

STANDING COMMITTEE ON PROGRAMMES AND FINANCE

Thirtieth Session

**THE CRITICALITY OF HUMANITARIAN ACCESS TO
ASSISTANCE AND PROTECTION WORK**

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Introduction

1. Humanitarian access is essential to ensure that aid reaches the most vulnerable and seriously affected populations. It must also be principled: only by reaching crisis-affected people on the basis of the humanitarian principles of independence, humanity, neutrality and impartiality can assistance and protection be provided equitably to underserved populations and in areas suffering from physical access constraints while following a “do-no-harm” approach.

2. Crises in conflict environments pose a range of access-related challenges to humanitarian agencies, including restrictions of movement of their staff and goods; violence against their personnel, assets and facilities; interference in the implementation of their activities, including aid diversion; and obstructions preventing the population concerned from accessing life-saving services. The design and implementation of humanitarian programming and interventions in conflict settings require a high degree of awareness and experience of negotiating, securing and safeguarding access to crisis-affected people. IOM recognizes the criticality of principled humanitarian access and strives to promote, safeguard and enhance access in all its interventions.

3. This paper discusses how critical it is to embed principled humanitarian access in IOM interventions, in order to reach vulnerable populations in conflict-affected settings. It showcases practical examples of IOM’s efforts to gain and maintain humanitarian access, including by enhancing conflict sensitivity; tracking and reporting on access constraints; developing the negotiating capacity of its staff and management; performing regular risk assessments; and working with partners to promote and enhance principled humanitarian access.

Background

4. Humanitarian access is defined as the “humanitarian actor’s ability to reach populations affected by crisis as well as an affected population’s ability to access humanitarian assistance and services”.¹ It is not an end in itself, but a means and a prerequisite for effectively improving the living conditions of populations affected by poverty, violence and disasters across the humanitarian, development and peace nexus.² Without full and unimpeded access, humanitarian relief schemes cannot be properly established, assistance and staff cannot be physically³ sent where they are most needed, essential services such as health cannot be provided, distributions cannot take place, and protection activities cannot be implemented.

5. Access to people affected by a situation of armed conflict is regulated by international humanitarian law, as embodied in the 1949 Geneva Conventions, their Additional Protocols and customary law.⁴ The conditions for humanitarian access under humanitarian law revolve around four

¹ OCHA, [OCHA on Message: Humanitarian Access](#), April 2010.

² Like the Organisation for Economic Co-operation and Development (OECD), IOM recognizes “that humanitarian assistance is provided in accordance with the humanitarian principles of humanity, neutrality, impartiality and independence, the relevant provisions of International Humanitarian Law and the general principles of the Good Humanitarian Donorship initiative, as well as provisions of international law” (OECD, [DAC Recommendation on the Humanitarian–Development–Peace Nexus](#) (OECD/LEGAL/5019), p. 6).

³ As physical proximity becomes more complicated, remote operations and digital solutions are increasingly leveraged to enable the delivery of services to crisis-affected people. However, those solutions do not provide the same level of quality, impact and sustainability as physical proximity.

⁴ For the most relevant provisions of humanitarian law, see “[ICRC Q&A and lexicon on humanitarian access](#)”, *International Review of the Red Cross*, 96(893):359–375 (September 2014).

considerations: (i) the States bear primary responsibility for meeting the needs of civilians under their control; (ii) humanitarian organizations have the right to offer their services, in particular when the State is unable or unwilling to meet the needs of crisis-affected people, and those services must be purely humanitarian and impartial; (iii) humanitarian activities are subject to the consent of the parties to the conflict concerned, who must provide valid justification for any refusal; and (iv) once humanitarian schemes have been agreed, the **parties concerned must allow and facilitate rapid and unimpeded access to assistance.**⁵

6. The capacity to establish and maintain humanitarian access is a factor of the trust placed in humanitarian agencies as measured by their adherence to the core humanitarian principles of humanity, impartiality, neutrality and independence. In 1991, the United Nations General Assembly formally adopted these principles,⁶ which guide international humanitarian action in the United Nations system and help distinguish the work of humanitarian from other (political, military, commercial) agencies. They also provide a “compass” to navigate difficult choices, including, but not limited to, access to populations in exchange for information on beneficiaries or financial incentives, for example, and setting priorities when needs exceed existing resources.

7. As stated above, the States bear primary responsibility for the protection and well-being of civilian populations under their control. During armed conflicts and other humanitarian emergencies, IOM may offer its support for the delivery of humanitarian assistance and protection to crisis-affected people. In order to carry out its work, IOM needs physical access to the people in need of protection and assistance – without which it cannot impartially assess needs and address them in a dignified and principled manner – while ensuring the safety of its staff. IOM’s operations are predicated on humanitarian principles and the do-no-harm approach, as embodied in the Organization’s Humanitarian Policy⁷.

Humanitarian access under constraint

8. In mid-2021, 84 million people were forcibly displaced by conflict; in 2022, 274 million people will need emergency humanitarian assistance and protection⁸. This is a sharp increase from 2019, a record year that saw 70.8 million forcibly displaced people and 132 million in need of humanitarian assistance. In these times of rapidly escalating humanitarian needs, it is essential to safeguard principled humanitarian access.

9. The challenges faced by humanitarian agencies in securing and maintaining principled humanitarian access are not new. However, in recent years, denial of access in complex emergencies has become an increasingly pressing issue. Denial can take different forms depending on the context and on the levels of insecurity and generalized violence, bureaucratic and funding constraints, and mistrust between stakeholder groups.

10. Humanitarian organizations face a constant dilemma: balancing the security of humanitarian workers who are often the object of attack⁹ against the need to access populations living in conflict-affected areas. To resolve that dilemma, some organizations resort to military escorts, which may be perceived as lacking neutrality – a perception that can create additional security concerns for staff and the populations concerned.

⁵ Ibid, p. 363.

⁶ United Nations General Assembly resolution [46/182](#) on strengthening of the coordination of humanitarian emergency assistance of the United Nations (19 December 1991).

⁷ IOM, [IOM’s Humanitarian Policy – Principles for Humanitarian Action \(C/106/CRP/20\)](#), 12 October 2015.

⁸ OCHA, [Global Humanitarian Overview 2022](#).

⁹ In 2020, 475 aid workers were attacked: 108 were killed, 242 seriously injured and 125 kidnapped (OCHA, [Aid worker security report: Figures at a glance 2021](#), 20 July 2021).

11. Bureaucratic impediments to humanitarian access can take different forms and may be more or less intentional. They can range from delays in visa-issuing processes to the levying of excessive taxes and fees or limiting the import of humanitarian equipment and relief items. Such constraints can complicate and limit the ability of humanitarian agencies to provide assistance to people in need and may be considered implicit or explicit obstruction of impartial humanitarian action.

12. In terms of funding, humanitarian organizations need to dedicate substantial time and staff to navigating the legal and regulatory requirements and access constraints. This reduces the funds available for humanitarian operations at a time when increasingly protracted conflicts are spurring a rise in humanitarian needs and the availability of funding is uncertain. Taken together, all this can undermine humanitarian action.

13. Recent years have seen trust in humanitarian organizations and public institutions dwindle. This trust deficit is rooted in different elements, including, but not limited to, the growing use of technology, personal data and related humanitarian innovations without accountability, which may harm and violate basic principles; deepening scepticism and resentment about international aid agency operations and the limited involvement of local players; and scandals involving financial and sexual misconduct that have tarnished the reputation of the wider sector. Principled humanitarian access relies on trust – between humanitarians, the parties to the conflict, the population and donors. Without this trust, it is increasingly complicated to ensure that assistance and protection are provided safely and in accordance with globally agreed standards.

What is IOM doing to promote, safeguard and enhance principled humanitarian access?

14. This section provides a snapshot of IOM's work to promote and uphold principled humanitarian access in its operations and the related challenges. It draws on examples from Afghanistan, Nigeria, the Syrian Arab Republic and Yemen, which account for a fraction of IOM activities.

Coordination mechanisms

15. Through active participation in inter-agency mechanisms, IOM contributes to the policy debate and, most importantly, helps safeguard humanitarian access. It ensures coordination and information-sharing on humanitarian access between and with all relevant stakeholders on the ground, notably through membership of the United Nations Security Management System and participation in the Humanitarian Access Working Group. It coordinates closely with the United Nations Department for Safety and Security (UNDSS) and, in some settings, with specialized access-oriented bodies and other access stakeholders. As an active member of the United Nations country team and inter-agency mechanisms, IOM works to convince UNDSS and other relevant agencies to handle principled access in ways that balance life-saving assistance with staff safety.

16. In Yemen, IOM is actively participating in the work of the Technical Monitoring Group. The Group was established with donors to monitor progress on access benchmarks set during high-level Senior Officials Meetings, in order to ensure collective accountability and principled access for humanitarian action. IOM also engages with the Panel of Experts on Yemen, to inform assessments of the operational environment.

17. The Afghan crisis having been designated a Level-3 emergency, IOM has established the Sanctions Working Group at headquarters, to foster communication and provide internal guidance in line with ongoing dialogues at the Security Council and the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) on humanitarian exemptions to United States, European Union and United Nations sanctions. Similarly, and given that the Level-3 status for the

Afghan crisis encompasses the broader subregion, guidance has been included on the sanctions regime applied to the Islamic Republic of Iran, where IOM is also scaling up its staffing and operations.

18. Coordination and dialogue with local entities are equally important. As IOM's programming is implemented directly at the community level, several strategies are in place to ensure local acceptance and access. This includes coordination with local government partners and direct interaction with the parties to the conflict, to build acceptance, assess humanitarian needs and obtain security guarantees.

Capacity-building and support

19. IOM is stepping up its efforts to build staff capacity in humanitarian access and negotiation, including through training and workshops organized with the Centre of Competence on Humanitarian Negotiation in Geneva, Switzerland, and the Netherlands Institute of International Relations Clingendael. It has recruited experts in humanitarian access, such as humanitarian access officers and local security and access assistants, who have proven instrumental in terms of monitoring the overall security situation and providing sound and timely advice to IOM staff and field management.

20. In Turkey, IOM has set up a dedicated access unit to support the cross-border programme in the north-west Syrian Arab Republic and enable humanitarian access for its life-saving activities. The Access Unit provides contextual updates to enhance the conflict sensitivity of programming, tracks and identifies access constraints, responds to access issues encountered on a case-by-case basis, develops the humanitarian negotiation capacity of its partners, conducts risk assessments, and collaborates with OCHA and the Humanitarian Access Working Group to develop common positions on promoting and enhancing principled humanitarian access.

21. IOM activities and acceptance also rely on relations of trust with the people the Organization assists. By ensuring that its programmes are strongly participatory, IOM is able to foster greater confidence and support from communities. For instance, it has ensured that community participation and conflict sensitivity are essential features of its cash-for-work programmes in Nigeria, setting up local systems to monitor and manage any potential for conflict throughout project implementation and identify and mitigate any risk of mounting social tension or conflict. The result is an environment based on trust and accountability that is conducive to continued access.

Challenges

22. The humanitarian environment in several IOM operations remains extremely complex and access to crisis-affected populations a daily challenge.¹⁰ Access issues are often related to bureaucratic constraints but also include conflict-induced security risks, logistical impediments and arbitrary interference in the implementation of activities.

23. Bureaucratic constraints imposed by the parties to the conflict typically include travel permit denials and project approval delays and/or refusals. Such measures can severely hinder the movement of IOM staff and aid within the country. This can affect IOM's ability to conduct principled needs assessments and design appropriate assistance and protection responses anchored in the do-no-harm principle, in turn undermining the Organization's accountability to the people concerned

¹⁰ For example, in 2021, an estimated 10.1 million conflict-affected people in Yemen were living in hard-to-reach areas (OCHA, [Yemen: Analysis on humanitarian access to "Hard-to-Reach" areas in 2021 \(June to December 2021\)](#), 16 March 2022).

and the establishment of effective complaints and feedback mechanisms. To mitigate the impact of such constraints on its operations, IOM constantly engages and advocates with key stakeholders on its humanitarian mandate, its core values and principles, and its operating approaches and modalities, which are based on cooperation with a wide range of agencies.

24. Principled approach and access issues have also emerged as parties to conflicts have at times attempted to leverage the implementation of IOM programmes to their advantage. Examples include interference in project activities; the targeting of IOM staff or premises, including temporary detention of IOM personnel; occupation of IOM offices; and seizure of stocks and supplies. In some instances, IOM has had to shift its activities to other areas where principled access can be guaranteed and humanitarian needs are equally present – with the result that many people in hard-to-reach areas have been prevented from receiving the protection and assistance they need.

25. By working with United Nations agencies and local partners on the ground, and steadfastly adhering to humanitarian principles, IOM has helped safeguard humanitarian access in many challenging and rapidly evolving contexts, providing assistance and protection to the most vulnerable.

Way forward

26. It is generally agreed that taking up a coordinated, harmonized inter-agency position whenever possible is the right approach for IOM when it comes to addressing sensitive issues. However, IOM also aims to use its position as a principled humanitarian agency more actively to shape the inter-agency debate and, where necessary, challenge it, based also on available evidence. To that end, IOM continues to leverage data and evidence responsibly, including through the Displacement Tracking Matrix, to map conflict areas and advocate for targeted humanitarian access. Its work in conflict-affected countries demonstrates the importance of data, informed decision-making and the strength of path dependencies resulting from these initial decisions.

27. IOM aims to create an internal community of practice on humanitarian negotiation and access linked to a knowledge management platform, the better to share best practices and seek solutions from experts on key concerns and challenges. In parallel, it is developing internal guidance on mainstreaming conflict and context analysis in its project proposals, particularly for transition and recovery programming.

28. IOM is also working to reinforce its pool of experienced, well-trained humanitarian specialists available for deployment during critical humanitarian responses. Together with training partners such as the Clingendael Institute and the Centre of Competence on Humanitarian Negotiation, it is expanding its training portfolio for front-line staff and senior managers. This will also include embedding access and negotiation components in IOM's existing institutional emergency response training.¹¹

29. Finally, IOM aims to meet its accountability and duty-of-care obligations by promoting humanitarian access as part of its advocacy efforts at the country level within the United Nations system and among parties to conflicts. More broadly, it aims to institutionalize principled access within its humanitarian response programming, including with its implementing partners.

¹¹ IOM training options include Emergency Response Induction Training and Senior Emergency Leadership and Coordination training for emergency coordinators and Chiefs of Missions.

Conclusion

30. Principled humanitarian action and humanitarian access are essential conditions for the implementation of humanitarian activities. More than ever, they require the sustained effort and commitment of all concerned. Together with other humanitarian agencies, IOM must continue upholding core humanitarian principles at all times. This includes providing adequate training and support to its workforce, designing responses with the beneficiary communities and local entities, and enhancing its accountability to States, crisis-affected people and donors. IOM does not take trust for granted; trust must be earned through concrete and consistent action with transparent reporting on the challenges the Organization faces and the compromises it makes.

31. States and parties to conflicts, on the other hand, must demonstrate trust by actively preserving the humanitarian space – both geographic and regulatory – and enabling impartial humanitarian action in line with their obligations under international law. New resourcing is required to ensure greater leadership across IOM's principled humanitarian action and activities.