required lengthy country visits of several months.

No consultations with armed groups

15   To sharpen the focus of the study and avoid duplication of existing work, this study does not cover access constraints related to infrastructure, topography or weather, such as an overall lack of roads or seasonal obstacles to reaching remote areas.

16   This evaluation was commissioned by DG ECHO, a donor that plays an important role in all of the countries assessed for the study. While the review and evaluation is intended to be relevant to both DG ECHO and its partners, it provides recommendations for DG ECHO only.

Recommendations focus on DG ECHO

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8   An example can be seen in Myanmar, where the Rohingya people are legally not allowed to travel outside their districts and hence cannot access health facilities set up by humanitarian actors in the region.

C Access constraints

17 Most humanitarians interviewed at headquarter level and in the five selected countries said that they were losing "meaningful access." In other words, humanitarian access is not just about staying or "holding out" despite challenges. Humanitarians want to be able to make a difference for affected populations on the ground. In addition to security-related concerns, humanitarians struggle with bureaucratic restrictions associated with national governments. The assessment showed the surprising extent to which states control access and regulate humanitarian activities, from recruitment of staff to the types of activities allowed. Moreover, a number of internal constraints routed in donor policies or regulations internal to the humanitarian system inhibit access. While their impact is sometimes less severe, such as in the case of anti-terrorism legislation or sanctions affecting the delivery of aid, they can arguably be influenced more easily by humanitarian actors than external constraints.

FIGURE 1: KEY ACCESS CONSTRAINTS
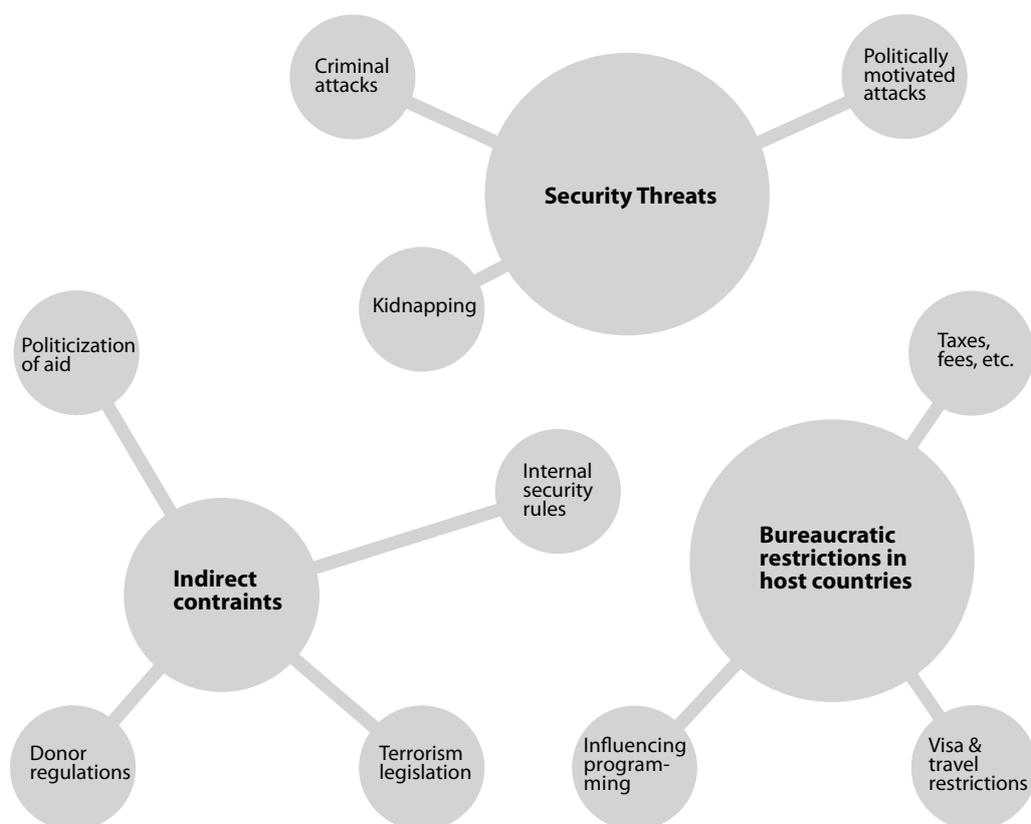
Insecurity of humanitarian workers

18   Insecurity of humanitarian aid workers is the most widely discussed access constraint. According to the Aid Worker Security Database,[9] which tracks cases of violence against humanitarians and other NGO and UN staff,[10] the number of incidents has steadily increased since recording started in 1996, reaching a peak in 2008. Of the 380 security incidents recorded in between 2006 and 2008, every fifth incident resulted in suspension, withdrawal or relocation of operations in 15 countries.[11] Eliminating the risk for humanitarians of being caught in the crossfire by accident is impossible. But recent years have seen an increase in deliberate attacks against humanitarian workers. The 2003 bombings of the UN office in Baghdad and, shortly afterwards, the ICRC country delegation, marked the beginning of a series of planned assaults carried out by non-state armed groups against humanitarian assets and personnel. Such attacks have been particularly frequent in Afghanistan and Iraq, but have affected other countries as well. In October 2009, a suicide bomber attacked WFP offices in Islamabad, killing five people. In March 2012, gunmen stormed an office of World Vision International in Mansehra district and killed twelve of the staff. In August 2011, the UN headquarters in Nigeria suffered a devastating attack claimed by the Islamist group Boko Haram. Rather than serving a military objective, these attacks mainly aim to make a political statement by showing the might of the attacker and the inability of the other party to the conflict to prevent such attacks. They also aim to attract international media attention.[12] Further, they reflect the growing hostility in many countries towards humanitarian actors, often perceived as agents of the "West," a perception that is supported by the strong presence of Western NGOs in many contexts and the prevalence of funding from Western governments.

Deliberate attacks by armed groups have increased…

19   In addition, humanitarians grapple with security threats from criminal groups driven primarily by economic interests. These can be much harder to deal with than non-state armed actors with a political agenda. In a

…as have attacks by criminals

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9   https://aidworkersecurity.org/

10   As an observer pointed out, these widely cited statistics (also referred to in other parts of this report) tend to lump together "humanitarian workers" and other UN and international NGO staff. It is not always clear from these numbers whether affected staff has been involved in humanitarian work or part of other, non-humanitarian work such as the Department of Peacekeeping Operations or development and human rights-focused NGOs. In any case, the impact of such incidents is clearly felt in the humanitarian community and has caused corresponding reactions in terms of security management and risk perception.

11   Stoddard et al. (2009): Providing aid in insecure environments: 2009 Update, p. 10

12   Laura Hammond in Barnett, M. & Weiss, T. (2008): Humanitarianism in Question. Politics, Power, Ethics: Cornell University Press, p. 173

number of contexts, kidnapping by criminal gangs has become the most pervasive security threat, acting as a key access impediment, particularly – though not exclusively – for international aid workers. According to the Aid Worker Security Database, kidnapping cases have increased almost fourfold between 2005 and 2010.[13] Information gathered by the team during the country visits confirms this trend. While kidnappings have decreased in countries such as Sudan and Haiti (in part because organizations have limited field travel for international staff), others have seen the number of abductions-for-ransom rise sharply.[14]

Restrictions imposed by governments

20 For a long time, politically motivated attacks by armed groups against aid workers and criminal violence were the main concerns for humanitarian organizations. Today, an attendant concern involves restrictions imposed by governments and de facto authorities, which have assumed an active gatekeeper role and seek to steer humanitarian assistance.

Government restrictions have recently become a major concern…

21 It is useful to recall that states have always attempted to regulate and restrict humanitarian access and that historically, in many of the most severe crises during and since the Cold War, humanitarians did not play a significant role (for example, during the conflicts in Algeria, Vietnam or the Iran-Iraq war[15]). More than half a century ago, during the Biafra war, access restrictions did not come from rebels "in the bush" but from government authorities in the capital. When the ICRC decided to initiate a relief operation in 1966 without Lago's consent, the Nigerian army launched an attack against a refugee camp run by the Red Cross, killing four French aid workers. The same year, Nigerian forces allegedly shot down an ICRC aircraft carrying relief supplies bound for rebel held areas in Biafra.[16] Since the end of the Cold War, numerous cases of governments expelling humanitarian organizations have been documented. Ethiopia, Sri Lanka and Sudan are only a few, better-known examples. [17]

…even though they have a long history

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13   Aid Worker Security Report 2011, p. 7. http://www.humanitarianoutcomes.org/resources/HO_AidWorkerSectyReport_0811_H.pdf

14   In Pakistan, for instance, where kidnapping used to be a minor problem, four international aid workers were kidnapped in early 2012 within only a few weeks. Abductions have become a key security threat not only to internationals but also to Pakistani citizens; see Eurasianews: "Terror by abduction," 09 April 2012, http://www.eurasiareview.com/09042012-pakistan-terror-by-abduction-analysis/

15   Hubert, D. & Brassard-Boudreau (2010): Shrinking Humanitarian Space? Trends and Prospects on Security and Access

16   Michael Barnett (2011): "Empire of Humanity: A History of Humanitarianism," pp. 133-147.

17   For examples from all countries see Magon, Neuman & Weissmann, eds, (2011), "Humanitarian Negotiations Revealed," or ODI (2010): Humanitarian Space in Sri Lanka: what lessons can be learned?; UN (2011): Report of the Secretary-General's Panel of Experts on Sri Lanka.

22 The reasons why governments and armed groups want to limit humanitarian access vary by country, often involving one or more of the following factors:

• Ongoing fighting and the corresponding security risks can be a legitimate reason to temporarily restrict access for humanitarian organizations. However, governments and armed groups often impose restrictions to shield sensitive regions from outside observation and prevent reports about human rights and international law violations from reaching an international audience. According to the results of this study, this was the case in Sudan, Somalia, Pakistan and Myanmar.

• In some cases, such as in Sudan or Pakistan, the government also attempts to restrict assistance to population groups that may support non-state armed groups.

• Governments and armed groups frequently accuse the humanitarian community (into which development organizations are often lumped) of being infiltrated by foreign intelligence services.[18] A series of incidents in Pakistan suggests that this is not always just a pretext. Reports have described how the US intelligence service CIA took advantage of the 2005 earthquake to place agents into Pakistan.[19] Last year, the US government admitted using a hepatitis vaccination campaign to trace the genetic code of Osama Bin Laden's family.[20] And Pakistani security forces arrested three agents of the German secret service who, according to interviewees, pretended working for the German Agency for International Cooperation GIZ in January 2012.

• Governments and armed groups have voiced concerns regarding the quality and potential negative effects of humanitarian assistance. The government of Pakistan fears that large-scale international assistance undermines its authority as it is not seen as capable of looking after its people. The Sudanese government has joined many Western analysts in criticizing international organizations for not sufficiently working with and building the capacity of local staff and institutions. In response, it has introduced the policy of "Sudanization" of humanitarian assistance. Al-Shabab opposes food deliveries in its territory, claiming that they harm local markets and undercut local food production.

18 See for example the accusation of presidential advisor Mazar that NGOs were "spying under humanitarian coverage" (Sudan Vision Daily, 7 Sep. 2008).

19 The Telegraph: "US secret agents used Kashmir earthquake as cover for al-Qaeda intelligence work," 15.02.2012 (http://www.telegraph.co.uk/news/worldnews/al-qaeda/9084312/US-secret-agents-used-Kashmir-earthquake-as-cover-for-al-Qaeda-intelligence-work.html)

20 Washington Post: CIA vaccine program used in bin Laden hunt in Pakistan sparks criticism, 22 July 2011, (http://www.washingtonpost.com/world/asia-pacific/pakistan-fights-polio-in-shadow-of-cia-ruse/2011/07/21/gIQAQqmcSI_story.html)

23   This study found some important changes in how national authorities deal with unwanted humanitarian actors. In the past, governments often limited themselves to expelling foreign humanitarian organizations or denying visas to international aid workers. Today, they tend to apply additional regulations to encumber humanitarian movements and activities. Most commonly they require humanitarian organizations to apply for travel authorizations to access particular areas. Beyond such formal procedures, governments may apply more subtle but equally effective administrative access barriers. This can involve deliberately delaying customs clearance for water pipes, food supplies and other essential inputs for projects in sensitive areas. In Sudan, interviewees noted that it has become common for authorities to temporarily close down selected regional airports for "maintenance work" whenever agencies try to fly there. In addition, authorities in crisis-affected countries have attempted to impose taxes on humanitarian goods, for example in Sri Lanka following the Tsunami, in several regions of the Democratic Republic of the Congo and in South-Central Somalia.

Governments are now applying more subtle restrictions…

24   Apart from restricting access to certain areas and regulating the movement of aid workers, many governments and de facto authorities have proven highly skilled and innovative at controlling the work of humanitarian organizations. For instance, Sudanese authorities require humanitarian organizations to include government officials in the recruitment process of national staff. Similar examples were gathered in Somalia, where NGOs said that they have to invite local representatives of the Al-Shabab group to take part in job interviews. There seems to be a high degree of knowledge exchange between countries. Governments and de facto authorities are quickly learning from each other how to effectively restrict and regulate humanitarian activities.

…and attempt to control humanitarian assistance

25   In some ways, these more subtle forms of restricting access or controlling humanitarian activities are more difficult to deal with than straight expulsions: They raise a whole series of practical and normative questions. For instance, humanitarians have to ask themselves which compromises are acceptable for the sake of delivering assistance and when they should begin to disengage (for more on this discussion, see chapter D.3).

Constraints arising from the foreign policies of Western governments

26   Foreign policies of Western governments are a third major access constraint cited by interviewees. A key concern was the emphasis on "state building," which has become a cornerstone of foreign engagements in Afghanistan or Iraq and is also important in so-called failed states such

Western governments seek to co-opt humanitarians for military and political purposes

as Somalia. At the heart of the state building agenda lies the idea that external aid should not only increase the technical capacity of a government; it should also increase the legitimacy of the government in the eyes of the civilian population. In this context, some Western governments have come to see humanitarian actors as part of the social service branch of newly established governments. Moreover, foreign governments often seek to co-opt humanitarian agendas for military and political purposes. Humanitarian actors have often failed to distance themselves clearly enough from such efforts, particularly since the 2001 terrorist attacks against the World Trade Centre and the Pentagon.

27   DG ECHO and its partners face similar constraints when the European Union is involved in state-building efforts (e.g., Somalia) and/or choses sides in a conflict (e.g., EU sanctions against the government in Syria). By its very nature as the humanitarian office of the European Union, DG ECHO has a limit to how independently it can act – and certainly to how independent it is perceived by others.

28   In Afghanistan, a large number of humanitarian actors, including well-established ones, have been dragged into foreign-led civilian reconstruction and state-building efforts. Humanitarian NGOs accepted funds from Provincial Reconstruction Teams, perceived by many as a means to increase the outreach and legitimacy of the Karzai administration beyond Kabul. This indirect collaboration with the government and its international supporters turned into a key access impediment once the Taliban began to reassert control over their traditional strongholds. Rather unsurprisingly, it later became difficult for humanitarian organizations to operate in areas under the control of the armed opposition. While there is widespread agreement today that the failure to stick to the principles of neutrality and independence reduced access in the medium-term, similar mistakes are being repeated in Somalia today.

For example in Afghanistan…

29   The current situation in Somalia is reminiscent to Afghanistan a decade ago: A series of tactical victories achieved by African Union and Ethiopian forces over the past twelve months have led many observers to view Al-Shabab as a spent force. As in Afghanistan, donor governments and parts of the UN have exerted pressure on humanitarians to side with the fragile Transitional Federal Government (TFG) propped up by Western aid. The European Commission is funding training of the army and the TFG, and it has tried to nudge humanitarian organizations to cooperate more closely with military and government institutions when delivering assistance in Mogadishu. While selected UN agencies supported this approach, many NGOs have refused to do so, exposing themselves to the criticism of being anti-government or pro-opposition. In this delicate situation, DG ECHO's partners expect it to challenge these issues more openly. Whether or not NGOs and UN hu-

…and in Somalia

manitarian agencies stay out of the foreign-led state-building effort – the outcome of which remains uncertain – will play an important part in determining humanitarian access in the future.

Negative effects of UN integration on access

30 A fourth factor, the ongoing push for UN integration, which aims to foster the coherence of political or peacekeeping missions and relief operations, has contributed to a further politicization of humanitarian aid. A number of recently published reports highlight the negative consequences of UN integration for humanitarian access.[21] Opinions gathered within the framework of this study reflect commonly made arguments in favor of and against integration. Those interviewees who oppose UN integration argue that its application on the ground results in a subordination of humanitarian objectives to political and military agendas, thereby compromising the perception of aid agencies in the eyes of armed opposition groups.

UN integration limits humanitarian access

31 Observers often argue that armed groups do not distinguish between different branches and agencies of the UN. Most interviewees consulted for this evaluation, by contrast, were adamant that politically motivated armed groups, such as Al-Shabab in Somalia or the Afghan Taliban, know the differences between the UN's political or military wings and UN humanitarian agencies. The Taliban's leadership has issued a number of public statements calling on humanitarian organizations to distance themselves from UN actors who support the Afghan government militarily or through civilian reconstruction and development efforts.

32 To regain acceptance within and beyond Afghanistan, NGOs have advocated for a partial revision of UN integration. They argue that in situations where the central government, the UN or both are considered an active party to an ongoing armed conflict, structural integration needs to be partially undone.[22] In Somalia, where humanitarians managed to prevent the establishment of a fully integrated UN mission, interviewees have noted the positive effects of this step. They are now using this experience to further support their longstanding demand that the positions of resident and humanitarian coordinator should be separated. Despite being a principled donor, DG ECHO currently only takes a stance

DG ECHO has no global position on UN integration

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21 See http://ochanet.unocha.org/p/Documents/OOM_Integration_English.pdf, as well as NRC (2011): "A partnership at risk - The UN-NGO Relationship in light of UN Integration": http://www.nrc.no/arch/_img/9608308.pdf); Metcalfe et. al. (2012): "UN Integration and Humanitarian Space"; McAvoy (2011): "A Humanitarian Exception to the Integration Rule: http://www.interaction.org/document/interaction-statemetn-un-integration

22 This is one of the key arguments set out in the NRC paper referred to above.

on UN integration in individual countries, not at the global level (see also recommendation 1, chapter D.1 below).

The criminalization of humanitarian engagement

33   Finally, interviewees emphasized anti-terrorism legislation as an important access constraint. The laws adopted in recent years by governments in the US and Europe have rendered interaction with non-state armed actors more difficult, and criminalized direct contacts with individuals affiliated with listed terrorist organizations. Several recent reports examine the effects of counterterrorism laws on humanitarian assistance.[23] Confirming the findings of these studies, a large number of NGO and UN staff interviewed for this evaluation said they would not actively seek contact with members of listed non-state armed groups, fearing the criminal proceedings that may be brought against them. Most interviewees in Afghanistan reported to talk with armed groups "unofficially" or indirectly through third parties. Anti-terrorism legislation thus makes it difficult to talk to "everyone with a gun." But these talks are indispensable for any humanitarian organization seeking to access contested areas and work across frontlines. Some humanitarian organizations have also become reluctant to share information about their operations for fear of legal consequences. This makes humanitarian coordination more difficult.

Anti-terrorism legislation makes it impossible to "talk to everyone with a gun"…

34   Anti-terrorism laws also raise legal questions because the restrictions run counter to obligations under international humanitarian law (IHL).

…and runs counter to IHL

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23   Pantuliano et al. (2011), Counter-terrorism and humanitarian action, http://www.odi.org.uk/resources/docs/7347.pdf; Magnon (2011), "Unintended Roadblocks: How U.S: Terrorism Restrictions Make it Harder so Save Lives," http://www.americanprogress.org/issues/2011/11/unintended_roadblocks.html.

Relief activities require the consent of the parties to a conflict. So while IHL makes no explicit reference to the "right" of humanitarians to negotiate access with all parties to a conflict, including non-state armed groups, it is recognized as a practical necessity to deliver humanitarian assistance.

35 To date, public advocacy campaigns have focused on negotiating humanitarian exemptions to the anti-terrorism laws. As a result, some sanctions were lifted for NGOs that receive US government funding for operations in Somalia following the 2011 drought. Still, many interviewees consulted for this study stated that humanitarians should be more assertive and demand a right to assist civilian populations, regardless of whether they live in areas dominated by listed armed groups or governments. DG ECHO has so far at the country level supported calls on other donors, notably the US, to ensure that anti-terrorism legislation remains in line with international humanitarian law. However, DG ECHO has not adopted a formal, public position or policy at its headquarters in Brussels.

DG ECHO has no formal position on counterterrorism legislation

D Dealing with access constraints

36   The humanitarian community has always had to deal with access constraints, though the nature and intensity of these constraints have evolved over past decades. Humanitarian organizations have developed different ways of responding to different constraints. In the case of long-standing impediments, such as the risk of getting caught in cross-fire or the need to be accepted by both parties in a traditional war, this has led to several measures. One is the adoption of a commonly accepted and protected symbol, the red cross or red crescent, to demarcate humanitarian workers. Another was the creation of a body of international law that, among other things, specifies the obligations of warring parties to respect and protect those who do not or who no longer take active part in hostilities (civilians, the wounded and sick, and prisoners). Further, humanitarian organizations developed a set of principles to ensure the neutrality, impartiality and independence of humanitarian action. With regard to newer access constraints, such as restrictions imposed by sovereign governments, many organizations are still struggling to define successful and coherent responses.

37   This evaluation set out to assess which of the different options for dealing with access constraints work under what conditions. The team first found that factors outside the control of humanitarian organizations often play a decisive role in determining access. In Sudan, for example, the tense relationship between the government of Sudan and the international community and the indictment of President Bashir as a war criminal by the International Criminal Court in 2009 go a long way in explaining why humanitarians have such a difficult position in the country. In Somalia, the recent international military offensive against Al-Shabab is an important reason for the refusal of the group to tolerate an international presence on its territory. In response to the US-led counterterrorism strategy, al Shabab even declared aid workers to be legitimate targets.[24] In Myanmar, the change of government in 2011 may do more to ease restrictions for humanitarian organizations than years of advocacy and access strategies by humanitarian organizations.

Factors outside the control of humanitarians are crucial

38   That said, the evaluation also found that the choices made by humanitarians do matter. Within the same contexts, some organizations are more successful than others in gaining access to deliver principled and high quality assistance. However, it is impossible to pinpoint any single "strategy" that would account for this success. What works in one emergency can be counterproductive in others, even if they are of a similar nature. Thus, many humanitarian organizations are successful-

But the activities of humanitarians matter for access

ly recruiting members of the diaspora community to increase access in Sudan and Somalia. In Afghanistan, by contrast, the Taliban seem to be more skeptical of non-local national or diaspora staff than towards internationals. Public advocacy and pressure by the international community showed some level of success in increasing access in Pakistan, but proved to be counterproductive in Sudan. Similarly, armed escorts provide a reasonable level of protection against attacks by criminals in Puntland, whereas soft security measures, such as renting vehicles locally, more successfully reduce criminal attacks in Darfur.

39   The closest thing to "success factors" for access that this evaluation could identify is how principled an organization is, and how strategic it is in its approach to access. In many cases, organizations that strictly adhere to neutrality, impartiality and independence, and that invest in a continuous dialogue with all parties to conflict, have been able to come in earlier, stay longer and access more difficult areas within a country than less strategic and less principled actors. Yet, not even this little surprising finding holds true in all cases. When up against bureaucratic access barriers, the most independent and principled organizations are often more restricted in their ability to access conflict-affected areas than, for instance, humanitarian UN agencies. Moreover, relatively small organizations with a community-based focus and an often not purely humanitarian approach have been able to retain a field presence in areas where larger organizations have been expelled. In South-Central Somalia, small NGOs that meet the strategic priorities of Al-Shabab regarding support for livestock and medical/surgical care are the only ones still allowed to operate.

Being principled and strategic about access is key

40   Rather than presenting a list of the most and least successful access strategies, this chapter shows what worked, what did not and what lessons emerged in the countries assessed for this study. As shown by figure 2, approaching the issue of access involves different groups of activities by humanitarian actors; these are analyzed in the following chapters.

FIGURE 2: ELEMENTS OF AN ACCESS STRATEGY

Persuading those controlling access

Mitigating security risks

Managing projects remotely

Deciding when and how to leave

ACCESS STRATEGY

D.1 Persuading those who control access

41 Many access constraints arise because those controlling the territory perceive humanitarian actors as partial or ineffective. As the former Humanitarian Coordinator in Sudan attested: "The Sudanese government perceives the international humanitarian agencies as self-serving, interested in perpetuating the industry, wanting to keep people in camps, having no interest in rebuilding Darfur, and pushing the agenda of regime-change."[25] Such accounts should not be dismissed as irrational, arbitrary denunciations by rogue regimes of well-meaning apolitical humanitarian actors. Humanitarian actors should acknowledge their potentially significant impact in crisis contexts and the opposition this is likely to create. The budgets of large humanitarian organizations sometimes exceed those of the states they are working in. They shape the discourse about ongoing emergencies and import values that may run counter to what is locally accepted.[26]

Humanitarian organizations are seen with growing scepticism

42 The classic response among humanitarians is to stress humanitarian principles in their communication and work and to try to persuade gatekeepers to grant them access through public advocacy, public pressure and private negotiations. What works to persuade governments and armed groups to allow more access depends on the reasons why they oppose humanitarian action in the first place. Nevertheless, this evaluation uncovered several common trends and lessons:

Public advocacy

43 Many humanitarian organizations both offer assistance *and* engage in public advocacy vis-à-vis governments, armed groups and the international community. These advocacy efforts often include a demand for full humanitarian access, but typically they have a broader scope and aim to address underlying issues, such as human rights abuses.[27] In several of the countries assessed for this study, public advocacy efforts proved counterproductive for access. The government of Sudan mentioned the publication of a report about rape in Darfur as one of the reasons why the French and Dutch sections of MSF were expelled from the country in 2009. When in 2007 the ICRC spoke out publicly and condemned the Myanmar military junta's treatment of prisoners of war and disre-

Public advocacy can reduce access for operational organizations

25 Dara (2011): Focus on Sudan. Much of the same, if not worse, p.5

26 Collison, S. & Elhawary, S. (2012): Humanitarian space: a review of trends and issues. See report also for a broader review of other internal factors that are conducive to some of the access constraints dealt with here.

27 This fact is stressed for example in HPG Policy Brief 28. As one diplomat pointed out, most campaigns are geared towards home constituencies or donors rather than those constraining access.

spect for international humanitarian law, the organization immediately felt the (expected) consequences and has since then been denied access to detention facilities. That same year, a joint letter by 13 international NGOs that criticized the military government was equally unsuccessful.[28] Even a moderate critique of the junta by Humanitarian Coordinator Charles Petrie caused his immediate expulsion from the country for "acting beyond his capacity."[29] Since then, many organizations have suffered the same fate in other countries, including Ethiopia and Sri Lanka.

44   Implementing organizations have learned their lesson. In sensitive political contexts, most of them have reduced their public advocacy to a minimum so as to protect their ability to deliver. At the same time, most see this self-censorship as a difficult compromise. Some even argue that humanitarian organizations have restrained themselves too much and are refraining from publicly tabling issues that their counterparts would be willing to discuss. Since implementing agencies often do not want to jeopardize their operations, they expect other, less operational and more political actors such as humanitarian donors to keep carrying the message. However, it should be noted that in situations where non-operational actors are too confrontational and exceed their humanitarian mandate, public advocacy may increase pressure on governments and raise awareness of IHL or human rights violations, but it risks incurring adverse consequences for humanitarian access.

Implementers therefore expect others to speak out

The role of the UN and donors in public and private advocacy

45   Donors, diplomatic representatives and the political entities of the United Nations have engaged in advocacy efforts in the countries analyzed for this evaluation. However, these efforts often fell short of expectations.

46   One reason for this lack of effectiveness is the tone and form of public advocacy campaigns. In Myanmar and Sudan especially, many interviewees pointed out that the messages put forward by Western international actors were often biased, and that they focused on the wrongdoings of governments while ignoring atrocities committed by other parties.[30] Many also self-righteously insist on a "right to access," although the

Other advocacy efforts are often not effective because they are biased…

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28   http://www2.irrawaddy.org/article.php?art_id=9066

29   http://www.nytimes.com/2007/11/02/world/asia/02iht-03myanmar.8161667.html

30   See HPG Policy Brief 28

foundation of this right on international humanitarian law is disputed.[31] The claim also ignores why so many governments and armed groups reject international assistance. Rather than encouraging governments and armed groups to open up, these advocacy campaigns often fuel mistrust and harden the frontlines between them and "the West."

47   A second issue concerns the role of Humanitarian Coordinators and United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA), which have a mandate to facilitate humanitarian access, be it through public or private advocacy efforts.[32] However, in the countries assessed, they do not always exercise this mandate successfully. Humanitarian Coordinators often do not hold much sway with the government. Especially in countries where the role of the UN is disputed, Humanitarian Coordinators are often unable to enlist NGOs for their positions. Also, access negotiations are frequently conducted for specific, individual projects. Since UN OCHA and Humanitarian Coordinators do not directly implement projects, large implementing organizations are usually better positioned to negotiate. In addition to supporting Humanitarian Coordinators, UN OCHA has in several contexts invested considerable resources in monitoring access constraints.[33] Access monitoring databases and reports contain information that may be useful for donors, but they have little value for strengthening advocacy with governments that are skeptical about the role of the international community in their countries.

…HCs and UN OCHA often do not exercise their advocacy mandate effectively…

48   Regarding advocacy, DG ECHO focuses on issues related to access, but faces similar challenges as other actors. DG ECHO has a mandate to support "action aimed at facilitating or obtaining freedom of access to victims and the free flow of such assistance."[34] In this vein, DG ECHO engages in global advocacy to disseminate and promote respect for in-

… and donors like DG ECHO are not strategic enough in their advocacy

31   Dinstein (2000), The Right to Humanitarian Assistance, p. 77-92, Swiss Federal Department of Foreign Affairs (2011), "Humanitarian Access in Situations of Armed Conflict," http://www.eda.admin.ch/etc/medialib/downloads/edazen/doc/publi/phumig.Par.0006.File.tmp/FDFA_Humanitarian%20Access_Handbook.pdf

32   General Assembly Resolution 46/182 describes the ERC's mandate to "actively facilitate, including through negotiation if needed, the access by the operational organizations to emergency areas for the rapid provision of emergency assistance by obtaining the consent of all parties concerned, through modalities such as the establishment of temporary relief corridors, days and zones of tranquility and other forms where needed." [A/RES/46/182]

33   OCHA developed an "Access Monitoring and Reporting Framework" based on a list of standard indicators to measure key access restrictions.

34   Council regulation (EC) 1257/1996

ternational humanitarian law.[35] In addition, DG ECHO has defined key advocacy messages for some of the countries it operates in, including Sudan.[36] Still, many interviewees at the country and global levels demand that DG ECHO take a stronger and more strategic role in advocacy. They criticize that there is not enough coherence among European institutions, including the different arms of the European Commission, the European Parliament and European Member States. They note that DG ECHO's country-level influence is limited because it maintains a relatively strict separation from the development instruments of the Commission and thereby reduces its leverage. In this respect, DG ECHO faces a clear trade-off between independence and influence, as do Humanitarian Coordinators, in the debate over whether they should simultaneously act as Resident Coordinators or not. Critics also state that DG ECHO does not take a strong stance on global issues that it could influence, such as UN integration as well as anti-terrorism legislation and its application in humanitarian emergencies.

Third-party mediation

49   In some of the countries assessed for this evaluation, non-Western actors have assumed an important role in providing assistance and maintaining relationships with power holders. In Somalia, Turkey has become the single largest humanitarian donor, albeit with a perception of being pro-TFG.[37] While they have been attacked by al Shabab, Turkish actors, together with the Organisation of Islamic Cooperation (OIC), have led the way in establishing a sizeable and permanent humanitarian presence in Mogadishu. For historical reasons, Turkey also enjoys privileged access to the government of Pakistan. In Sudan, the government reportedly receives representatives of the Arab League and diplomats from countries in the region with much less suspicion than representatives of Western institutions. Due to the size of its investments, China also has an influential position in countries such as Sudan and Pakistan. In other countries, non-Western donors have a potential for becoming an important provider of humanitarian aid.[38] In some instanc-

Non-Western actors often have more leverage in countries with restricted access

35   The 2007 Consensus on Humanitarian Aid describes the need to preserve humanitarian space and to ensure access to vulnerable populations. The action plan to the European Consensus stipulates a number of advocacy activities to strengthen the commitment to ensuring neutral and independent humanitarian action and to protecting humanitarian space.

36   DG ECHO (September 17, 2007), Advocacy / Lobbying for respect of humanitarian space in Sudan – suggested activities. (internal document)

37   "Turkish intervention in Somalia as selfish, says Al-Shabaab," www.africareview.com/News/-/979180/1320592/-/gnei0bz/-/index.html

38   Binder, Meier & Steets (2010), "Humanitarian Assistance: Truly Universal?", http://www.gppi.net/?id=1819

es, non-Western actors have also successfully mediated between the international community and the national governments. For example, the Association of Southeast Asian Nations (ASEAN) managed to convince the government of Myanmar to accept international assistance in the aftermath of Cyclone Nargis.[39]

50 Such instances of successful third-party mediation have led many observers to stress the need to engage non-Western actors. There have been a range of "outreach" initiatives at the country and global levels over recent years, especially by UN organizations. But the humanitarian community should understand that getting some non-Western actors on board will require time and a more strategic approach. Emerging powers are developing a distinct approach to humanitarian action. Within the South-South cooperation discourse, for example, they stress the sovereignty and primary role of the affected state. In situations of armed conflict and government-related access constraints, this emphasis on sovereignty can clash with the goal of reaching populations in need. Still, the fact that most non-Western donors accept the humanitarian principles as valid leaves room for dialogue.[40] In practice, a recent meeting between DG ECHO's head of office for Somalia and the Turkish Ambassador in Mogadishu provides a step in the right direction, to be followed by additional meetings in the near future.

Getting them on board is difficult, but the most promising avenue for advocacy

Private negotiations and acceptance strategies

51 Public advocacy can be counterproductive and is often not effective at increasing access. For this reason, all implementing organizations interviewed for this study see private negotiations and acceptance strategies as essential for gaining and maintaining access to populations in need. This evaluation found that there are two success models for creating acceptance: small-scale community-based programs and intensive networking.[41] It also found that not many organizations follow either of these models strategically, mainly because they do not have sufficient resources to invest in networking and communication.

Many implementing organizations focus on private negotiations and acceptance strategies

52 In the most difficult contexts assessed for this study, the evaluation team regularly encountered a range of smaller international NGOs that were

Success model 1: community based programs

39 Belanger, J. & Horsey, R. (2008): Negotiating humanitarian access to cyclone-affected areas of Myanmar: a review; and Creac'h, Y. & Fan, L. (2008): ASEAN's role in the Cyclone Nargis response: implications, lessons and opportunities. Both in Humanitarian Exchange, number 41, December 2008.

40 Andrea Binder and Claudia Meier (forthcoming). "Opportunity knocks: Why non-Western donors enter humanitarianism and how to make the best of it," International Revue of the Red Cross, Vol. 93, Number 883.

41 This confirms the findings of a recent study commissioned by UN OCHA (2011), "To Stay and Deliver," http://ochanet.unocha.org/p/Documents/Stay_and_Deliver.pdf

able to keep operating long after many others had had to leave. These organizations all have a long-term presence in the area. They develop and implement their programs in cooperation with local communities. While critics argue that many of these small, successful programs are simply too small and insignificant to evoke much opposition and therefore pass "under the radar" of the main power holders, the evaluation team collected evidence suggesting that communities have often successfully intervened with relevant power holders on behalf of these organizations in order to continue their programs. In some cases, large-scale programs can similarly benefit from community acceptance. The World Health Organization (WHO), for example, implemented a Polio eradication campaign in Somalia. With more than 10,000 volunteers and health workers, the campaign was reportedly able to vaccinate 1.8 million children.[42]

53   In all the observed cases, organizations maintain close contact with traditional leaders and local authorities, such as village elders and mayors. In many contexts, community and low-level governmental support was seen as more important than official access permissions from central power holders. In Myanmar, many organizations suggested it was better to "do everything that is not explicitly forbidden" than limiting oneself to only what is officially allowed. Thus, one organization was able to operate (and monitor) more than a dozen health centers in an area considered off-limits without official permission but with local support. In Pakistan, international NGOs were able to operate with low level permission from the Ministry for States and Frontier Regions (SAFRON) even without proper registration from the federal authorities. This model is not without its trade-offs, though, as organizations following such an approach have to adapt to ambiguity and are less likely to expose themselves by speaking out.

54   Further, these organizations tend to integrate development activities into their work and go beyond the provision of humanitarian assistance. This finding contradicts an argument frequently made in the debate about linking relief, rehabilitation and development, namely that closer links to development can threaten access.

55   The other type of organization frequently successful at gaining and maintaining access includes those that invest strategically in networking with all relevant groups. This often entails significant financial investments in human resources in order to engage in negotiations and more general outreach activities. According to General Conditions, DG ECHO only covers costs that are committed during the eligibility peri-   *Success model 2: strategic networking*

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42   See also http://www.who.int/mediacentre/news/releases/2008/pr09/en/index.html

od of an Action, with the exception of costs related to the constitution of stocks or to the winding-up of the Action.[43] Other activities implemented before the official start of an action, such as stakeholder analyses, networking and relationship building, are not explicitly encouraged under current regulations and have to be borne by the partner. Various major organizations operating in all five of the assessed countries nevertheless maintain dedicated networking staff or "outreach teams." These are senior international and/or national staff members, sometimes with specialized training, who continuously explain to all involved parties how their organizations work, what they do and how this relates to local traditions and beliefs. It is important to mention that the most successful organizations in the long-term create a networking capacity before starting programs in areas with restricted access; they also maintain this networking capacity during times when they are not able to implement programs. In some cases, these organizations or NGO coordination platforms also organize image campaigns, including advertisements in local media and public relation events. Especially in Sudan, international NGOs view these efforts as an effective way to counter negative propaganda by host government and to increase support among the general public.

56 Organizations that pursue this approach also emphasize the humanitarian principles in their work – not just in their rhetoric, but in the way they translate the principles into humanitarian practice. This said, they have also started to recognize that adhering to principles is not enough. They stress that interests are often more important for determining access. Thus, as a senior international NGO manager explained, governments and armed groups will only grant access to an organization when they believe it will deliver something useful and not pose a threat to them.[44] To be able to successfully negotiate access, humanitarian organizations therefore need to have something desirable to offer to those controlling access, such as water, food, agricultural rehabilitation, education or health services. Organizations involved in enhancing protection and providing other less tangible or desirable services report that they find it easier to create acceptance for their programs when they link them to more tangible forms of assistance. However, this practice is not without risks. A short-term focus on meeting interests can corrupt the credibility of an organization and undermine access in the long run. It also needs to build on an analysis of whether the population in need has sufficient leverage over those controlling access, i.e., whether

Organizations need to adhere to the humanitarian principles and have something desirable to offer…

43   General Conditions Article 18

44   This observation is in line with the general tone of a recent – and widely discussed - publication by MSF on the topic. Cf. Magon, Neuman & Weissmann, eds, (2011), "Humanitarian Negotiations Revealed."

their interests can be expected to be sufficiently aligned. The goal has to be to meet principles while being sensitive about the political interests of relevant power holders.

Implications for DG ECHO

Recommendation 1: Adopt a more active and strategic role in advocacy

57   DG ECHO should heed the call from its partners to adopt a stronger and more strategic role in advocacy, especially at the global level. Its advocacy framework should include the following issues:

58   DG ECHO should adopt positions on anti-terrorism legislation and UN integration. DG ECHO should target its humanitarian access messages at where most influence can be expected, including EU Member States, the UN and other donors. In doing so, it should focus on reducing access constraints that are under the control of these actors, such as the implementation of the UN's policy of integration in complex emergencies, the implementation of reforms to the UN's internal security rules (see following chapter) or the application of anti-terrorism legislation in humanitarian contexts. Ongoing consultations between the Commission, EU Member States and the US Government on the potentially negative impacts of counterterrorism legislation on humanitarian access could provide a window of opportunity for DG ECHO to initiate a public debate on the matter.

59   DG ECHO should coordinate better with other European actors. Concerning these issues, as well as its advocacy positions regarding individual emergencies, DG ECHO should increase its efforts to define coherent positions on humanitarian issues with other branches of the European Commission, the European External Action Service, the European Parliament and EU Member States. This includes speaking out to challenge expectations that humanitarian organizations should contribute to state-building or reconstruction efforts.

60   At the country level, DG ECHO should continue advocating for humanitarian access – if only to uphold relevant standards and principles. Where possible in collaboration with other donors, the UN and NGO networks, DG ECHO should not only issue general calls for humanitarian access, but demand the lifting of specific restrictions as well as access to individual regions. These advocacy initiatives should be carefully coordinated with implementing organizations to ensure that they do not backfire on operations. Where relationships with governments are already tense, DG ECHO and its partners should increase their efforts

to engage other actors, such as local opinion leaders, religious authorities or popular figures. The current setup of DG ECHO at the country level provides little capacity for extensive relationship-building by Technical Assistants. Yet, additional low-cost possibilities should be explored, such as reporting and sending updates to relevant actors, organizing debates or joint events, or meeting informally with relevant actors to cultivate a network and better understand local perspectives. At the same time, DG ECHO should continue to withstand pressures to intervene on behalf of individual agencies as well as to branch out into broader human rights related topics. DG ECHO should also not negotiate directly with armed groups. This should be left to implementing organizations, which often have better context knowledge and more flexibility to engage elusive armed groups; also, these organizations depend on trustworthy agreements with armed groups for their own and their recipients' safety.

Recommendation 2: Increase efforts to engage non-Western actors

61   When relationships between governments restricting humanitarian actors and traditional donor countries are tense, non-Western actors at times maintain better links to power holders and can be in a position to mediate between the government and humanitarian actors. Although it will not be easy to get power brokers like China, India and Turkey on board, doing so will be important in the medium- to long-run. DG ECHO should increase its efforts to engage non-Western actors and become more strategic at doing so. This would involve the following steps:

62   DG ECHO should help to identify which actors are influential in a given context. Being strategic about involving non-Western actors requires knowing which actors have influence and where. To guide its own activities for engaging non-Western actors and support its partners, DG ECHO should strengthen the analysis of the political dynamics. It could link more strongly with the diplomatic representations of the European Commission and EU Member States, which focus on political analysis and disseminate relevant insights among their partners. DG ECHO could also finance UN OCHA or independent researchers with regional expertise to furnish that information.

63   DG ECHO should contribute more to initiatives for engaging these actors and use its entire network to do so. DG ECHO should support and further encourage its Commissioner to strengthen contacts and mutual understanding at the global level. These efforts should be complemented with activities focusing on specific access initiatives. If the Turkish Government, for example, is identified as an important actor for influencing the Transitional Federal Government of Somalia, the head of the

DG ECHO office for Somalia should continue to liaise with the Turkish Ambassador in Mogadishu and transmit specific humanitarian demands. These issues should also be taken up by the representation of the European Commission in Ankara, as well as by the Commissioner.

Recommendation 3: Support partners in negotiating access and building acceptance

64   The primary actors engaged in networking and negotiating access with governments and armed groups are and will remain implementing organizations. DG ECHO should do more to support its partners in their networking efforts aimed at negotiating access and building acceptance. To do so, it should adopt the following measures:

65   DG ECHO should inform partners that derogation from its visibility rules is acceptable when these rules may threaten to compromise the perception of organizations as independent and neutral. Although this is common practice within DG ECHO, many partners interviewed for this evaluation did not know that this was the case and demanded more exceptions from visibility rules.

66   DG ECHO should fund outreach initiatives and networking capacities of partner organizations, including in situations when they are not able to implement any programs. Spending enough time to "drink tea" with different factions in a country can be crucial for gaining humanitarian access. Building relationships, liaising with power holders, negotiating access and other enabling activities should therefore be eligible as direct costs even where they have been implemented before the start of an action in the same way that needs assessments, feasibility studies and other field research are. Ideally, mechanisms should be found to financially support such activities even when they are not followed by grant agreements. This will encourage selected organizations to venture into uncovered or under-served regions.

67   DG ECHO should provide funding for small-scale tangible projects intended to increase access, at least in cases where those controlling access depend on the support of the population in need and their interests can be reasonably aligned.

68   DG ECHO should demand a clear commitment to negotiating access and building acceptance from partner organizations. Partners should be required to describe their approach to humanitarian access in proposals and reports and demonstrate a strategic effort to gain access in each specific context. This could include demonstrated understanding of the conflict dynamics; investment in staff capacity to negotiate and

liaise with those controlling access; as well as activities undertaken to contact relevant power holders and persuade them to support proposed or ongoing activities.

69 DG ECHO should continue to support joint access initiatives for smaller NGOs, such as the one in Afghanistan that uses local NGOs as intermediaries for negotiations with the Taliban. Also, in-country NGO consortia should be supported as important mechanisms for sharing information and analysis and building common strategies.

Recommendation 4: Encourage UN OCHA to focus more on liaising with governments

70 DG ECHO should use its role as the chair of UN OCHA's Donor Support Group to encourage UN OCHA to re-focus on liaising and negotiating with governments. The preparation of common humanitarian appeals and the (co-)management of pooled funds is absorbing a large share of OCHA's capacity, sometimes at the expense of other important functions, including in the area of advocacy. The creation of dedicated access units in certain countries is an important step in the right direction that will help OCHA rebalance its priorities. At this stage, however, OCHA Country Offices focus primarily on processing and disseminating access-related information. OCHA should take on a greater advocacy role, for instance, by lobbying government authorities to ease access restrictions. Humanitarians are concerned with bureaucratic constraints, yet many smaller organizations do not have the capacity or resources to engage in lengthy negotiations with governments. DG ECHO should use its role as the chair of UN OCHA's Donor Support Group in 2013 to reconsider its priorities. Among other things, this would require UN OCHA to recruit staff members who understand the political operating environment well enough to be able to interact effectively with other relevant ministries, immigration officers, customs authorities, parliamentarians, local authorities and, where relevant, with Diaspora communities. In certain contexts, OCHA could also engage non-state armed groups in a humanitarian dialogue on access. Such efforts need to be closely coordinated with implementing agencies. Taking on a more active advocacy role may require OCHA to do less in other policy areas.

D.2 Mitigating security risks

71   Between 2000 and 2010, a total of 781 aid workers were killed when responding to emergencies worldwide.[45] Frequent incidents have shaped a perception of prevailing insecurity in many crisis contexts. To protect their staff against security threats posed by armed groups and criminal gangs, humanitarian organizations have restricted their staff movements in highly volatile contexts while also investing heavily in so-called "hard" security measures – that is, armored vehicles, armed guards and other physical measures to protect office premises and residential compounds.[46] As a result, many organizations have entrenched themselves in heavily fortified compounds generally concentrated in urban centers. To move from these compounds to project-implementation sites, most humanitarian organizations in Somalia, many organizations in Darfur, some in Pakistan and UN humanitarian agencies in Afghanistan rely on armed guards and escorts. In parts of Somalia as well as Pakistan, the authorities even require humanitarian organizations to use armed escorts. In addition, most organizations use humanitarian flight services in high risk areas to bypass security risks related to travel and transportation.[47]

Hard security measures have become common in high risk areas

72   A few years ago, only a few organizations resisted this trend, sometimes referred to as the "bunkerization" of humanitarian organizations. Today, it is widely agreed among both UN humanitarian agencies and NGOs that security policies adopted over the past decade have often gone too far. Investments in hard security can be at once costly and ineffective, especially where security threats are associated with politically motivated armed groups. There are good reasons to believe that armed groups such as the Afghan Taliban, who have been fighting the world's most sophisticated armies, will not be deterred by razor wire, concrete walls and private armed guards hired to protect humanitarian premises. That said, if attacks against aid workers are perpetrated primarily by criminal groups, improving physical protection can make sense.

But hard security is costly and often ineffective…

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45   Humanitarian Outcomes (2011), Aid Worker Security Report, p. 1. Again, the distinction between "humanitarian" workers and other NGO/UN staff is not always clear in such statistics. The UN reports that 31 personnel lost their lives due to violence in 2009 and five in 2010. In contrast to 2009, when terrorism was the main cause of death and injury from violence for UN personnel, the majority of violent deaths in 2010 occurred due to acts of criminality. See Report of the Secretary-General, 7 September 2011: Safety and security of United Nations and associated personnel.

46   There is an extensive body of literature on the subject of security management, outlining best practices as well as the perils and benefits of different security approaches in greater detail. For further reference, see for example HPN/ODI (2010), *Good Practice Review. Operational Security Management in Violent Environments*; UN OCHA (2004), *Maintaining a UN humanitarian presence in periods of high insecurity: learning from others*; UN OCHA (2011), *To Stay and Deliver. Good Practice for Humanitarians in Complex Security Environments*

47   ECHO flight serves programmes in DRC and Kenya and allows humanitarian actors to reduce the risk of being attacked or kidnapped on the road. Its fleet of three fixed-wing aircrafts carries about 2,000 passengers per month. On a significantly larger scale, the UN Humanitarian Air Services (UNHAS) operated by WFP provides a similar service and transported some 350,000 passengers to 240 destinations in 2010.

FIGURE 3: WFP COMPOUND IN EL FASHER, SUDAN

73   Apart from questioning their effectiveness, many interviewees cautioned that hard security measures can undermine efforts to be accepted by the parties to the conflict and the local population. Sustained access requires a certain degree of positive perception among the communities that humanitarians strive to assist. The more aid workers are removed from the population through hard security measures, the more difficult it becomes to gain the trust and acceptance of civil society actors and armed groups.[48] In addition, hard security can increase the risk of attacks. If humanitarian offices resemble military bases, it becomes difficult for both civilians and armed groups to distinguish between civilian humanitarian aid workers and legitimate military targets. An interviewee in Sudan described this circle of ever more stringent security measures and the growing alienation of humanitarian organizations in the following terms: "You need an armed convoy because it is insecure. You get attacked because you have armed police with you. So, you will need more armed convoys to protect you from attacks. After a number of attacks, the whole area becomes a no-go zone and you are unable to make the contacts that could guarantee your safety."

…and reduces acceptance

Recent UN security policy reforms

74   The growing recognition of the downsides of strict security measures has led to a shift in security thinking. This change is reflected in re-

UNDSS reform seeks to address criticism…

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48   D. Fassin, for example, argues that humanitarians, just like military personnel, are isolated from local populations for instance by staying and working in compounds. Fassin, D. (2009), "Another Politics of Life is Possible," Theory, Culture & Society 26(5): 44-60.

cent reforms of internal security policies. Most visible among them is the UN's collective security system, which has been subject to intense criticism. The UN Department of Safety and Security (UNDSS) has initiated a reform in 2009. With its new approach, UNDSS has sought to move from a risk-averse approach to a risk management approach. In practical terms, this means that greater emphasis is placed on humanitarian requirements and weighing "program criticality" against potential risks and threats.

75   The new UNDSS security framework seems to address much of the critique voiced by representatives of implementing organizations, who complained about exaggerated precautions, over-reaction and over-politicization of incidents. As evidenced during the country visits, however, reforms are implemented slowly and unevenly across emergencies. Whereas in Afghanistan and Somalia interviewees noted a positive change, in other countries complaints remained common. Blaming UNDSS has sometimes become a convenient way for risk-averse managers to shed responsibilities. While some agencies insisted that they had no option but to follow UNDSS advice (e.g., for insurance reasons), others saw no problem following their own judgment when necessary. There seems to be considerable room for heads of UN agencies to take responsibility for risks that they consider justified. As one observer noted, a common problem where the new policy is not yet being implemented properly is that the role of peacekeeping missions is being misinterpreted to provide protective accompaniment to UN humanitarian agencies. For example, in Darfur UN agencies are not able to move without armed UNAMID (or police) escorts. This not only makes them dependent on peacekeepers' logistical assets; it limits their reach and flexibility. Accompaniment by armed peacekeeping missions can also undermine perceptions of impartiality and neutrality. The benefits of the recent UNDSS reform can only be assessed once it is fully implemented. The information gathered as part of this study suggests that it presents a step in the right direction.

…but still requires full implementation

The commercialization of humanitarian aid

76   The evaluation team noted a growing tendency particularly among UN agencies to outsource activities to commercial providers in response to insecurity. Using private local contractors to transport humanitarian supplies through insecure areas is a common practice that brings a number of advantages for humanitarian access (private contractors may be able and allowed to go where other staff cannot go) and in terms of aid efficiency (specialized commercial organizations often have better logistical capacity than humanitarian organizations). However, there are indications that reliance on private contractors has become excessive in

Many UN agencies rely on private contractors to circumvent security and human resources rules

a number of countries. In Somalia and Afghanistan, private firms have expanded their "humanitarian portfolio" from running large logistical operations, such as food distributions, to an array of key services, from third party monitoring to human resource management. Many UN agencies no longer recruit their national staff directly but use private contractors as an interface. The team visited a field office of an international organization delivering humanitarian assistance that was staffed entirely with people employed through a private firm. As several interviewees admitted, the main reason why they rely on private contractors is to circumvent UN rules regarding security and human resources.[49]

77   These trends raise a number of critical questions. In certain contexts, single private firms managed to position themselves as the implementing partner of choice for a number of UN agencies, thereby establishing a de facto monopoly. In addition, some private contractors simultaneously offer their services to non-humanitarian actors, including other commercial firms involved in security sector reform programs or even combat operations. Reliance on such multi-service providers can have a negative impact on the way humanitarians are perceived by, say, armed groups. Perhaps most importantly, the extensive use of private contractors – like the use of other local partners as discussed in the following chapter – raises questions of accountability. As the case of food aid diversion in Somalia has shown, there is a risk of unofficial arrangements between different service providers who then share their cut.[50] Particularly in highly insecure areas, the options available to UN agencies to monitor the activities of private contractors are severely limited.

Collective NGO security arrangements

78   The bulk of humanitarian reforms adopted over the past decade have aimed to improve coordination between different humanitarian organizations, as well as to create synergies through pooling resources. This trend has been notably evident in the sector of NGO security management, which has seen a proliferation of collective arrangements over the past decade. What started as a small pilot project in 2002 with the creation of the Afghan NGO Safety Office (ANSO) quickly has become

Collective NGO security arrangements provide very valuable services

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49   The same argument that private contractors are hired to circumvent internal rules was made when for example the US military increased its use of private security forms in Iraq and Afghanistan. Cf. Binder, Martin (2007): "Norms vs. Rationality. Why Democracies Use Private Military Companies in Civil Wars." In: Thomas Jäger/Gerhard Kümmel (Eds.): Private Military and Security Companies. Chances, Problems, Pitfalls and Prospects. Wiesbaden: VS Verlag für Sozialwissenschaften, S. 307-320

50   See Report of the Monitoring Group on Somalia, March 2010, p. 60: "[S]ources interviewed by the Monitoring Group describe an approximate division of 30 per cent for the implementing partner and local WFP personnel, 10 per cent for the ground transporter, and 5 to 10 per cent for the armed group in control of the area."

standard practice in many conflict-affected countries, including the occupied Palestinian territories, Somalia and Pakistan.[51] Additional NGO security bodies are currently being established in Kenya and in the Democratic Republic of the Congo. In other contexts, such as Sudan, authorities are hesitant even to grant visas for security officers employed by NGOs. Establishing dedicated joint safety offices may prove difficult in these circumstances.

79   As evidenced during the field research and documented elsewhere,[52] NGOs highly appreciate the services provided by these organizations. Interviewees emphasized in particular that they rely on the political and risk analysis provided by collective NGO security bodies, use their incidence tracking to inform their reporting and decisions and rely on their security advisers to assess and improve their security arrangements. Feedback received regarding the usefulness of common security organizations was generally very positive, although some interviewees criticized that national NGOs were not sufficiently represented in and served by these bodies. NGOs rely on the analysis and advice provided by these bodies when making informed decisions on whether or not to expand their presence into insecure operating environments. The feedback collected during interviews in Afghanistan, Pakistan and Somalia indicates that investments made by DG ECHO and other donors to support these collective efforts have paid off.

Implications for DG ECHO

Recommendation 5: Initiate a policy dialogue on the use of private contractors

80   Both the volume of commercial aid transactions, which have reached unprecedented levels in countries like Afghanistan and Somalia, and the nature of their involvement require a critical review regarding the practice of contracting out and reliance on multiple implementing partners. DG ECHO should reflect on the use of private contractors and hold its partners accountable for their actions, as foreseen in the General Conditions[53] (§1.3). Both non-profit implementing partners and private contractors should be required to comply with humanitarian standards and principles in the same way, with DG ECHO's partners maintaining the ultimate responsibility for implementation and all related actions.

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51   For a more detailed discussion see DG ECHO (2006), *NGO Security Collaboration Guide.*

52   ibid.; HPN/ODI (2010), *Good Practice Review. Operational Security Management in Violent Environments*; Stoddard & Harmer (2010): Supporting Security for Humanitarian Action.

53   Page 2, point 1.2

81   DG ECHO should then initiate a policy dialogue with key humanitarian actors on the use of private contractors. Existing literature and the current debate focus on the use of private security contractors. The dialogue should go beyond the security sector and assess private sector involvement in the overall implementation of humanitarian projects under limited access. It should be based on a factual analysis of the current situation in selected crisis contexts such as the countries visited for this review and evaluation. Also, it should not be limited to liability issues, but assess the current use of private contractors along the delivery chain, their advantages and downsides, and sketch first policy recommendations. DG ECHO may suggest the development of IASC guidelines on how and when to work through private contractors in humanitarian operations, similar to existing guidelines on the use of military or armed escorts, depending on the outcome of the policy dialogue. The goal should be to guarantee adherence to principles and minimum standards by all actors involved in the delivery of assistance and to avoid negative repercussions and potential waste of funding.

Recommendation 6: Increase support to collective NGO security bodies

82   Collective NGO security bodies that provide risk analysis and security advice have proven to be highly valuable in Afghanistan, Pakistan and Somalia. DG ECHO should continue to support collective NGO security bodies where they exist already, for example in Somalia, Afghanistan and Pakistan. In these contexts, however, DG ECHO should encourage the NGO security bodies to increase their cooperation with national and local NGOs. DG ECHO should also encourage a diversification of the security bodies' funding sources to avoid accusations that they work in the interests of the European Commission. In high-risk emergencies where collective NGO security bodies do not yet exist, DG ECHO should encourage their creation; for example in Sudan. Where host governments impede the creation of dedicated bodies, less formal approaches to security coordination of NGOs should be encouraged. This could consist in regular inter-organizational meetings of responsible staff or joint financing and implementation of security and context analysis.

83   DG ECHO should support NGO security platforms in providing training. Some existing NGO security platforms are currently considering designing and implementing a common pre-deployment training for aid workers. Mindful that NGOs and UN agencies often send inexperienced staff members to highly complex and insecure environments, many interviewees have confirmed an urgent need for better emergency-specific pre-deployment training. If NGO security platforms propose a viable model for such training, DG ECHO should support it.

D.3 Programming under limited access

84   The results of this study make clear that approaches for persuading countries to grant access and for mitigating security risks have limits. In many situations, acceptance cannot be readily gained by humanitarian organizations; people cannot be persuaded to grant access; and insecurity makes the regular presence of senior foreign and national staff in the field impossible. Where access is limited, humanitarians are confronted with the question of what compromises to accept for access – and when enough is enough. Several interviewees expressed concern about a long-term deterioration of established humanitarian principles and minimum operating standards. They believe that in many cases, "doing less" is preferable. Yet, agreeing on when to leave is probably the most difficult decision for humanitarians.[54] At what point do the compromises required to keep operating become so overwhelming that leaving people in need to their own devices is best? Understandably, many of those on the ground who make such tough decisions struggle in the absence of clear guidance.

85   This chapter explores the questions of which compromises are acceptable under which circumstances. It first argues that rigid "red lines" do not offer a viable solution for donors for deciding these questions. Instead, it suggests that the benefits and trade-offs need to be assessed for each individual case, albeit on the basis of consistent criteria. The chapter then explores the issue of remote management, assessing the specific risks of this approach and suggesting more detailed criteria and guiding questions for assessing them. Finally, the chapter discusses when humanitarians should disengage from a situation and what that entails for donors.

1   The search for "red lines" and common rules

86   To establish once and for all the parameters of what is acceptable, several organizations as well as Humanitarian Country Teams have defined internal "red lines" or "common ground-rules." For instance, some organizations refuse to pay ransom or facilitate efforts by other actors (e.g., embassies) to do so in kidnapping cases. Others have a policy not to use armed guards, or they specify when this is acceptable as a measure of last resort. There is also a broad range of common efforts to

Organizations steel themselves against excessive compromises with internal or emergency-wide "red lines"…

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54   Slim (1997): Doing the right thing. Relief agencies, moral dilemmas and moral responsibility.

protect respect for humanitarian principles in practice.[55] In Somalia, the Interagency Standing Committee has proposed ground rules for negotiations, and the NGO Consortium has put forward operating principles and red lines.[56] Among other things, these documents stipulate that no direct payments for access should be made. At the time of the evaluation visit, the Humanitarian Country Team was also preparing guidelines for dealing with evictions of urban IDPs in Mogadishu. In Pakistan, the Humanitarian Country Team has developed common guidelines for assisting IDPs; these guidelines specify how decisions regarding the establishment of IDP camps should be taken, where IDP camps should be located and how IDPs should be registered.[57] In Sudan, the INGO Forum Steering Committee has drafted several position papers for its members, including one regarding conditions for providing assistance in the border areas of South Kordofan and Blue Nile. This position paper rules out cross-border operations without the consent of the government.

87 All of these initiatives are essential for upholding humanitarian standards and principles. They do, though, have limitations. Common positions are very difficult to define and usually represent a lowest common denominator. When individual organizations try to uphold a rule, there are usually other organizations willing to break it. This makes it easy for their counterparts to play different organizations against each other.

…but their effectiveness remains limited

Weighing risks and benefits

88 In all the cases described above, some donors continued to fund organizations that did not comply with common rules and standards, which further undermined their practical relevance and legitimacy. Donors

Donors play an important role in defining what is acceptable

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55   A number of other initiatives are well documented in the literature: The United Nations developed Principles of Engagement for Emergency Humanitarian Assistance in the Democratic Republic of the Congo in 1998, Operational Criteria for the Implementation of Humanitarian Assistance Programs in Angola in 1999 and a Memorandum of Understanding between the United Nations and the Russian Government (See UN OCHA (2012): Humanitarian Negotiations with Armed Groups, p.63). Reacting to concerns about aid "fuelling the conflict" and continual problems of security and harassment, UN agencies and humanitarian NGOs and other international humanitarian organizations developed common "Principles and Protocols of Humanitarian Operation" (PPHO) in Liberia. With this initiative, organizations agreed on uniform behavior to prevent manipulation and for example ruled out payment at checkpoints. After the looting of Monrovia in 1996, a "Joint Policy of Operation" was drawn up amongst NGOs to restrict their activities to "minimal lifesaving assistance" where conditions for broader operations were not met. Various versions of joint "Ground Rules" in Sudan committed armed groups to respect IHL and humanitarian actors to respect principles of neutrality and impartiality as well as professional and quality standards (See Slim (2000): The Politics of Principle: the principles of humanitarian action in practice)

56   IASC Somalia, *Ground Rules*, March 2009; Somalia NGO Consortium, *NGO Position Paper on Operating Principles and Red Lines*, November 2009.

57   *Standard Operating Procedures, Establishing IDP camps and Supporting Off-camp IDPs in Pakistan*, presented to the Humanitarian Country Team for endorsement September 2011.

thus have an important role to play in defining what is acceptable and how far humanitarian actors can go. But should they prescribe absolute red lines applicable to all countries? Should they define once and for all which access-constraints measures are acceptable and which are not?

89   For almost any "red line," the evaluation team was able to find examples of situations that would justify an exception. The use of armed guards and escorts seemed acceptable in areas like Puntland, where pirates and other criminal gangs constitute a significant security risk for humanitarian workers. Extreme humanitarian situations in areas with very weak government may justify cross-border assistance without the explicit acceptance of the government. And while it is easy to agree that humanitarians should not bribe their way into a country, most organizations acknowledge that "not paying for access" is often a fine line to walk: Is it acceptable to pay visa fees? NGO registration fees? Income taxes on the salaries of local staff members?
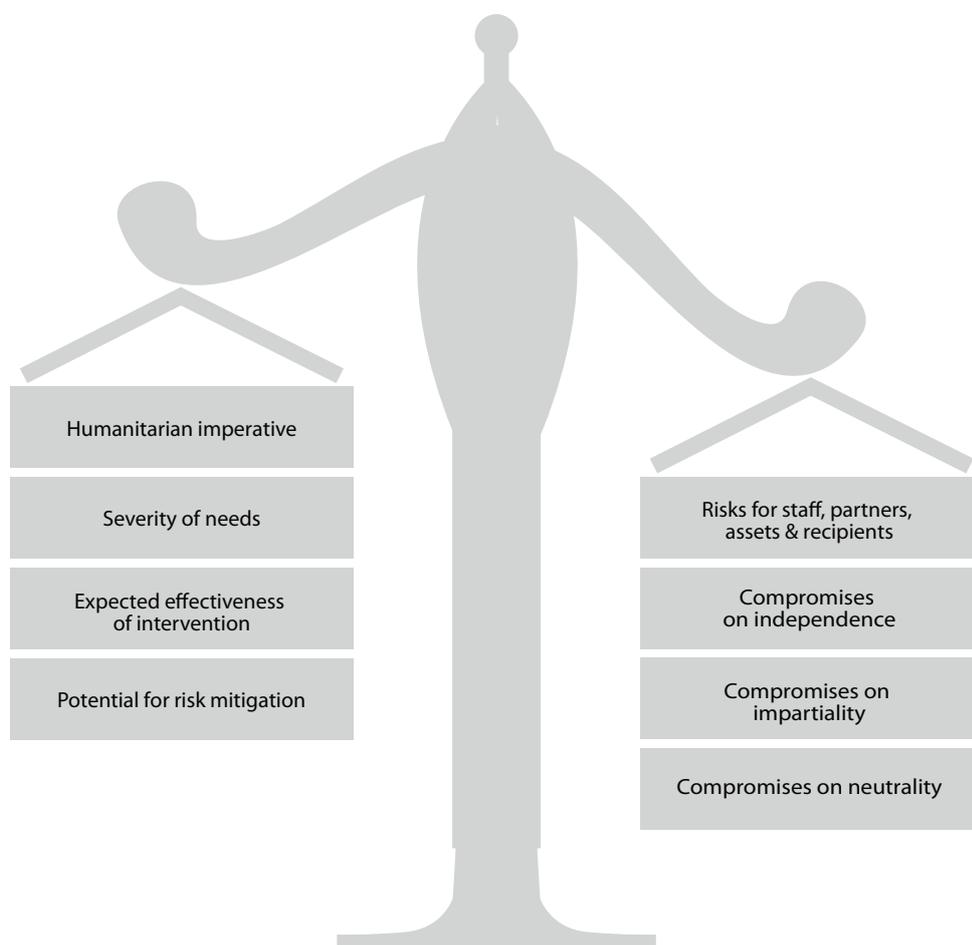
<aside>Global "red lines" are not feasible</aside>

90   The evaluation team concluded that as a responsible donor, DG ECHO should not base its decisions on dogmatic red lines, but on a systematic reasoning process based on commonly agreed principles and standards. This is not to say that DG ECHO should become more permissive and throw norms and principles over board. To the contrary, it should continue to "ask tough questions" to its partners and continuously question its own activities. In practice, this requires weighing the risks and benefits of all funding decisions, as illustrated by figure 4.

91   The humanitarian principles of humanity, impartiality, neutrality and independence are intended to guide tough decisions like these and serve as a compass for what operational compromises are acceptable. Interviewees in all five countries assessed for this study resoundingly confirmed that the principles remain valid for this purpose. However, the principles do not always all pull in the same direction. As the situations in Pakistan, Afghanistan, Sudan, Somalia and Myanmar show, efforts to remain impartial, independent and neutral can contradict the principle of humanity, which involves the so-called "humanitarian imperative" to save lives and alleviate suffering. Different principles therefore often need to be weighed against each other. In addition, they have to be balanced with considerations regarding accountability as well as the potential negative effects of assistance.

<aside>Humanitarian principles need to be balanced in practice</aside>

FIGURE 4: BALANCING RISKS AND BENEFITS OF INTERVENTIONS UNDER LIMITED ACCESS

| Humanitarian imperative |
| Severity of needs |
| Expected effectiveness of intervention |
| Potential for risk mitigation |

| Risks for staff, partners, assets & recipients |
| Compromises on independence |
| Compromises on impartiality |
| Compromises on neutrality |

2   The example of remote management

92   The example of remote management shows that balancing the risks and benefits of interventions under limited access is more than an intellectual exercise. Managing projects remotely entails significant risks and downsides. At the same time, going into "remote mode" is often the only way to deliver assistance where needs are most acute and access is restricted for security or bureaucratic reasons. DG ECHO faces difficult choices when deciding whether, when and under what conditions remote management is acceptable. It would be tempting to propose simple, clear-cut rules such as "no remote management" or "no funding unless DG ECHO staff can monitor projects directly." But as the country cases for this study show, such rigorous rules would not do justice to the very diverse national and sub-national contexts in these DG ECHO-financed operations.

One rule does not fit all contexts

93   DG ECHO's current practice corresponds to the suggested approach of weighing benefits and downsides for individual cases. It currently finances remote operations to a variable extent in all countries visited (see table 2). In Afghanistan, DG ECHO stopped financing any new project relying on what is referred to in the Humanitarian Implementation Plan as "full remote control."[58] In Pakistan, DG ECHO staff is equally critical of remote programming but continues to allocate a small proportion of its budget to remotely managed operations. In Sudan, "remote control" is regarded as an acceptable temporary measure but not as a continuous modus operandi.[59] Since DG ECHO staff in Sudan considers that remote management in Darfur has dragged on for too long, the country office is now proposing a stricter approach to South Kordofan. In Myanmar, DG ECHO finances remotely managed programs within the country and only rules out cross-border operations. In Somalia, DG ECHO continues to finance humanitarian organizations that rely extensively on remote management. As the heated debates within DG ECHO show, these decisions are not based on a common method for assessing individual situations.

TABLE 2: DIFFERENT PRACTICES OF COUNTRY OFFICES REGARDING REMOTE MANAGEMENT

Sudan	Somalia	Afghanistan	Pakistan	Myanmar
"Acceptable temporary measure," international monitors required	Accepted, with emphasis on M&E	"Full remote control" unacceptable	"Full remote control" unacceptable	Opposed, but financed in one case

Defining remote management

94   It is difficult to identify a clear dividing line between direct management and remotely managed operations. Most humanitarian projects include a certain degree of "remoteness." Some implementation sites may be temporarily off-limit for non-local staff, for instance during periods of intensified military confrontations. When is a project directly managed? If senior staff members based in the capital are able to fly to provincial centers and carry out "hit and run" visits once every six months, without spending a single night in the field? Or only if expatriates are able to visit, say, at least half of the project implementation sites, including in remote areas, on a regular basis? What about a primary health care program implemented in a province where district health centers

Different degrees of "remoteness" need to be considered

58   DG ECHO (2011), *Humanitarian Implementation Plan for Afghanistan*, p. 5

59   DG ECHO (2012), *Operational Recommendations for Sudan,* p. 5

are generally accessible, but most of the rural health posts – where excessive child mortality is most alarming – are not? From an operational point of view, it is not always possible to find sensible, clear-cut answers to these questions.

95   Rather than determining generic thresholds beyond which an operation can be labeled "remote," this report understands remote management as a deviation from the norm: Under ideal conditions, all members of an organization as well as other stakeholders such as donors are able to visit project implementation sites at the time of their choosing. Remote management is defined *as an approach that can allow organizations to continue some activities in situations where access is limited by transferring management and monitoring responsibilities to less experienced national or local staff members and/or external partner organizations*. The further a humanitarian project or program deviates from the ideal of full access for all types of staff members, the more "remote" it becomes.

96   For ECHO, the question is not just whether or not to finance remotely managed operations. It is also to decide what degree of "remoteness" is acceptable under which circumstances.

Main risks involved in remote management

97   The transfer of management and oversight responsibilities to national or local staff or partners can entail risks that have been discussed in the literature[60] and that were confirmed by interviewees for this study:

Significant risks need to be addressed:

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60   Recent publications include Norman (2012), Monitoring and Accountability Practices for Remotely Managed Projects Implemented in Volatile Operating Environments; Stoddard et al. (2010), Once Removed; Egeland et al. (2011), To Stay and Deliver; Abbild (2009), Creating Humanitarian Space: A Case Study of Somalia.

FIGURE 5: RISKS INVOLVED IN REMOTE MANAGEMENT

Reduced
accountability

RISKS OF
REMOTE MANAGEMENT

Risk trasnfer   Reduced quality

A   **Risk transfer**

98   Remote management typically involves sending nationals to areas where international aid workers cannot go. The practice is often based on the assumption that national and local staff members face fewer risks than internationals because it is easier for them to assess and anticipate security risk and "blend in" with the local population. This is a highly contentious issue. Evidence shows that national and local aid workers face different risks than internationals. The issue therefore requires careful attention to context, not global assertions. Statistics[61] suggest that the relative risk of being attacked is still much higher for international aid workers than for local and national staff. Many national aid workers interviewed in Afghanistan as part of this evaluation said that travelling with international staff in highly insecure areas would increase their own risks, rather than making them feel safer.

Risks may be transferred to national or local staff or partners

99   This does not imply that nationals face no security risks at all. To the contrary, in absolute terms, many more nationals are killed or otherwise harmed than expatriates. In Afghanistan, all 29 humanitarian workers killed in 2011 were national staff members. This example reflects a general trend of growing casualty rates for national staff, compared with

61   The rate of incidents for international aid workers averaged 2-3 times the rate of incidents for national staff between 1997 and 2008. See Stoddard, A. et al. (2009), Providing aid in insecure environments, p. 3.

expatriate staff that was already identified by Stoddard et al. (2006). The increased reliance on remote management and outsourcing of aid delivery thus exposes more national and local aid workers to security risks. Moreover, unlike fatal security incidents involving expatriates, the killing of national staff often goes unnoticed by international media. Some organizations are therefore suspected to accept more risks for their national and local staff and partners than their international staff. This is one of the main reasons why many DG ECHO staff members at the field level rightly question the acceptability of remote management on moral or ethical grounds. However, DG ECHO should not reject remote management outright. It should carefully analyze what risks are involved for whom and whether organizations consciously transfer risks to national and local staff and partners (see below).

B   Reduced program quality

100   The quality and relevance of any project proposal largely depends on the extent to which organizations have been able to assess needs and available coping strategies. Such preparatory work during the project design phase normally requires the participation of experienced managers and technical experts. The more restricted access for senior staff members, the more difficult it becomes for implementing agencies to get their priorities right and design their projects accordingly.

The quality of assessments cannot always be guaranteed in remote operations

101   There are certainly situations where local staff possess the necessary technical skills to conduct needs assessments. Organizations in Iraq or Myanmar can draw on a more qualified pool of staff than those working in Somalia or Sudan. Yet, they may not always be in the best position to decide who should receive assistance and who shouldn't. Local staff members may have family, clan or political allegiances that can color their judgment. In Somalia, humanitarian actors acknowledge that Somalis struggle to extricate themselves from clan dynamics. More importantly, even if due care is taken to "do no harm," targeting vulnerable individuals or households within a generally deprived population is bound to create frustrations among certain social groups or (armed) actors. Depending on the value of relief supplies, it is easy to see that powerful local players will use their influence to pressure members of humanitarian organizations to put their names or those of their family members on the list of recipients.

Qualified national staff is of key importance

102   Withstanding such pressures is difficult for both locals and expatriates. Yet, expatriate staff can be evacuated in case they are being threatened. Local staff members, on the other hand, are by definition less mobile and cannot simply "pack and leave." To protect themselves and their families, they may have no choice but to accommodate demands from

National staff are more exposed to local pressure

local actors, at least to a certain degree. Such operational challenges linked to the preparation of independent needs assessment and the impartial selection of beneficiaries are sometimes overlooked in the existing literature, which focuses primarily on the question over monitoring of remotely managed operations.

103 Further, remote management can (but does not have to) entail transferring management responsibilities to less experienced local and national staff. Many implementing organizations, especially those operating in countries where recruiting qualified local staff is difficult, confirmed that their remotely managed projects are less complex and have lower quality standards than their regular programs.

Remote programming can reduce complexity and compromise quality

C Lack of accountability

104 Accountability has come to be recognized as a critical principle for both development aid and humanitarian action. It requires humanitarian agencies to answer to the beneficiaries of their interventions (i.e., needs are met in a timely and effective manner respecting dignity) and donors (i.e., assistance is provided in accordance with pre-established objectives and modalities). There is no apparent reason to believe that local staff members of humanitarian organizations are less accountable to beneficiaries than internationals. In fact, it may be easier for community representatives to hold locally embedded staff to account than internationals. As far as donor accountability is concerned, however, remotely managed operations generally compromise common monitoring and evaluation standards. The longer that operations are managed remotely, the more restricted implementing organizations and donors are in their ability to judge and see with their own eyes the extent that taxpayer money is reaching targeted beneficiaries. Donors as well as managers who oversee projects remotely need to rely on secondary information provided by their partners, local staff or external monitors; they cannot verify their claims. The lack of direct oversight and control can adversely impact the quality of projects delivered. This may damage the reputation of humanitarian organizations and their donors and could have legal implications for DG ECHO if aid diversions are substantial and sustained.

Remote management diminishes accountability to donors

Criteria for deciding about remotely managed projects

105 Since remote management entails substantial risks, it should remain a solution of last resort. At the same time, evidence gathered in the five counties visited as part of this evaluation suggests that there are more and more "situations of last resort," where remote management remains

Remote management should be a measure of last resort

the only way to deliver assistance and essential services to vulnerable populations that need assistance and protection.

106   The fact that remote management has become more common has created a sense of unease within DG ECHO and among humanitarian organizations in general. It has led to controversial and heated discussions in DG ECHO and between DG ECHO and its partner organizations. As indicated in DG ECHO's "Informal Note on Remote Management," the key question is "How do you maintain the provision of humanitarian aid when calibrating the risk and compromising as little as possible on accountability and quality?" (dated 09/03/2011, page 4). The note sketches out a number of criteria and requirements for DG ECHO support, including the need to respect humanitarian principles, the "do no harm" approach and different measures to maintain a minimum level of accountability.

107   The following further develops the various issues touched upon in the note. It proposes seven criteria to be taken into account by DG ECHO staff when appraising project proposals that involve remote management. Humanitarian organizations have developed different strategies for managing and mitigating the risks of remote management. DG ECHO needs to determine whether proposed projects include sufficient measures that address the risks. When doing so, DG ECHO needs to distinguish between different degrees of remoteness. It should finance projects that include a maximum of direct management and monitoring. In this regard, the criteria below can inform decision-making and communication with DG ECHO partners via Humanitarian Implementation Plans (HIPs) or operational guidelines for individual countries or regions.

Criteria for DG ECHO support to remote operations:

Criterion 1: No risk transfer

Does the proposed Action[62] entail a foreseeable transfer of risk to local or national staff or partners?

108   Different categories of staff face different types and levels of security threats. Any project proposal that includes elements of remote management needs to show that the operation does not entail a foreseeable transfer of risks from international to national and local staff or partners. This requires analyzing which kinds of staff members are facing which security risks and ensuring that these risks are weighed and addressed in a similar way for local, national and international staff and

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62   In accordance with DG ECHO's terminology, "Action" refers to any project or programme submitted to ECHO for funding.

partners. To assess risk levels for different staff categories, it is necessary to disaggregate security statistics for different groups or categories of employees in the respective area of intervention. Similar questions are already being raised in the DG ECHO guidelines for cash-based programming.[63] They are particularly relevant for remotely managed operations and should be systematically addressed by organizations that apply for DG ECHO funding. Moreover, DG ECHO needs to assess whether continuation or initiation of a project in remote mode incurs additional risks for beneficiaries of the project. If so, it needs to be clear how responsibly management can monitor and mitigate the risks.

Criterion 2: Access-specific networking

Does the proposed Action specify measures to engage key actors controlling access?

109   The most effective and sustainable way of mitigating security risks and gaining access is to increase acceptance of an organization among local communities and both state and non-state authorities (see also chapter D.1. above). Those organizations that are most successful in terms of building acceptance are those that have put into place concrete and localized strategies for targeting key actors and audiences. Relegating networking and advocacy responsibilities to junior staff or technical staff members, such as drivers, is not a strategic way of building acceptance. It requires a thorough stakeholder mapping and analysis and the capacity of senior team members to engage with local actors. In its current version, the Single Form For Humanitarian Aid Actions asks partners to map humanitarian organizations in the area of intervention (section 3). In areas of severely restricted access, DG ECHO should only fund organizations that have in addition mapped out relevant non-humanitarian actors regulating and restricting access in the respective areas of intervention, and that can describe a credible way of engaging them in a humanitarian dialogue. Along the same lines, partners should be able to document what measures they have attempted to gain acceptance and avoid going into remote mode, i.e., to show that remote management is used as an option of last resort.

63   DG ECHO (2009): The Use of Cash and Voucher in Humanitarian Crises. DG ECHO funding guidelines.

Criterion 3: Staff qualification

Do staff members tasked with management and monitoring possess the necessary qualifications and experience?

110   To limit quality-reductions in remotely managed projects, staff members responsible for management and monitoring on the ground need to have adequate experience and qualifications. The Single Humanitarian Form currently requires partners to disaggregate personnel costs for international and national staff. Funding proposals involving remote management should include additional details and specify the level of experience of project staff. A more important and relevant criterion to measure experience than nationality is the extent to which staff members have been exposed to different operational environments.

Criterion 4: Preparedness and contingency planning

Are there any measures/guidelines in place on how to adjust decision-making structures to changing access conditions?

111   Most international humanitarian organizations financed by DG ECHO have acquired experience over the past decade in managing projects remotely. Yet, only a few organizations interviewed for this report have capitalized on their experience in a systematic manner and developed formal operational strategies and guidance on how to adapt decision-making structures and reporting lines to the particular challenges of remote management. In highly volatile operational contexts, all humanitarian organizations, even those that rely primarily on direct management, should have contingency plans and corresponding preparedness measures for how to switch to remote management if access worsens during project implementation.

Criterion 5: Monitoring procedures

Have monitoring procedures been adapted to the particular challenges of remote management in the area of intervention?

112   Monitoring remotely managed operations requires, first of all, a stringent and rigorous application of traditional methods of internal control and oversight. When developing additional ways of monitoring activities without being able to see all aspects of the work carried out on the ground "with their own eyes," humanitarians in the countries assessed have piloted a number of new approaches. Some turn to information and communication technologies, such as video/photo documenta-

tion or beneficiary phone hotlines. Others rely on third-party monitors – that is, national consultants who assess projects during their implementation. An additional method commonly used in remotely managed operations is to triangulate information received by internal or external monitors through discussions with other humanitarian organizations operating in the same area (peer monitoring) or other external actors. There is no standard way of monitoring activities that is particularly effective in any remote operation. Humanitarian organizations need to combine different methods and adapt their monitoring approach to the context-specific challenges on the ground. When appraising a proposed Action, DG ECHO staff needs to assess the extent to which partners substantiate and explain the choice of a particular combination of different methods of verification.

Criterion 6: Geographical proximity to affected populations

Are senior staff members located as close as possible to the area of intervention?

113   In situations where senior staff cannot access project implementation sites, some humanitarian organizations have implemented special measures that enable recipients to travel to nearby provincial or district offices to meet with project managers. This is a second best monitoring option that can compensate for the loss of mobility of senior humanitarian staff members in certain contexts. The extent to which humanitarian organizations can facilitate direct encounters between beneficiaries and other (external) stakeholders, such as community representatives, traditional authorities and non-humanitarian actors, depends on the degree of physical remoteness of an operation: It does make a huge difference whether senior staff members of a humanitarian organization are based in a distant capital city or abroad or whether they are working from a field office in a rural town situated a few hours' drive from the geographic area of intervention. Proximity makes it easier for project and managers to have regular face-to-face interaction with recipients and project staff in remote areas, mitigating risks associated with quality and accountability. DG ECHO should give precedence to organizations that have located senior staff as close to the proposed area of intervention as security conditions permit.

Criterion 7: Manageability of the sub-contracting chain

Does the organization retain a maximum of operational functions?

114   Opportunities for corruption and diversion increase with the number of organizations involved in an intervention. DG ECHO should finance

those organizations that retain a maximum of direct implementation. It should give precedence to organizations that seek to deliver outputs themselves or work with a limited number of national or local implementing partners. It should avoid financing international organizations that have extended chains of delegation and sub-contract to other international organizations that outsource to national organizations, which, in turn, outsource activities to local NGOs. Maintaining control and oversight over such complex operations that rely on implementing organizations, sub-contractors and sub-sub-contractors is already difficult under favorable access conditions. It becomes impossible in situations where senior staff are not able to monitor project implementation directly.

115   The following table includes a set of more specific questions for each of the above criteria. The questions are not only relevant for DG ECHO, but should serve as guidance for partner organizations that submit project proposals for financing.

TABLE 3: QUESTIONS FOR DG ECHO AND PARTNERS FOR REMOTE MANAGEMENT

Assessment criteria	Questions for DG ECHO and partners
1 No risk transfer	What security risks do different groups of staff and partners face in which regions (internationals from different countries, nationals and locals from different regions and social or ethnic backgrounds)? How have the different risk levels been taken into account during the selection of project staff? What level of risk is acceptable for different kinds of staff members and partners? How are security risks for different staff members and partners mitigated? What is the risk of DG ECHO staff carrying out project visits?
2 Access-specific networking	Who are the main actors controlling and regulating access? Which groups have influence on these actors (elders, religious authorities, political parties, diasporas, relevant internet forums), at what level (local, national, international)? Who within an organization/project will engage with these actors and how?
3 Staff qualification	What is the experience and seniority of both national and international staff members? How many staff members have been exposed to different operational contexts abroad? Are there any senior staff members who will be able to visit project sites during the implementation phase?

Assessment criteria	Questions for DG ECHO and partners
4 Preparedness and contingency planning	What risks of further access restrictions exist? Which monitoring mechanisms will be used in case the operation has to switch into remote mode? What training or other measures are in place to prepare junior staff to take over managerial responsibilities in case of sudden withdrawal of senior staff?
5 Monitoring procedures	Are existing administrative and logistical procedures detailed enough to ensure forensic audits can be carried out remotely (e.g., through random phone calls of beneficiaries or traders in case of local purchases)? Are other trusted humanitarian actors operating in the same area to carry out "peer monitoring"? What additional indirect sources of verification can be relied upon to triangulate data (community representatives, traditional leaders and other non-humanitarian actors)? Are all project implementation sites of the proposed Action remotely monitored or are some areas more accessible to senior staff?
6 Proximity to affected populations	Are there any other organizations that manage to locate senior staff more closely to the same area of intervention? If so, why is this the case? Is it technically possible and safe for recipients and community representatives to travel to the next regional/local office? Are there any plans to organize face-to-face interactions between project managers and recipients, for instance by covering travels costs between the project implementation site and the next regional/local office?
7 Sub-contracting chain	What are the reasons for working with sub-contractors (capacity building, cost-efficiency, security)? How many sub-contractors (commercial and non-profit) are involved in the delivery of the proposed project? Do the different sub-contractors work with second tier / (sub-) sub-contractors?

Reversing the trend: innovative recruitment policies

116   The humanitarian community has to prepare for more and more "situations of last resort" in which remote management remains an option for addressing urgent humanitarian needs. Humanitarian organizations therefore need to implement strategies to bring management staff back to the field even under restricted access in the long-run. The most promising approach that the evaluation team observed involves innovative human resources policies. Instead of delegating more management and oversight responsibilities to junior national employees or external partners, some organizations strategically recruit or promote national staff and non-Western expatriates for senior positions and improve the management and oversight capacities of their local partners.

Diversifying the management of organizations will provide a long-term solution

117   A practice that is now widely adopted in Somalia and, to a lesser extent, in Sudan and Pakistan is to recruit staff members from diaspo-

ra communities with dual citizenship. In some contexts, this includes "foreigners" from neighboring countries who share ethnic and cultural ties with communities in crisis-affected regions across the border (e.g., Somali-speaking Kenyans working in Somalia or Chinese and Bangladeshi staff in Myanmar).

118 With selection criteria encouraging staff diversification, however, the number of potential recruits reduces drastically. An interesting way of addressing critical shortages in human resources, which has been piloted by some of the larger humanitarian organizations operating in several emergencies, is to increase the pool of non-Western expatriates through internal staff-rotation policies.

Good practice: encouraging staff rotations between countries

119 Some humanitarian organizations have formal policies for encouraging their national staff members to apply for vacancies in different country offices. Following one or two years abroad, these staff members are expected to return to their respective country of origin and take up more senior positions. As explained by an international NGO worker, such long-term investments into the capacity of national staff bear certain risks: National staff members who have acquired humanitarian experience abroad are in high demand. They will eventually apply for positions with UN agencies, where salaries tend to be much higher. To guard against so-called "staff pouching," international NGOs and other international humanitarian organizations, such as the ICRC or the IFRC, need to be able to pay competitive salaries. For donors like ECHO, they need to be willing to accept that overall staffing costs for national employees in managerial positions may increase. Implementing organizations are often encouraged to reduce their staffing costs by decreasing the number of expatriates. Yet, recruiting and retaining experienced national staff members requires operational agencies to raise their pay scale.

Staff rotation policies help to increase the pool of qualified non-Western expatriates

Good practice: active recruitment of non-Western staff

120 The lack of creative approaches to human resources management also hinders the recruitment of non-Western staff. It has become common practice for international humanitarian organizations to post vacancies for senior positions either on their own websites or on common web portals, such as reliefweb. These websites are consulted by a particular group of users that are actively searching for job opportunities in the humanitarian sector. Such web-based job advertisements, however, will not reach new groups, including Diaspora communities and individuals with an immigration background.

Organizations are actively searching the right profiles

121   Recognizing the limitations of standard job advertising, some large international humanitarian organizations have created new human resource capacities to actively search for non-Western staff. Dedicated human resources officers are participating in employment fairs organized by universities or search for alternative channels to circulate job openings among Diaspora communities and other associations socially embedded in communities with a strong immigration background, such as Islamic organizations in major European capitals. Implementing innovative recruitment strategies, however, is costly. Most smaller NGOs do not have the capacity to invest in headhunting. DG ECHO should therefore search for alternative solutions to enable its partners to diversify their employee structures (see recommendation 9).

3   Deciding when to disengage

122   Although there are often ways to limit the negative side-effects of remotely managed operations, these measures may not always be sufficient. There may be situations in which continued engagement would demand excessive compromises. In these situations, DG ECHO should reduce its funding allocations.

123   Ideally, the decision of when the moment has to come to withdraw from a certain country or sub-region should be premised on humanitarian considerations. In practice, larger political and financial implications do play a role. DG ECHO, like any other donor, is usually under political pressure to provide visible support in high-profile emergencies. As one interviewee pointed out, public pressure and member states asking why the EU is not helping those affected by an acute crisis can make it very hard to "say no" and reduce funding where principles and minimum standards cannot be met. In several cases, DG ECHO's headquarters have therefore allocated significantly more to an emergency than its country team had asked for. In these situations, the country teams had to lower their standards in order to find enough projects to spend the country budget. They criticize that this turns DG ECHO into a "budget-driven" donor rather than a policy- or strategy-driven donor that consistently sticks to its principles and standards.

DG ECHO faces political pressure to allocate funds

124   Implementing organizations also risk getting caught on a slippery slope. Where they lack clear internal policies and rules, and where common ground-rules are too restricted or weak, several factors help to explain why implementing organizations sometimes accept more compromises than they would have liked with hindsight. First, operations in high-profile emergencies can constitute the lion's share of a humanitarian organization's overall budget. Since organizations typically draw overheads depending on the size of their operations, they have strong finan-

Implementers tend to gradually accept additional compromises

cial incentives, or even financially depend on continuing operations in these emergencies. Second, the mindsets of many humanitarian workers help to explain why they sometimes stay longer than they should. Implementing organizations describe how their field staff run the risk of developing "tunnel vision," focusing on project implementation and losing sight of the bigger picture. In some cases, tunnel vision is combined with an attitude that the humanitarian imperative trumps all other concerns, so that almost anything seems acceptable as long as lives are being saved. Finally, humanitarians are often driven by a sense of urgency and operate on short time-frames. This may lead them to accept compromises for short-term access gains that undermine humanitarian standards and principles in the long-run.

125 Against this background, many individuals interviewed in Sudan regret the step-by-step compromises they made, which led them to gradually accept limitations on the way they provide humanitarian assistance that would have seemed outrageous earlier on. They pointed out that following the expulsions of aid agencies, humanitarian actors have not stood firm enough and gradually allowed far-reaching concessions to government demands to continue their operations. Today, the Sudanese authorities can largely determine who provides what assistance to whom. Local staff members are vetted by the government, humanitarian organizations are largely prevented from offering protection-related services, and barely any assistance is provided to civilians living in rebel-held territories. Self-censorship is widespread among organizations that continue to work in Sudan. In one case, this reportedly went so far that an NGO refused to provide medical assistance to rape victims out of fear that this would upset the government and lead to the expulsion or other restrictions for the NGO.

Humanitarians have accepted too many compromises in Sudan…

126 The case of South-Central Somalia is similarly alarming. The difficult situation on the ground has created a massive and costly aid machinery. Most organizations operate cross-border from Nairobi and often use lengthy chains of contracting and sub-contracting, leading to high administrative costs and making it very difficult to determine to what extent aid reaches intended beneficiaries. Reports frequently suggest that diversion of development aid and humanitarian assistance are important pillars of the war economy, benefiting armed groups, so-called gate keepers, security firms and criminal organizations. Reliable monitoring is difficult if not impossible, as international staff members generally cannot visit project sites, and local monitors have been put under intense pressure, with several of them killed. Even the expulsion of the vast majority of international NGOs from territories controlled by Al-Shabab in the end of 2011 has not caused any major re-thinking among donors. In addition, humanitarian workers are exposed to sig-

…and in Somalia

nificant risks: 105 national staff and 10 internationals were killed between 2000 and 2010, and 33 nationals and 35 internationals were kidnapped during the same time.

Avoiding negative effects

127 To prevent situations from slipping too far and to support partners in taking principled decisions, DG ECHO needs to counter the pressures faced by itself and its partners. Rather than imposing global red lines of what is acceptable and what not, it should constantly reassess the effects of humanitarian action under limited access to inform difficult decisions of when to reduce assistance. One interviewee compared humanitarians to the figurative "frog in boiling water." The frog does not realize the rise in temperature until too late. In view of pressures that implementing organizations face, DG ECHO needs to continuously "take the temperature" in situations of limited access to determine when it has to suspend or limit assistance to avoid greater harm.

Instead of global red lines, contextualized judgment needs to consider all effects

128 DG ECHO staff is aware of this responsibility. The issue arises in many internal discussions on funding decisions, and most of the information necessary to assess the elements that require balancing is already requested from partners through the single Form.[64] Yet, there is no formal mechanism to justify decisions to do less and to counter the political pressures to be present at all cost. To the contrary, a closer look reveals that the way allocation decisions are currently taken makes it very difficult to realize when situations are slipping too far, as potential harm is not adequately considered in DG ECHO's results-based approach.

Current assessments tend to neglect potential negative effects of individual Actions

129 As figure 6 shows, the logical framework tables currently used to assess proposed Actions do not capture unintended negative effects of projects with regard to principles or long-term deterioration of acceptance and access.[65]

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64   See Single Form Guidelines for a more detailed overview of currently applied assessment criteria and the Single Form for Humanitarian Aid Actions: DG ECHO (2010): The Single Form – Guidelines. http://www.dgecho-partners-helpdesk.eu/preparing_an_action/proposal_submission/single_form

65   Unintended negative effects could be included in the logframe matrix under assumptions or risks. However, proposals reviewed for this study indicate that this is rarely done with the rigour required.

FIGURE 6: DG ECHO LOGFRAME (SOURCE: DG ECHO)
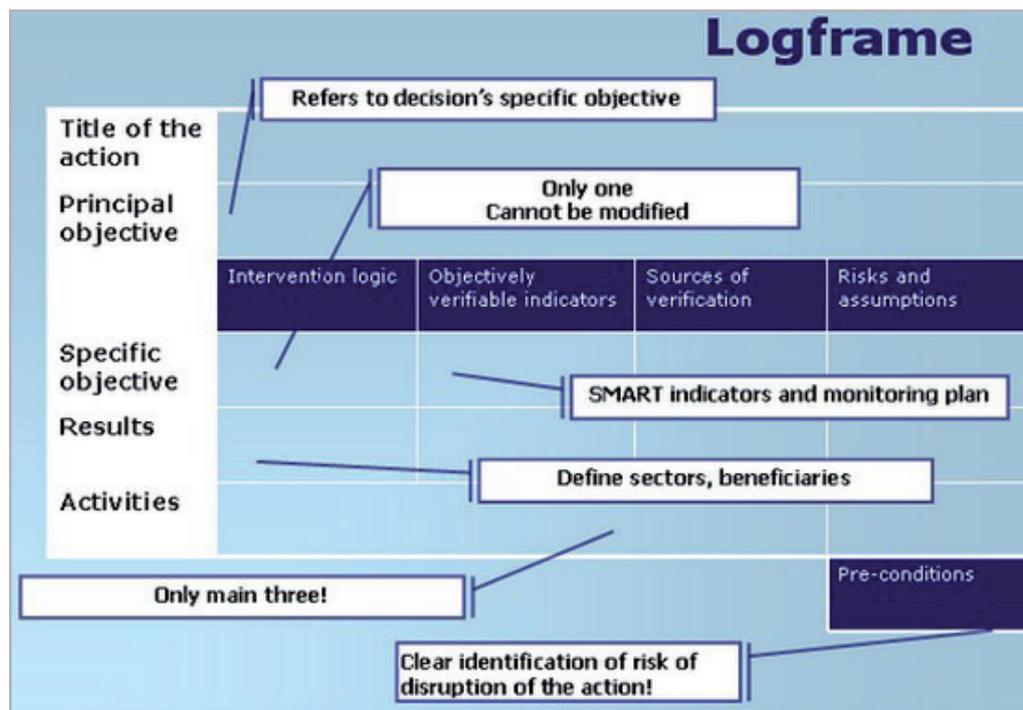
130   Similarly, current procedures such as the Single Form only consider (planned) positive results. When *risks* are assessed, they are understood as "the probability that an event may adversely affect the achievement of the Action's objectives or activities."[66] The worst case scenario is one where impact is zero, due to disturbing factors from the environment on the achievement of an Action's objectives, or because pre-conditions for the implementation of planned activities have not been met.

131   The risk that planned activities and outcomes lead to a deterioration of the overall situation or undermine principled assistance in the long-run is usually not addressed. So while the European Consensus points out that the principle to "do no harm" is the minimum requirement for most policies,[67] potential harm is not adequately considered in the results-based approach that DG ECHO follows when assessing individual projects. This aspect should be key when deciding whether to reduce or discontinue funding.

132   Similarly, larger periodic reviews of DG ECHO's operations that inform

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66   DG ECHO (2010), *The Single Form - Guidelines*, p. 14

67   EU (2008), *The European Consensus on Humanitarian Aid*, p. 5

future strategies and Humanitarian Implementation Plans do not always pay enough attention to the bigger picture. Of the available evaluations for Sudan and Darfur, Pakistan, the Horn of Africa, Afghanistan and Myanmar, none pays much attention to unintended negative impacts. When negative effects are mentioned briefly, they relate to adverse environmental effects, but never to the unintended consequences with regard to humanitarian access and the respect and long-term adherence to humanitarian principles.[68] This makes it hard to monitor the overall situation adequately and puts responsible decision makers in a difficult position when attempting to justify a suspension of aid or reduction of activities when the risk of adverse long-term effects becomes too high.

<div style="text-align: right; font-style: italic; color: gray;">Periodic external reviews of DG ECHO's operations pay little attention to negative effects</div>

Implications for DG ECHO

133   Through their funding decisions and requirements, donors can play a crucial role in helping to prevent situations from "slipping too far" and determining what compromises are acceptable for delivering assistance under conditions of restricted access. The following recommendations describe measures DG ECHO can implement for improving its own capacity for taking context-dependent yet consistent decisions in these situations, and for supporting its partners in taking these decisions. DG ECHO should not only adopt these measures itself, but discuss them with other donors, starting with EU Member States, in an attempt to get broader support for this approach.

Recommendation 7: Support staff members and ensure consistent decisions

134   As pointed out above, DG ECHO should not base its decisions regarding which projects to support and when to withdraw on dogmatic global red lines. Instead, we recommend adopting a systematic reasoning process based on commonly agreed principles and standards. This, however, should not be achieved through centralized decision-making processes. Instead, DG ECHO needs to encourage de-centralized leadership. This means that the result of decisions can look different in different contexts, but that they should be based on the same considerations for all staff and all countries.

135   This approach puts a lot of responsibility for tough decisions on the shoulders of DG ECHO's Technical Assistants and geographical desks. Without a common basis for reaching decisions, it also risks creating

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68   Unintended negative environmental impacts are described in evaluation reports of Afghanistan (2004) and Horn of Africa (2007); for these and all others reports see http://ec.europa.eu/echo/evaluation/countries_en.htm

inconsistencies within the organization. DG ECHO should therefore do more to support its staff in taking these decisions and to ensure the decisions are taken on the basis of consistent considerations. To this end, DG ECHO should clearly communicate on what basis decisions should be made. This could be supported by a peer review system to support its staff in deciding on difficult trade-offs. Through the peer review system, geographical teams would systematically involve selected other teams in their deliberations and decision-making processes. In addition, DG ECHO should further develop the method of using teaching cases to achieve coherent decision-making on moral and practical dilemmas. DG ECHO should ensure that these teaching cases show the potential negative effects of humanitarian projects – and of DG ECHO's overall intervention. This could involve example cases that serve as benchmarks and support the continual reflection among country desks.

Recommendation 8: Adopt a common definition of remote management

136   The lack of a commonly agreed definition of what exactly remote management means has been a source of contention both among humanitarian actors in general and between DG ECHO and its partners. DG ECHO should adopt an institutional definition of remote management, which is applied consistently across all country offices. The study recommends defining remote management as: "An approach that can allow organizations to continue some activities in situations where access is limited by transferring management and monitoring responsibilities to less experienced national or local staff members and/or external partners." The further a humanitarian project or program deviates from the ideal of full access, the more "remote" it becomes.

137   Whether expatriates or nationals manage and monitor operations on the ground should not constitute the defining criterion for remotely managed operations. The notion of expatriate can be confusing, particularly if used as a synonym for experience and seniority. Expatriates are not always the most experienced staff members. Seniority should be defined as a combination of years of relevant work experience and exposure to different humanitarian contexts.

Recommendation 9: Develop operational guidance on remote management and adapt existing DG ECHO tools

138   The criteria and related questions in table 3 are not only relevant for DG ECHO's funding decisions. They can serve as guidance for humanitarian organizations during the preparation of project proposals. DG ECHO should consider attaching access-related questions to the Single

Form For Humanitarian Aid Actions. Apart from being a tool to assess the relevance of a proposed intervention, the Single Form is designed primarily to collect a maximum of detailed information on how agencies plan to deliver quantifiable outputs and outcomes. The current revision of the Single Form For Humanitarian Aid Actions may provide an opportunity for DG ECHO to include additional questions to assess the extent to which partners are prepared to deal with specific access constraints. Partners should also outline their processes and criteria for deciding whether and how they would withdraw. This could then serve as a reference point when discussing the overall situation and individual funding proposals for specific situations with partners.

139   The criteria and questions could also be included in Humanitarian Implementation Plans (HIP) or corresponding operational guidelines, to communicate DG ECHO's understanding of remote management, requirements and expectations to partners.

Recommendation 10: Improve DG ECHO's ability to monitor projects directly

140   Unlike other donors, DG ECHO places utmost importance on the ability of its own Program Officers and Technical Assistants to visit any project at least once during the project cycle. Direct project and monitoring visits by DG ECHO staff are a standard procedure and in many cases a condition for funding.[69] DG ECHO's comparatively strong field presence is highly appreciated by its partners. The practice increases accountability, strengthens DG ECHO's credibility and provides it with important information for determining funding priorities.

141   However, DG ECHO itself faces difficulties where access is constrained for security and/or bureaucratic reasons. To be able to remain engaged in a potentially growing number of emergencies with restricted access, DG ECHO needs to increase its ability to monitor projects directly. Especially to overcome bureaucratic barriers on the ground, it needs to recruit senior staff who can more easily "blend in" with the respective local environment and who are less encumbered to travel by administrative restrictions. What this means in practice is of course highly context-specific, but generally DG ECHO should look for people of similar cultural and ethnic background as the local population and/or individuals with dual citizenship. Nationals of affected countries can have a number of advantages with regards to access. They generally don't need

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69   DG ECHO's General Conditions stipulate a "Right of Access," requiring partners to give access to implementation sites to the Commission or other, authorized organizations. DG ECHO (2009), *General Conditions Applicable to European Union Grant Agreements with Humanitarian Organizations for Humanitarian Aid Actions*, p. 23.

permission to enter the country in the first place and can move around more freely inside their own country. They usually have better personal networks and a more elaborate understanding of the (bureaucratic) culture to get necessary permissions and agreements. Finally, nationals are in many contexts seen with less suspicion by authorities than foreign professionals. Trying to hire such staff for DG ECHO country postings through standard job advertisement posted on websites may not be enough. Just as humanitarian partners have piloted new ways to diversify their employee structures, DG ECHO needs to find creative ways to attract different profiles.

Recommendation 11: Promote and financially support staff diversification within the humanitarian sector

142   Most European countries have large diaspora communities, millions of first and second generation immigrants, foreign students and transnational business networks spanning from Europe across to many parts of the world, including into countries struggling with humanitarian crises. Most importantly, perhaps, Europe shares linguistic ties with parts of Africa and Latin America. European humanitarian actors should take greater advantage of these structural factors and develop recruitment strategies for reaching out to prospective recruits from new social groups with different cultural and geographic origins.

143   Given that most NGOs do not have the means and the capacity to actively search for qualified "non-Western" employees to fill managerial positions in country offices, international NGO consortia, such as ICVA or Voice, could take on the role of supporting and encouraging their members, especially smaller NGOs, to reach out to potential recruits that are not part of the social realms "traditionally" interested in humanitarian action. The consortia could engage with immigrant associations in metropolitan Europe, diaspora groups and relevant universities and use other existing networks to raise awareness of humanitarian action in general and, more specifically, to circulate job advertisements. If deemed relevant and feasible by the NGO community, DG ECHO should consider financing a common human resources project to support the diversification of employee structures.

Recommendation 12: Pay more attention to negative externalities when assessing project proposals and country situations

144   DG ECHO's standard instruments already cover most aspects that should be taken into account for funding decisions. DG ECHO should pay more attention to the potential harm that projects can cause and to their ef-

fects on humanitarian access. DG ECHO should also be more transparent in communicating the criteria and its related reasoning to partners. It should use discussions with partners in the field to do so, and include the main reasons in its Humanitarian Implementation Plans (HIPs).

145   Moreover, DG ECHO should more rigorously assess potential negative effects of its combined activities in specific country contexts. When evaluating its overall activities in specific countries, regions or sectors, DG ECHO should give more weight to unintended negative effects with regard to access and respect for humanitarian principles in order to complement traditional evaluation criteria. Retrospective external reviews to inform future strategies need to be undertaken alongside formative, real-time assessments that provide information on how ongoing programming is affecting overall access and what negative effects assistance in such contexts may produce. This is especially important in protracted crises, where DG ECHO has the opportunity to adapt funding levels and strategies not only according to needs, but also to meet access conditions and the capacity to implement humanitarian activities in a principled way. Joint elaboration of Terms of References for such periodic external reviews should be used to intensify communication and further refine the judgment criteria outlined above with responsible staff.

Recommendation 13: Reduce budget-pressure in high-profile emergencies

146   Political considerations can sometimes lead DG ECHO to allocate more funds to high-profile emergencies than requested by its country teams. This puts the teams under pressure to spend and makes it difficult for them to rigorously apply their principles and criteria. Even though political pressures to support these emergencies will undoubtedly persist, DG ECHO should do its utmost to withstand them. To do so, it is crucial to increase the role of its country teams when deciding on overall budget allocations to emergencies. As a rule, DG ECHO should not allocate more funds to an emergency than requested by Technical Assistants and the concerned desk.

147   DG ECHO should then increase the flexibility of its country allocations, for example by introducing regional and multi-year allocations. As is currently the case for worldwide funding decisions, country offices and implementing partners should be allowed to roll over unallocated parts of their budgets into the following years and to create operational reserves to exploit access opportunities. DG ECHO should also consider switching to a regional funding model for trusted core partners, following the model of the Swiss Development Cooperation. Under this model, partner organizations receive regional allocations and have a large say over when and where to allocate resources.

148 Where the political pressure to support high-profile emergencies is high, DG ECHO should seek to increase the attention for other, less visible crises. This would involve giving greater weight to the forgotten crises index when determining overall budget allocations. DG ECHO can also take active steps to increase the profile of overlooked emergencies, for example by raising the issue within coordination fora and by organizing or demanding briefings on the issue.

Recommendation 14: Hibernate when compromises become excessive

149 Once DG ECHO's staff and Technical Assistants decide – based on the principles and criteria outlined above – that continued engagement would require excessive compromises, DG ECHO should reduce its activities decidedly. This does not mean that DG ECHO and its partners should pull out altogether. Withdrawing completely would mean giving up contacts with armed groups and other parties and would make it more difficult to return at a later stage. Rather, DG ECHO should go into a "hibernation" mode in such situations.

150 "Hibernation" would entail a drastic reduction of the overall budget allocated to the emergency. In this situation, DG ECHO should restrict funding to a smaller number of strategic and trusted partners who have good capacities for engaging with local actors and for mitigating the risks involved in remote management and other approaches for operating under restricted access. DG ECHO should enable these partners to maintain a networking capacity on the ground, even if they are not implementing programs. In addition, it should support small-scale projects that limit the risk of diversion, yet provide useful assistance and create the basis for scaling back up once conditions improve, where appropriate.

E Conclusion

151   Getting access to deliver assistance to those in need is a major preoccupation for humanitarians today. As this review and evaluation shows, access constraints are as old as the history of humanitarianism and, while their nature evolves over time, they are here to stay.

152   Access constraints are often rooted in broader political issues that are beyond the control of humanitarian organizations. This does not mean that humanitarians are at the whim of political forces. On the contrary, their activities can do much to broaden or further restrict access. Many humanitarian organizations have developed relatively sophisticated ways to deal with long-standing, "classical" access constraints, such as the risk of getting caught in the cross-fire. Many are also quickly learning how to deal with more recent access constraints.

153   Two recent trends are noteworthy in this context. First, humanitarians have recognized that "bunkerization" and an over-reliance on hard security measures to deter attacks can have serious negative effects. Many organizations, including the United Nations, are therefore revising their internal security rules to allow for more risk management, rather than risk avoidance. Second, there is a clear trend among organizations operating in difficult environments to de-Westernize their staff and recruit members of diaspora communities or experienced locals for management positions. This may not change relationships to armed groups much, but it certainly makes it easier to deal with restrictions imposed by governments, such as requirements for visa and travel permits. We expect this trend of de-Westernization to continue.

154   Beyond that, the countries assessed for this review and evaluation show that there are no silver bullets for increasing access. What works to increase access in one context can be counterproductive in another. Moreover, the challenges in any situation often change rapidly and require a constant adaptation of approaches. Clear-cut, across-the-board rules and recommendations are hard to find and of little practical use.

155   On a positive note, this is leading humanitarian organizations to rediscover the importance of the social and political context they are working in. Over the past two decades, the humanitarian community was often preoccupied with technical, internal discussions related to, for example, coordination, the processes for conducting needs assessments or ways to measure impact. These discussions were usually self-centered and frequently resulted in humanitarian organizations investing too little in understanding the political, economic and social environment they were operating in. With access restrictions imposed by gov-

ernments and armed groups becoming prevalent, humanitarian organizations have started to rectify this imbalance.

156   More problematically, in the absence of clearly defined, commonly accepted rules, humanitarian organizations can find themselves on a slippery slope. As evidenced especially by Sudan and South-Central Somalia, but also by Afghanistan, this can lead humanitarian organizations to gradually accept more difficult compromises until an effective and principled delivery of assistance is no longer possible.

…but can lead humanitarians to accept excessive compromises

157   As a principled donor, DG ECHO can play an important role in this context. First, it should do more to define the limits of what is acceptable in a consistent yet context-sensitive way. This requires the organization to steer clear of rigid, global red lines. Instead, it should help its staff take tough decisions based on a common set of criteria that translate the humanitarian principles into practice. It should also engage in continuous, critical dialogue with its partners to see whether an access context still allows for effective and principled assistance – and it needs to provide the necessary flexibility for changing course and reallocating resources if it does not.

DG ECHO needs to help define the limits of what is acceptable…

158   In addition, DG ECHO has an important enabling role to play. DG ECHO can do more to support the active efforts of its partner organizations to increase or maintain access. First, it should advocate more strategically on issues relating to access. Next to activities at the country level, this would involve focusing on issues and actors within its sphere of influence, such as the application of anti-terrorism legislation in humanitarian contexts and the implementation of UN integration. Second, it should expand its financial support for measures critical for gaining access. This includes funding pilot projects aiming at opening up access, enabling partners to maintain a networking capacity even when programs are suspended, and supporting joint NGO security programs that provide detailed risk and situation analyses.

…and enable its partners to increase access

159   These recommendations, as well as the analysis provided in this report, should, however, not distract from the fact that the over-arching goal remains to save lives and alleviate suffering. Supporting international humanitarian organizations to bring assistance to those in need is only one way to achieve this end. An alternative approach is to focus on how people can access the goods and services they need. Donors like DG ECHO should therefore also consider whether there are other ways to allow populations to access the assistance they need and, where appropriate, support local responses and other coping mechanisms. It is shocking when humanitarian organizations are expelled from acute emergencies. But in many protracted emergencies, we should also ask why dependence on outside assistance persists, and why, after reiterat-

In the long-run, supporting local responses and coping mechanisms is at least as important as ensuring access

ing the importance of capacity building of local staff and counterparts for decades, international access is still considered indispensable. After all, humanitarians not only have a responsibility to provide assistance in accordance with principles. They also have to make themselves superfluous over time and facilitate durable solutions whenever possible.

Annex 1: Methods and team

Methodology and countries visited

This review and evaluation builds on semi-structured interviews conducted with relevant stakeholders in the five country cases (Afghanistan, Pakistan, Sudan, Somalia and Myanmar). In a small number of cases, interviews were conducted via phone. The team used several techniques to increase trust and convince organizations to provide the relevant information. First, the team carefully explained both the process and purpose of the evaluation, stressing the potential benefits of sharing information in improving DG ECHO's activities and supporting greater coherence in access approaches.

Second, face-to-face interviews (N=358) were prioritized over phone interviews (N=30). The team guaranteed the confidentiality of information and agreed to present sensitive information in all written outputs without identifying organizations or countries. Third, to maintain an open and trusting atmosphere during country visits, the team did not use the standardized technical appraisal forms to assess organizations. Instead, the team drew on third-party information, i.e., asking individuals not only about the activities of their own organizations, but also those of other organizations, to complement available information and generate a broad scope of assessments. Finally, when identifying interlocutors, the team relied on existing contacts from prior experiences in Afghanistan, Pakistan, Somalia and Sudan.

TABLE 4: INTERVIEWS CONDUCTED

	Donor	UN	International NGO	National NGO	Government	Military	Other	Sum
Sudan	10	36	31	5	1	2	3	88
Afghanistan	8	14	37	9	0	2	10	80
Myanmar	3	7	10	4	0	0	1	25
Pakistan	5	5	14	0	0	0	2	27
Kenya/Somalia	14	20	39	18	8	0	7	106
Geneva	4	4	6	0	0	0	5	19
Global level (phone)	8	3	15	0	0	0	4	30
Brussels	9	2	0	0	0	0	2	13
	61	91	152	36	9	4	34	388

FIGURE 7: STAKEHOLDER GROUPS CONSULTED
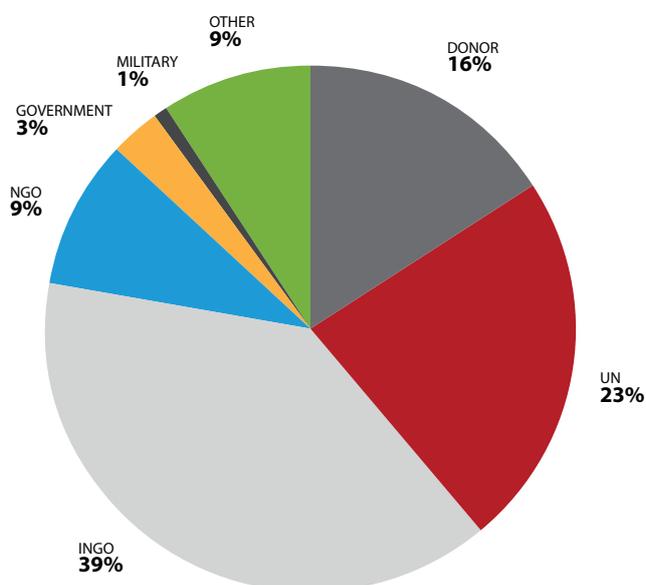
Team composition

Dr. Julia Steets (team leader), Associate Director of GPPi, oversaw the team's methodological approach and managed the compilation and analysis of information. Julia carried out the field missions to Sudan (Khartoum, El Geneina) and Kenya/Somalia (Nairobi, Puntland).

Urban Reichhold conducted field visits to Afghanistan (Kabul, Jalalabad), Pakistan (Islamabad) and Kenya/Somalia (Nairobi, Mogadishu).

Elias Sagmeister conducted field visits to Sudan (Khartoum, El Fasher), Afghanistan (Kabul, Mazar-e-Sharif) and Myanmar (Yangon).

Wajiha Osmani supported the team's work in Afghanistan (Kabul and Mazar-e-Sharif).

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Annex 3: Terms of reference

Background/Introduction

1   The European Commission, through its Directorate General for Humanitarian Aid and Civil Protection (DG ECHO), is mandated by the EU to deliver humanitarian aid to people in third countries affected by crises: "humanitarian aid shall comprise assistance, relief and protection operations on a non-discriminatory basis to help people in third countries, particularly the most vulnerable among them."[70] Humanitarian aid may also be used to support "public awareness and information campaigns aimed at increasing understanding of humanitarian issues."[71]

2   Over the past decade humanitarians have faced increasing difficulties in gaining access to suffering populations in a number of contexts, as a result of conflict, insecurity and government impediments. A variety of strategies have been adopted in seeking to maximise humanitarian access, including remote management (sometimes known as remote control) and advocacy,

3   In armed conflicts, humanitarian access is regulated by International Humanitarian Law (IHL) which defines the legal obligations of warring parties to accept and facilitate a humanitarian assistance which is "impartial in character and conducted without any adverse distinction."[72] The Geneva Conventions of 1949 and their Additional Protocols are at the core of IHL and provide a framework for humanitarian access, though with certain limitations and constraints. Recent developments in customary international law tend to expand these legal obligations in both international and non-international armed conflicts.[73]

4   In disaster situations provision of humanitarian assistance is protected by International Human Rights Law (IHRL), which requires states to devote "the maximum of their available resources - including offers of international humanitarian assistance- to meet their minimum core obligations with regards to, inter alia, the rights to an adequate standard of living and to the highest attainable standard of (physical and mental) health."[74]

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70   Art 1, Council Regulation N° 1257/96 of 20 June 1996

71   Art 4, *ibid*

72   Art. 3 Geneva Convention

73   Rebecca Barber, *Facilitating Humanitarian assistance in international humanitarian and human rights law*, International Review of the Red Cross, Vol. 91, N°874, June 2009

74   *Ibid*.

5   Under these Terms of Reference, DG ECHO intends to obtain an evaluation and review of strategies and approaches towards humanitarian access in crisis settings, in particular but not limited to the scope of actions funded by the European Commission.

Justification and timing of the evaluation and review

6   The humanitarian operating environment has always been, by its very nature, an essentially insecure and a difficult one. There have always been constraints on humanitarian access, which is regulated by international law; but in the post-9/11 world access has become much more difficult to secure in many contexts, in particular as a result of the changing nature of armed conflict; an increasing diversity of armed groups who often ignore their legal obligations vis-à-vis civilian populations or blatantly violate the law; the increasing involvement of military forces and private security companies in quasi-humanitarian interventions; the assertiveness of certain national authorities and the impact of counter-terrorism legislation. As a major humanitarian donor and policy player, the European Commission is concerned by all of the external and internal factors hampering the delivery of humanitarian assistance.

7   Lack of access means that humanitarian partners are not able to conduct adequate needs assessments of populations in need, nor can they subsequently implement and monitor their humanitarian assistance safely and effectively. The selective restriction of access to certain groups, whether by armed groups or by governments, may also compromise the independence, neutrality and impartiality of humanitarian aid.

8   Faced with these rapid changes over the past decade the response of humanitarians to ever-increasing access difficulties has tended to proceed on an ad hoc basis, with only rather limited coordination between donors and between donors and their implementing partners. This evaluation is an opportunity to take a snapshot of the whole of the access landscape, in terms of what is being done and has been done in the recent past, as well as providing pointers for the future.

Purpose, objective and scope

Purpose and objectives

9   The main objective of this call for tender is to have an independent structured evaluation and review of humanitarian access strategies in

line with Regulation (EC) 1257/96 concerning humanitarian aid to provide DG ECHO with an assessment of its own practices and those of its partners, considering these also in relation to those of other donors and implementing partners, and with a policy framework and practical guidelines for fucntioning effectively in situations of restricted access.

10   Lesson learning and accountability in view of enhancing performance are the main purposes of the work. The specific purposes of the evaluation and review are:

•   To identify the challenges and specificities of the different types of scenarios humanitarian aid encounters in terms of lack of access and propose recommendations concerning strategies, capacities, resources, procedures and tools. In doing so, the evaluators will consider the different types of humanitarian crisis (natural disasters, conflicts, etc.), response phases (preparedness, emergency response, protracted crisis, etc) and core sectors, or type of interventions.

•   To analyse the approach and actions of DG ECHO and its partners in the face of access restrictions, in accordance with DG ECHO's mandate, in order to establish the extent to which they have been conducted in accordance with humanitarian principles and other relevant principles, the degree of coherence between different partners and different contexts, and the extent to which humanitarian aid has been delivered effectively and efficiently.

•   To analyse the approach and actions of other key donors in the face of access restrictions, and their coherence with the approach and actions of DG ECHO.

•   To formulate key operational, strategic and policy recommendations for improving the effectiveness of future operations[75] with a view to adapting/adjusting DG ECHO current and future practices, tools, guidelines and structure.

•   To analyse the advocacy strategies adopted in situations of restricted access by DG ECHO, its partners and other key donors, particularly in relation to their effectiveness in opening up humanitarian access and allowing humanitarian principles to be upheld in the delivery of aid.

•   To produce recommendations for strengthening advocacy for access in the selected countries and more generally, to assess whether DG ECHO

75   In particular in the countries targeted by this work: Afghanistan, Burma/ Myanmar, Pakistan, Somalia, and Sudan.

should have a more systematic way of dealing with advocacy for humanitarian access.

11 The scope of the evaluation will cover the implementation of DG ECHO funded action between January 2009 and August 2011. Furthermore it will focus on the following components of the overall action:

• Direct and indirect impediments for access;
• Types of strategies depending on the level of access;
• Advocacy for access.

12 The key users of the evaluation and review paper include inter alia DG ECHO staff at HQ, regional and field level, the implementing partners, other stakeholders with an interest in the evaluation findings and other humanitarian donors and agencies.

13 The information requested in the evaluation/review questions listed in chapter 3.2 is the main subject of this work. When addressing the questions, and whenever feasible/applicable, the evaluators will take due account of

• OECD/DAC evaluation criteria: relevance/appropriateness, connectedness, coherence, coverage, efficiency, effectiveness and impact of this action;[76]
• the 3Cs[77] - complementarity, coordination and coherence;
• and the 23 Principles and Good Practice of Good Humanitarian Donorship.[78]

Evaluation and review questions

14 The evaluation and review will be based on a set of questions. These questions reflect the Commission's needs in terms of information with a view to accountability and enhanced implementation of humanitarian actions.

15 The questions will be further discussed and validated at the briefing phase and other questions may be added at that stage.

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76 For further explanation of these evaluative criteria consultants are advised to refer to the ALNAP guide "Evaluating humanitarian action using the OECD-DAC Criteria. An ALNAP guide for humanitarian agencies," ODI, 2006. Consultants should also refer to the "Evaluation of humanitarian aid by and for NGOs. A guide with ideas to consider when designing your own evaluation activities." Prolog Consult, 2007. (http://ec.europa.eu/echo/evaluation/thematic_en.htm#eval_guide).

77 http://www.three-Cs.net

78 http://www.goodhumanitariandonorship.org/gns/principles-good-practice-ghd/overview.aspx

16   The evaluation/review will address the following questions:

- What have been the direct and indirect impediments for humanitarian access in crisis situations? What are the most effective way of overcoming these impediments?

- What types of strategies for access in difficult environments have been used by DG ECHO staff and implementing partners to reach potential beneficiaries and/or to allow populations to reach humanitarian assistance? What have been the most and least effective of these types of strategies?

- What are other humanitarian actors' approaches (UK, US, Switzerland, UN, Red Cross movement, etc) to gaining greater humanitarian access, and to what extent are these consistent with DG ECHO's approach?

- How can the humanitarian imperative to intervene in situations of emergency needs be balanced with the need to maintain humanitarian principles of neutrality, impartiality and independence, and with the legal obligation to ensure the accountability of programmes? At what point do administrative or other impediments become so great that an effective, principled humanitarian intervention is no longer possible?

- What strategies of remote management have been used by DG ECHO, implementing partners and other donors in difficult access situations, and to what extent are these compatible with principles of sound financial and operational management? To what extent is there scope for refining these strategies?

- To what extent can armed escorts be used to gain access in difficult security contexts whilst maintaining humanitarian principles?

- What is the role of humanitarian air services in securing humanitarian access? Is there scope for an extension of these services in the countries studied?

- Making reference to their measureability of efficiency, what are the indicators that ECHO and its partners could use in assessing a situation and in deciding whether or not to intervene or to continue an intervention (security, needs for greater advocacy, needs to withdraw, cut-off points, etc.)?

- Which types, levels and techniques of advocacy (public, globally targeted, peer, legislative, sustained multi-level, etc.) can be used and with whom can DG ECHO engage with added value in order to increase humanitarian access? And in instances where vocal advocacy is likely to

be detrimental to maintaining or gaining access for its implementing partners, what other channels can DG ECHO use?

• Would it be useful to consider a capacity building training programme for partners so as to improve the efficiency and accountability of programmes? What would be the key components and deliverables of such a programme?

17 On the basis of the answers to these review questions, and any other relevant information collected during the review, the evaluators will provide practical, operational recommendations for future adjustments and actions.

Tasks to be accomplished

18 The consultants shall accomplish the following tasks as a basis for their report:

• Conduct a meta-review of practices on access to humanitarian aid, on the basis of a desk study of existing literature, external resources/studies: analysis of studies/evaluations/publications, key policy documents and reports taking into consideration the different types, phases and sectors characteristic of humanitarian interventions. Among other things, the consultants are expected to make a compilation of relevant recommendations for the donor community.

• Conduct a case review of the following countries based on desk studies and field visits: Afghanistan, Burma/ Myanmar, Pakistan, Somalia, and Sudan. These case studies will seek to analyse trends and patterns of delivering DG ECHO humanitarian assistance to the spectrum of different peoples in need in these countries.

• A common framework for the case studies will be prepared and shared. Broadly, the case studies will focus on the following key strategic issues: a) The Crisis Context; b) Operational strategies and modus operandi, c) Opportunities, challenges and gaps; d) Effectiveness of DG ECHO and implementing actors (Clusters, local level, NGOs, etc) in coordinating and facilitating delivery of humanitarian assistance directly or through remote management; e) Roles and responsibilities of DG ECHO and implementing partners among stakeholders; f) Definition of vulnerability thresholds and tools and methodologies for the identification and targeting of affected population and its needs; g) Recommendations for improving the effectiveness and efficiency of DG ECHO interventions

- To compile a list of best practices (including guidance manuals, advocacy strategies, security plans, contingency plans, etc).

- The consultants will produce a draft evaluation report outlining and prioritising issues, with findings, conclusions and recommendations.

Methodology, outputs and schedule

19   In their offer, the tenderers will describe in detail the methodological approach they propose in order to tackle the evaluation and review questions listed above, as well as the tasks requested.

20   This will include a description of one or more indicative judgment criteria[79] that they consider useful for addressing each evaluation and review question. The judgement criteria will be discussed and validated with the contractor during the briefing phase.

21   This should also include a clear description of the methodology that the tenderer intends to use during the field visits mentioned in point 4.2. To the extent possible, the methodology should promote the participation of all relevant actors in the work, including beneficiaries, local communities, members of state security forces and armed non-state actors where this is feasible. The methodological approach will be refined with, and validated by, the Commission during the briefing phase.

Documentation and Briefing phases

22   From the outset of the contract, the consultants will carry out a documentation study to examine and analyse available documents to allow careful planning of the activities/visits to be undertaken in the field. The documentation phase is considered to be an on-going effort throughout the contract and should start before the briefing, i.e. upon signature of the contract.

23   The briefing phase will deal with the finalisation of the itinerary and schedule, the final definition of the methodology, the planning of the reports and the consolidation of the Contractor's offer. The Terms of

79   A judgement criterion specifies an aspect of the evaluated intervention that will allow its merits or success to be assessed. E.g., if the question is "To what extent has DG ECHO assistance, both overall and by sector been appropriate and impacted positively the targeted population?", a general judgement criterion might be "Assistance goes to the people most in need of assistance". In developing judgment criteria, the tenderers may make use of existing methodological, technical or political guidance provided by actors in the field of Humanitarian Assistance such as HAP, the Sphere Project, GHD, etc.

Reference that shall be considered indicative throughout the evaluation and review, i.e. the Commission is entitled to provide the interpretation of the Terms of Reference whenever necessary, and the consulting firm shall endeavour to accommodate DG ECHO's requests that may arise during the work such as travel adjustments, etc.

24   The briefing meeting will take place in Brussels at DG ECHO headquarters with the relevant DG ECHO staff during which further documents available for the mission and necessary clarifications will be provided by the requesting service and other services of the Commission. During the meeting, the consultants will present their understanding of the terms of reference. In order to ensure a coherent approach between the Commission and the contractors, they will also present briefly their understanding of the logic behind the intervention, which will be discussed and validated during the meeting.

25   After the briefing phase an inception note of maximum 4 pages based on the meetings, reviews and interviews conducted will be produced. This inception note should demonstrate the consultants' clear understanding of the Terms of Reference and of the deliverables required and contain detailed proposals in terms of work processes, as well as a clear description of the scope and methodology of the work, judgement criteria and tools for addressing each evaluation and review question. The inception note must be submitted by the consultants to DG ECHO Evaluation Sector the day after the finalisation of the briefing phase and will need to be formally approved by the Evaluation Sector.

Field phase

26   Following the formal approval of the inception note, the consultants shall undertake field visits to analyse relevant projects and discuss with relevant stakeholders. A visit to each of the countries studied (except perhaps Somalia, which may be impossible) and to the ECHO Regional Support Office in Nairobi (where the ECHO Somalia team is based) would be advisable. The list of projects to be visited and organisations to meet with in the field will be established jointly by DG ECHO Evaluation Sector, the responsible desk and the consultants. The consultants must work in co-operation with the relevant EU Delegation, DG ECHO experts, DG ECHO partners, local authorities, international organisations and other donors.

27   The travel and accommodation arrangements, the organisation of meetings and facilitating the obtainment of visas remain the sole responsibility of the consulting company. The contractors will receive a security briefing regarding the assignment during the briefing phase.

28   If, during the field phase, any significant change from the agreed methodology or scheduled work plan is considered necessary, this should be explained to and agreed with DG ECHO Evaluation Sector, in consultation with the responsible desk.

29   The NGOs/IOs responsible for the projects studied during the field phase should have received the results of the technical appreciation (see Annexes IV and V of the invitation to tender) before the evaluators leave the field. The consultants are required to share their findings with the NGOs/IOs evaluated to allow them to comment upon these findings. The evaluators may adapt the format of the technical appreciation in consultation with the operational desk and Technical Assistant concerned. The purpose of the document is to promote dialogue, mutual learning and ownership and to build capacity of DG ECHO's partners.

30   At the end of each field trip the team leader should ensure that a summary record ('aide mémoire') of maximum 4 pages is drawn up and transmitted to DG ECHO Evaluation Sector. It should describe in detail the evaluation and review activities carried out, notably those of a participatory nature, and briefly present the main findings, conclusions and preliminary recommendations of the mission.

31   A final workshop in the field, with the participation of the EU Delegation, DG ECHO representatives and partners, shall be organised before leaving.

32   A workshop shall be held in Brussels 6 months after the publication of the final report to examine the extent to which the findings of the evaluation have been able to be integrated into the practice of DG ECHO and its partners.

33   As a reminder, even if the consultants assess individual projects, conclusions and recommendations must be drafted so as to respond to the evaluation and review questions, with responses that hold validity in contexts throughout the sector and that respond to the overall action as described in chapters 1, 2 and 3 above.

Report drafting phase and debriefing in Brussels

34   The first draft report (maximum 30 pages) in accordance with the format given in point 5 of the annex of the Terms of Reference shall be submitted by electronic transmission to DG ECHO Evaluation Sector not later than 15 calendar days after the consultants' return from the field.

35   If applicable, a preliminary technical debriefing may be organized with

relevant stakeholders, after the submission of the first draft report and prior to the submission of the final draft report.

36 A debriefing will be organised in Brussels after the submission of the first draft report. The consultants shall make a PowerPoint presentation to DG ECHO and key staff of main findings, conclusions and recommendations of the work. The date for this debriefing will be decided by DG ECHO Evaluation Sector in agreement with the consulting firm and the relevant desk(s).

37 Within 10 calendar days from the receipt of the draft report, and prior to the meeting, DG ECHO Evaluation Sector will provide consolidated written comments on the first draft report to the consultants.

38 On the basis of the results of the debriefing and taking into due account the comments received before and during the meeting, a draft final report (maximum 30 pages) will be submitted to DG ECHO Evaluation Sector not later than 10 calendar days after the debriefing. DG ECHO Evaluation Sector should mark its agreement, make comments or request further amendments within 10 calendar days.

Final report

39 On the basis of the comments made by DG ECHO Evaluation Sector, the consultants shall make appropriate amendments and submit the final report (maximum 30 pages) within 10 calendar days. If the evaluators reject any of the comments they shall explain and substantiate the reasons why they do so in writing.

40 The evaluation and review will result in the drawing up of a single report with annexes. The report shall strictly reflect the structure outlined in section 11.6.

41 To facilitate dissemination, together with the final report, the evaluators will provide a Power Point presentation in electronic form, with the main conclusions and recommendations of the work. Before the expiration of the contract, the contractors may be required to present briefly DG ECHO's staff or stakeholders with the results of the evaluation and review.

Dissemination and follow-up

42 The evaluation and review report is an extremely important working tool for DG ECHO. This report is the primary output of the consultants and

once finalised the executive summary and/or the entire final report will be placed in the public domain on the Internet. The report is to promote accountability and learning. Its use is intended for DG ECHO's operational and policy staff, other EU services, humanitarian beneficiaries, EU Member States and citizens, other donors and humanitarian actors. Whenever applicable, the executive summary and/or the final report shall be translated into relevant languages for dissemination purposes.

43   Following the approval of the final report, DG ECHO Evaluation Sector will proceed to the dissemination of the results (conclusions and recommendations) of the work. Therefore, whenever applicable the consultants shall provide a dissemination plan.

Management and supervision of the evaluation

44   DG ECHO Evaluation Sector bears the responsibility for the management and the monitoring of the work, in consultation with the responsible desk. DG ECHO Evaluation Sector, and in particular the internal manager assigned to the evaluation and review, should therefore always be kept informed and consulted by the consultants and copied on all correspondence with other DG ECHO staff.

45   The DG ECHO Evaluation manager is the contact person for the consulting team and shall assist the team during their mission in tasks such as providing documents and facilitating contacts.

Evaluation team

46   This evaluation will be carried out by a team of 2 experts (this is an indicative number) with experience both in the humanitarian field and in the evaluation of humanitarian aid. These experts must agree to work in high-risk areas. It is therefore recommended that the team should include national consultants whenever possible.

47   Proficiency in English is compulsory. Knowledge of local language(s) would be an advantage. Ideally, the team should be gender-balanced. In the case of 'country' reviews, the inclusion of a native expert in the team will be considered positively in the evaluation of offers.

48   The consultants' profiles should include solid knowledge and experience in:

•   Humanitarian affairs
•   International law, including international humanitarian law

- •   Negotiation and mediation
- •   Security aspects in humanitarian actions
- •   Project management and monitoring

49   Guidelines for the evaluation and review team are provided in point 4 of the annex of the Terms of Reference.

Amount of the Contract

50   The maximum budget allocated to this study is €124.999,99.

Timetable

51   The work must be completed within 6 months from the date of the briefing meeting. The contractor is expected to start the work immediately after the contract has been signed.

52   At the latest, the final report will be delivered by the end of the 4th month after the briefing meeting. Unless explicitly authorised by the Commission in written form, this deadline has to be strictly respected.

53   The work starts at the actual signature of the contract and by no means may any contact and/or expense occur before it. The largest part of relevant documents will be provided after the signature of the contract and during the briefing phase.

54   The following is an indicative schedule:

Dates	Evaluation Phases and Stages	Meetings	Deliverables
November	Briefing Phase	Briefing	Briefing note
November/ December	Field Phase	Fieldwork Workshop	
December			Aide mémoire
January	Report writing phase		Draft report
End of January		Debriefing	
February			Final Report

Content of the Offer

55   The technical part of the bidder's offer must include:

•   A description of the distribution of tasks in the team and the CVs of each of the consultants proposed [(max. 4 pages each)];

•   A description of the understanding of the Terms of Reference, their scope and the tasks covered by the contract [(max. 2 pages)];

•   The methodology the tenderer intends to apply for this work [(max. 3 pages)];

•   A timetable for its implementation with the total number of days needed for research, the briefing/debriefing in Brussels, and for the writing of the reports.

56   The financial part of your offer must include the proposed total budget in Euros, taking due account of the maximum amount for this evaluation as defined in chapter 7 of this Terms of Reference.

Award

57   The contract will be awarded to the tender offering the best value for money on the basis of the following criteria:

•   Quality: quality criteria will be assessed on the basis of the

    •   Quality criterion 1 (max. 50 points): The appropriateness of the proposed team.

    •   Quality criterion 2 (max. 50 points): The tenderer's understanding of the tasks and the quality of the methodology proposed.

•   Price

Technical evaluation

58   Quality criteria a) and b) will be evaluated on the basis of the information provided in the technical part of the offer (see chapter 9).

59   Only those tenders with a mark higher than 25 points for each quality criteria a) and b), and higher than 60 points for the overall rating, will be considered for the award of the contract.

Financial evaluation

60   For the purpose of evaluation and comparison of the financial offers, the Commission will use the price as submitted in the financial offer of the bidder (see chapter 7).

Award of the contract

61   The contract will be awarded to the offer considered to be the economically most advantageous, on the basis of the elements listed above.

Guidelines for the consultants

Regulatory basis

62   The Regulatory basis for the evaluation of the aid provided by DG ECHO is established in Article 18 of Regulation (EC) 1257/96 concerning humanitarian aid, which states "the Commission shall regularly assess humanitarian aid operations financed by the Community in order to establish whether they have achieved their objectives and to produce guidelines for improving the effectiveness of subsequent operations".

63   Article 27 of the Council Regulation (EC, Euratom) 1605/2002 laying down the rules for the establishment and implementation of the general budget of the European Union states that : "In order to improve decision-making, institutions shall undertake both ex ante and ex post evaluations in line with guidance provided by the Commission. Such evaluations shall be applied to all programmes and activities which entail significant spending and evaluation results disseminated to spending, legislative and budgetary authorities".

Terms of Reference

64   The Terms of Reference set out the scope of the evaluator's mission, the issues to be considered and the timetable for the work. They allow those commissioning the work to express their needs (guidance function) while providing the consultant(s) with a clear idea of what is expected from them (control function).

Scope and topics of the exercise

65   In addition to the initial information contained in the ToR, the first briefing session in Brussels provides everyone involved in the work (DG ECHO requesting service and particularly the responsible desk, DG ECHO Evaluation Sector, the consultants and other Commission services) with the opportunity to discuss the contents of the ToR and to establish priorities for the work. This meeting should also allow the consultants to clarify any doubts they might have about the scope of their mission. Any important remark or comment on the content of the ToR at this stage will be considered an integral part of these and will be set out by the team leader in the inception note that must be submitted to DG ECHO Evaluation Sector at the end of the briefing session, and before the team's departure to other locations in Europe and elsewhere.

66   During the process of the work the consultants must try to follow all the items listed in the Terms of Reference. Their treatment, the importance given to them and their coverage in the final reports will depend, however, on the consultants' own opinion as a result of the information found, both during the documentation phase and in the field. Any decision not to cover one or more of the main task assignments described in the ToR will have to be justified in the text of the reports, if inappropriately justified DG ECHO may choose to not accept the final report.

The evaluation team

67   Each team member is jointly responsible for the final accomplishment of the tasks; however, the separate elements of work necessary for the accomplishment of the tasks may be allocated between the consultants. The members of the team must work in close co-ordination.

68   A team leader shall be named who shall have the added responsibility of the overall co-ordination of the tasks to be completed, of the elaboration of Executive Summary and of the final coherence of the report and other works both in terms of content and presentation.

Methodological and professional guidelines

69   The consultants are required to carry out their work in accordance with international standards of good practice in approach and method. All conclusions must be substantiated with adequate data. All recommendations must be adequately based on evidence-based conclusions.

70   In the conduct of their work the consultants should use a multi-method approach and triangulate between different sources of information. These information sources should include, primary stakeholders (specifically humanitarian beneficiaries, members of the host communities), local government (or equivalent such as group/tribal leaders), national government, international agency staff, partners (both expatriate and local employees of partners), DG ECHO experts, EU Delegation, other donors and humanitarian agencies, non-beneficiaries, etc.

71   In order to substantiate findings the numbers, sex, ethnicity etc of primary stakeholders should be noted, as well as ways in which confidentiality and dignity have been assured in the interview process. In this consultation, the work team is encouraged to use participatory techniques.

72   In carrying out their work, the consultants should be vigilant as to any non-respect of international humanitarian law and principles, standards and conventions, UN protocols, Red Cross codes, and declarations. The consultants should report any non-respect of such matters by DG ECHO-financed entities to DG ECHO in a duly substantiated form.

73   During the contract, consultants shall refrain from any conduct that would adversely reflect on the European Commission or DG ECHO and shall not engage in any activity that is incompatible with the discharge of their duties. Consultants are required to exercise the utmost discretion in all matters during their mission.

The report

74   By commissioning an independent evaluation and review DG ECHO expects to obtain an objective, critical, easy to read and transparent analysis of its policy. This analysis should contain policy recommendations on future courses of action. Above all, the report should be a document that can function as a learning tool. Therefore, while writing it, the consultants should always bear in mind why the report is done, for whom, and how the results will be used.

75   Furthermore, the report is a working tool of value to DG ECHO only as long as it is feasible and pragmatic, keeping in mind DG ECHO's mandate constraints and it clearly reflects the consultant's independent view. DG ECHO's concern is to respect this independence.

76   The methods used should be clearly outlined in the report and their appropriateness, focus and users should be explained pointing out strengths and weaknesses of the methods. The report should br iefly outline the nature (e.g. external or mixed) and make up of the team (e.g. sectoral

expertise, local knowledge, gender balance) and its appropriateness for the exercise. It should also briefly outline the evaluators' biases and/or constraints that might have affected the research and how these have been counteracted (past experiences, background, etc.).

77   The report shall be written in a straightforward manner in English with an Executive Summary at the beginning of the document. Final editing shall be provided by the consulting firm. The report should be in the font Times New Roman 12, have single line spacing and be fully justified. Paragraphs must be sequentially numbered.

78   The final report should contain:

- An Executive Summary of maximum 5 pages.
- The main report.
- Technical annexes, including individual appraisals of NGOs/IOs & a summary table of results (confidential).
- Other annexes as necessary.

79   This report format should be strictly adhered to:

- Cover page (a template is provided at the end of this annex)

  - title of the report;
  - date of the evaluation and review;
  - name of the consultant(s) and the company;
  - cost of the report in € and as a percentage of the budget evalated;
  - the contract number
  - an indication that "the report has been financed by and produced at the request of the European Commission. The comments contained herein reflect the opinions of the consultant only".

- Table of contents

- Executive Summary

  A tightly-drafted, to-the-point and free-standing Executive Summary is an essential element. It should be short, no more than 5 pages. It should focus on the key purpose or issues of the evaluation, outline the main points of the analysis, and contain a matrix made of two columns clearly indicating the main conclusions and specific recommendations. Cross-references should be made to the corresponding page or paragraph numbers in the main text. EU Member States receive each Executive Summary, which is also published on DG ECHO website. The consultant should take this into account when drafting this part of the report.

- Main body of the report

   The report should include at least a description of

- the purpose of the exercise- the scope of the exercise- the design and conduct of the evaluation and review, including a description of the methodology used

- the evidence found

- the analysis carried out

- the conclusions drawn, in the form of answers to the evaluation and review questions. These conclusions should be fully substantiated

- recommendations for future initiatives. Recommendations should be clearly linked to the findings and conclusions and as realistic, operational and pragmatic as possible; that is, they should take careful account of the circumstances currently prevailing in the context of the implementation of the humanitarian activities, DG ECHO's mandate and of the resources available to implement it both locally and at the Commission level. Recommendations should be prioritised, directed at specific users and where appropriate include an indicative timeframe.

   The report should have separate sections for the review work in each of the regions visited.

   - Annexes of the report:
   - Annex A: Technical appraisals of NGOs/IOs (confidential);
   - Annex B: Terms of Reference;
   - Annex C: A detailed description of the methodology implemented and the tasks carried out by each expert.
   - Annex D: List of persons interviewed and sites visited;
   - Annex E: Map of the areas covered by the operations financed under the action;
   - Annex F: Abbreviations and Acronyms.

80   All confidential information shall be presented in a separate annex.

81   While finalising the report and its annexes, the consultants will always highlight changes (using track changes) and modifications introduced as resulting from the debriefing and the comments received from DG ECHO Evaluation Sector.

82   Each report and all its annexes shall be transmitted in electronic form to DG ECHO – To the attention of DG ECHO A1/Evaluation sector, AN88 04/05, B-1049 Brussels, Belgium.

83 The final report should be sent by email to DG ECHO Evaluation Sector (ECHO-EVAL@ec.europa.eu) in three separate documents in PDF format each containing: the executive summary, the report without its annexes (also removed from the table of contents) and the report with its annexes.

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