



EXECUTIVE SUMMARY

PROMOTING PRINCIPLED HUMANITARIAN ACCESS

The role of humanitarian access working groups in supporting humanitarian engagement with non-state armed groups and de-facto authorities

January 2024

TABLE OF CONTENTS

1. INTRODUCTION	3
2. METHODOLOGY AND LIMITATIONS	5
2.1 Data collection	5
2.2 Analysis	5
2.3 Limitations	5
3. CONTEXTUAL FEATURES	6
4. TOP TEN FINDINGS	7
4.1 Perception of the UN and NGO co-chairs' work	7
4.2 HAWG links to HCT and key decision-makers	7
4.3 Donors' awareness of a HAWG's work	8
4.4 Availability of human resources	8
4.5 Collective HAWG outputs	8
4.6 Membership processes	9
4.7 Inclusion of national/local NGOs	9
4.8 Impact of sanctions and counterterrorism measures	9
4.9 Humanitarian communities' strategic engagement with NSAGs and DFAs	10
4.10 Role of NGO co-chairs	10
5. RECOMMENDATIONS	11



**Funded by
European Union
Humanitarian Aid**

ACKNOWLEDGEMENTS

This report was produced with funding from the Directorate-General for European Civil Protection and Humanitarian Aid Operations (DG-ECHO) as part of the ‘Presence, Proximity, Protection: Building capacity to safeguard humanitarian space’ consortium. A research team composed of consortium members produced the report. A special thanks to everyone who contributed their time and effort to the development of the methodology, key informant interviews, and the revision of draft report.

Disclaimer: The contents of this document should not be regarded as reflecting ECHO’s position. Nor should they be regarded in any way as the provision of professional or legal advice by any of the consortium’s members.

Editor: Steven Ambrus

Cover photo: Informal IDP settlement in Badghis province, Afghanistan

Layout & Design : Bakos DESIGN

1 INTRODUCTION

Non-state armed groups (NSAG) and de-facto authorities (DFA) are regularly associated with humanitarian crises around the world. These actors often have the power to facilitate or constrain humanitarian access by inflicting violence or imposing restrictions on people in need and on humanitarian actors. Engaging and negotiating with them has become a humanitarian necessity, a task that humanitarians regularly struggle to execute effectively for numerous reasons.

Bureaucratic restrictions, designations and sanction regimes, violence, low appetite for risk, poor acceptance, and the often secretive and opaque nature of NSAGs and DFAs can frustrate efforts to engage with them in a principled and effective manner.

Research, over the same period, has helped broaden the humanitarian community's understanding of the challenges in maintaining proximity to those most in need and of the ways aid actors can incorporate humanitarian principles into their work.²

These challenges have not gone unnoticed. A growing number of resources have become available to humanitarian workers over the past decade to help them navigate humanitarian access engagements.¹

¹ *CCHN Field Manual* - <https://bit.ly/3vvdXyu>; *CDI Negotiating Humanitarian Access: Guidance for Humanitarian Negotiators* - <https://bit.ly/48tpnRJ>; *Humanitarian Dialogue, Humanitarian Negotiation* - <https://bit.ly/3NTToDxd>; *OCHA Humanitarian Negotiations with Armed Groups: A Manual for Practitioners* - <https://bit.ly/428Bqul>.

² *Presence and Proximity* - <https://bit.ly/41Uiu9M>; *Principled Humanitarian Action in Afghanistan* - <https://bit.ly/3TUJnbQ>; *Principled Humanitarian Assistance of ECHO Partners in Iraq* - <https://bit.ly/3NXLp7f>; *Principled Humanitarian Programming in Yemen: A prisoners dilemma* - <https://bit.ly/3HdNyYp>.

As our understanding of access and engagement requirements have improved, new coordination structures have emerged to support the humanitarian community. Humanitarian access working groups (HAWG) have come to complement more long-standing formal coordination forums, like clusters and humanitarian country teams (HCTs). HAWGs, although not formally integrated into the broader Inter-Agency Standing Committee system, are now a common feature of many humanitarian responses supporting and advising HCTs to promote principled humanitarian action and ensure the timely delivery of humanitarian assistance.

HAWGs are most often co-chaired by the UN alongside a non-governmental organization (NGO) and usually consist of UN agencies, international non-governmental organizations (INGOs) and national non-governmental organizations (NNGOs). At the global level, these groups are supported by UN access staff and the access focal points of the NGO co-chairs as well as global coordination forums like the Global Access Working Group.

Although they are increasingly a feature of the humanitarian coordination architecture, HAWGs remain informal groups in contrast to formalised clusters. Relatively little of the research and resources dedicated to humanitarian access has explicitly focussed on the role they play, including their role in supporting NSAG and DFA engagement. Government and state armed forces also play a role in facilitating and impeding access, but the challenges surrounding non-state actors remain relatively unexplored.

The EU's Directorate-General for European Civil Protection and Humanitarian Aid Operations (DG-ECHO) has recognised this gap and subsequently supported initiatives to explore the topic. The DG-ECHO funded consortium *"Presence, Proximity, Protection: Building capacity to safeguard humanitarian space"* has undertaken research and developed a toolkit to guide the work of HAWG NGO co-chairs..

This research comprised of four country case studies examining the issues that facilitate or constrain a HAWG's ability to support the humanitarian community's engagement with NSAGs and DFAs. The research question evolved over time during the research design process in consultation with access practitioners. Given the supporting role HAWGs play in external engagement, it was deemed more pertinent and realistic to focus to a greater extent on the issues that constrain or facilitate a HAWG's ability to support external engagement than maintain a singular focus on the effectiveness of a HAWG's work.

In retrospect, the shift in this research focus has been instructive. The findings across the four case studies reveal that there is often significant commonality in the issues HAWGs grapple with despite the varied nature of the contexts studied. The findings have also been presented to a wider group of HAWG NGO co-chairs and have resonated with those groups too.

For that reason, the purpose of this paper is to bring together the findings that have emerged most saliently from both the research and the toolkit's development.

KEY TAKEAWAY

HAWGs play an active role in shaping the humanitarian community's positioning and engagement with NSAGs and DFAs. Their ability to serve as an effective advisory body, however, is regularly challenged by a series of "internal" constraints including the turnover of co-chairs, the lack of clarity regarding the roles and responsibilities of the co-chairs, deficient links with key decision-making bodies and officials (HCTs and humanitarian coordinators), and a lack of clarity on how HAWGs can best add value to external engagements with NSAGs and DFAs.

2

METHODOLOGY AND LIMITATIONS

This research adopted a qualitative research methodology with participants' experiences placed at the centre of the research.

2.1 DATA COLLECTION

More than 100 face-to-face interviews were conducted in four countries between late 2022 and mid-2023. An additional 20 interviews were conducted in developing the toolkit. Research participants were mostly members of the various HAWGs and included UN agencies, INGOs, NNGOs, and coordination bodies such as clusters, NGO forums and civil-military coordination groups led by the UN Office for the Coordination of Humanitarian Affairs (OCHA), which are similarly informal advisory bodies to the HCT. Humanitarian donors also participated in the interviews.

The research interviews followed a semi-structured format with several set questions that all participants were asked, as well as follow-up questions. Verbal consent was secured for all interviewees.

The interview questions were drafted in consultation with consortium members and with feedback from global access specialists from INGOs and OCHA. Several pilot interviews were conducted, and the interview questions were refined based on these pilots. The interview questions were mostly open in nature to allow participants to focus on the issues *they* considered most relevant and important.

2.2 ANALYSIS

Most interviews were recorded, transcribed and anonymised and a data analysis software, NVivo 12, was used to analyse the transcripts. In settings where there were additional sensitivities, detailed written notes were taken. The transcripts and notes were coded according to recurring topics, then grouped together with key themes drawn from the categorised data.

2.3 LIMITATIONS

The focus was on HAWGs and their engagement with DFAs and NSAGs, but the interviews also touched on a wide range of issues spanning the entire humanitarian community. It was not possible to explore these issues fully in the available time. The role of local actors, civilians' access challenges and NSAGs' and DFAs' perceptions of the humanitarian community's efforts to engage with them were among these topics.

3

CONTEXTUAL FEATURES

All four of the countries studied were experiencing varying degrees of humanitarian crises in conflict and post-conflict settings. NSAGs and/or DFAs were important actors in each context from a humanitarian access perspective. The most powerful groups were distinct in each country, each with their own origins and focuses. They also, however, shared some commonalities. In simple terms, they could be described as Islamist in nature, seeking to govern by a strict interpretation of Islamic law, and having used or continuing to use violence to advance their goals.

The space for humanitarians to engage with these actors varied considerably. This was partly influenced by sanctions and designations and these actors' perceived/demonstrated animosity towards humanitarian actors. Each of these NSAGs/DFAs, or individuals within them, were subject to various international and domestic counter-terrorism measures.

There was an active HAWG in each of the contexts studied. According to their terms of reference (ToR), they served in an advisory capacity to their respective HCTs. All had a UN co-chair present at the time of the data collection. All countries also had NGO co-chairs, but their presence at the time of the data collection was more mixed. One country had a gap in recruitment, while another had an interim staff member in the co-chair role.

The structure of each of the groups was largely similar too. They consisted of a core HAWG made up of about 15 to 20 people, often mid-level access specialists. This was complemented by a larger briefing group where information was periodically shared with the broader humanitarian community.

SUPPORTING NSAG/ DFA ENGAGEMENT

Across all four contexts, participants spoke at length about how their respective HAWGs support engagement with NSAGs and DFAs. They overwhelmingly prioritised, however, the issues that facilitate or constrain those activities, issues which are elaborated on in the subsequent section.

There were substantial similarities between the activities HAWGs undertook across the four contexts. These revolved around information sharing and discussions on access constraints, contributing to common positions, access strategies, joint-operating principles, the methodologies for more OCHA-led processes like access severity mapping, and supporting external negotiations. The ultimate success of these initiatives was more difficult to judge as implementation often rested with the HCT.

4

TOP TEN FINDINGS

The findings below are some of the most common that emerged across the four case studies and from the interviews conducted as part of the toolkit development. They are not ranked in terms of importance.

4.1 THE EFFORTS OF UN AND NGO CO-CHAIRS WERE PERCEIVED POSITIVELY

Participants had a positive assessment of the efforts made by both the UN and NGO co-chairs to further the work of the respective HAWGs, including trying to represent the groups' perspective to more senior officials on HCTs.

The co-chairs were praised for having fostered spaces where information could be shared, issues addressed and common positions discussed and developed.

Those positive assessments were also accompanied by less favourable views of the HAWGs at different points in the past. One determining factor in these perspectives was the perceived strength of the co-chairs and the working relationship between them. The work of the HAWG co-chairs was praised, but the lack of a framework clarifying their roles and responsibilities was a point of frustration. It also appeared that the progress the HAWGs made appeared vulnerable to the turnover of co-chairs and gaps in recruitment.

It was also often difficult to separate out people's assessments of the UN co-chair's work in their HAWG role and the work they carried out in their OCHA role. Participants at times did not or could not make a clear distinction between these.

4.2 THERE WAS A LESS POSITIVE ASSESSMENT OF HAWG LINKS TO HCT AND KEY DECISION-MAKERS

HAWGs serve as advisory bodies to HCTs, but the links between both bodies often appeared weak, and it was difficult to clearly identify how the HCTs were utilising this advisory capacity.

The HAWG co-chairs often did not seem to have any presence on the HCT, and their links to that body only seemed to exist via their superiors who were present on the HCT. Those superiors were often not members of the HAWG.

HAWGs appeared under-utilised in terms of their ability to provide advice and support on key access constraints and dilemmas. Some of the most negative comments in this regard were that HCT members would not even read documents that the HAWG contributed to.

By extension, HAWG co-chairs' ability to access senior decision-makers, such as humanitarian coordinators (HCs), appeared insufficient. Where participants had more favourable impressions of senior officials, like a HC or deputy HC (DHC), they had more favourable assessments of the HAWGs' ability to operate effectively.

4.3 DONORS' AWARENESS OF A HAWG'S WORK AND CHALLENGES SHOULD BE IMPROVED

Donors are members of HAWGs in some contexts, but not in the contexts that were studied for this research. Participants in the study were largely in favour of their exclusion from the HAWGs. This was mainly driven by concerns that HAWG members would be less open to discussing their access challenges in front of their donors.

Donors who participated in the research wanted to be HAWG members but said they understood why they were kept at a distance. Understandably, as a result, they said they lacked a clear understanding of the challenges HAWGs were facing and of the HAWG's view of the access environment. They expressed a willingness to act as champions for the HAWG and for humanitarian access efforts. They said, however, that they often did not feel well informed enough to raise points in a HCT or in their engagements with other senior interlocutors. This appeared to be a missed opportunity.

Despite the absence of donors in the HAWGs, co-chairs did not seem to be making concerted efforts to engage them. Some co-chairs did not have "access" to relevant donors, a relationship that was managed by their superiors.

4.4 THERE ARE INSUFFICIENT HUMAN RESOURCES TO REALISE HAWGS' AMBITIONS OR POTENTIAL

There were strong indications across all countries that in general "access" was an under-resourced function in both the UN and in NGOs. This had clearly detrimental effects on the HAWGs' ability to operate effectively.

This was particularly noticeable in the case of the UN co-chairs who were constantly having to balance their access duties for the UN with the co-chairing of the HAWG. In contexts where partners had frequent requests for support in dealing with an NSAG or DFA, it seemed the UN co-chairs were pushed to de-prioritise work they would have liked the HAWG to take forward and were caught in frequent "firefighting" work to resolve partners' access issues.

Donors also often seemed unaware of just how difficult this balancing act was and how it impacts the ability of a HAWG to function. Some donors expressed their willingness to fund new positions if they were provided with a clearer understanding of the access needs.

4.5 COLLECTIVE HAWG ACTIVITIES REMAIN CHALLENGING AND OUTPUTS LIMITED

HAWG members provided positive examples of work the respective groups led but there was also frustration at not being able to support the development and implementation of more work, such as developing access strategies, common positions, joint operating principles and engagement strategies, among others. Such work was sometimes articulated on paper, but there were frequent challenges in implementation. For HAWG members, this frustration was often driven by a desire for the HAWG to be of greater operational value to the humanitarian community.

HAWG members often felt either that HCTs would not endorse key pieces of work a HAWG had contributed to or developed, or would endorse them but then fail to provide the necessary leadership to implement them. Such experiences pointed to a frequent lack of a functional working relationship between a HAWG and HCT.

Participants also lamented work that regularly failed to gain any traction, like actor mapping and stakeholder analysis. Such work was sometimes deemed too sensitive by HAWG members to work on collectively, or, if it was produced, was only accessible to senior officials in a response.

Non-HAWG members also perceived this lack of collective output. They said they often felt they had little visibility over a HAWG's work beyond its information sharing role.

4.6 MEMBERSHIP PROCESSES COULD BE CLEARER AND ENSURE ADEQUATE REPRESENTATION OF DIRECT IMPLEMENTORS

HAWG members and non-members frequently expressed frustration over how HAWG members were chosen and who was chosen.

One criticism was that the selection process was sometimes opaque or that processes laid out in HAWG ToRs were not followed, contributing to frustration among organisations that were not selected as HAWG members. In some countries, organisations that were not HAWG members had less positive assessments of the HAWG's work.

Interviewees acknowledged the difficulties in selecting a manageable membership group that reflected the diversity of the humanitarian community. They also said, however, that UN agencies were sometimes over-represented in HAWGs. Some participants noted that a better balance needed to be found between direct implementers, local and international, and influential UN agencies that could champion a HAWG's work in a HCT.

Partially as a result of this, many HAWGs had separate briefing groups or sessions to share information with organisations that were not part of the core HAWG. Beyond this effort to share information and promote a more inclusive community of practice, however, the assessments of such groups were mixed.

4.7 MEANINGFUL INCLUSION OF NATIONAL/LOCAL NGOS SHOULD BE IMPROVED

All HAWGs that formed part of the research's focus included national/local NGOs in their membership. For some HAWGs, this was a newer practice, but for most of them it was a long-standing way of working. Some HAWGs split their membership "evenly" between UN agencies, INGOs and NNGOs.

Despite this inclusion, and among a wide array of competing priorities, it seemed national NGOs were not always able to meaningfully contribute to a HAWG's work. One factor was that, unlike their international counterparts, they often did

not have dedicated access staff. UN agencies and INGOs appeared to have far greater influence over a HAWG's work than NNGOs.

4.8 UNDERSTANDING AND OVERCOMING SANCTIONS AND COUNTER-TERRORISM MEASURES REMAINS A KEY CHALLENGE

Domestic and international sanctions and counter-terrorism measures targeting individuals or entire groups were a feature of all the contexts that the research explored. These measures had a chilling effect on the humanitarian community's ability and willingness to engage with NSAGs and DFAs.

The issue of such sanctions and measures extends far beyond a HAWG. It had a clear impact, however, on access coordination efforts.

It increased the amount of time HAWG members spent trying to understand what their donors, organisations, and the sanctions/CT measures themselves permitted them to do in terms of engaging with groups affected by sanctions/CT measures. This often consumed significant amounts of time, detracting from the time participants could spend on technical and strategic-level engagement in the HAWG.

This lack of clarity often resulted in partners requesting additional support from the UN access team, reducing the time the UN co-chair could dedicate to the HAWG. Partner requests for support would often take priority over HAWG work.

In some contexts, humanitarian actors seemed to have no relationship with major NSAGs. Instead, they had to work through community-based intermediaries or limit their engagement for fear of running afoul of donors. This resulted in delays, fragmented approaches to humanitarian negotiations and an unclear picture of how constraining the presence and behaviour of those NSAGs was.

Some participants also noted that donors were often not proactive enough in communicating the level of engagement they would permit with NSAGs and DFAs. This sometimes contributed to a real fear donors would suspend organisations' funding if they engaged in an improper way with

an NSAG or DFA and reinforced a risk averse approach to external engagement. In some contexts, participants felt that donors were not sharing enough of these risks with their partners.

CT measures were a key challenge highlighted by many access practitioners. Participants, however, also stressed that other challenges constrained the humanitarian community's ability to engage with NSAGs. These included a lack of acceptance by NSAGs that sometimes manifested in humanitarian workers being threatened, abducted, or killed.

4.9 THE STRATEGIC NATURE OF THE HUMANITARIAN COMMUNITIES' ENGAGEMENT WITH NSAGS/DFAS SHOULD BE REFLECTED UPON

Some participants also said that the overlapping and reinforcing mix of sanctions/CT measures, lack of capacity, poor coordination, and risk-averseness often contributed to ad-hoc and short-term approaches to engaging with either NSAGs or DFAs and that more strategic and structured approaches needed to be adopted.

Participants said that the ability of major NSAGs/DFAs to interfere with humanitarian programming or inflict violence upon civilians and humanitarian staff was often so great that the humanitarian community needed to envisage more effective ways of engagement with these actors. This desire was not limited solely to engagement with non-state actors but extended to engagement with governments that are openly hostile to humanitarians and NSAGs/DFAs speaking with each other.

The desire for more strategic and effective engagement approaches are certainly well-intentioned. It was difficult, however, to assess how realistic this would be in contexts where resources are increasingly thinly spread, there are a multitude of competing priorities, and humanitarians' understanding of NSAGs/DFAs may be limited.

Across all contexts it was also apparent that there was often little clarity on how HAWGs could directly contribute to strategic-level efforts to negotiate and engage with NSAGs and DFAs.

4.10 THE ROLE OF THE NGO CO-CHAIR REQUIRES CLARIFICATION

Throughout the data collection for the development of the NGO co-chairs' toolkit, NGO co-chairs highlighted several points that they felt negatively affected a HAWG's ability to operate effectively. The one that emerged most frequently revolved around the role of the NGO co-chair.

Several participants expressed concern that the division of responsibilities between the UN and NGO co-chairs was rarely articulated clearly enough on paper and then agreed upon by the co-chairs themselves, their superiors and HAWG members. This also extended to the global guidance and resources co-chairs receive to support their work. Multiple examples were given of how this lack of clarity contributed to NGO co-chairs feeling like the "junior" partners in the co-chair relationship and consequently having less say or input in key access discussions that affected the humanitarian community.

5

RECOMMENDATIONS

The individual case studies lay out context-specific recommendations. By contrast, this section seeks to highlight recommendations that are relevant to multiple contexts. In parallel to this paper, and as this consortium's work comes to an end, discussions are beginning within the "humanitarian access community" on how the issues highlighted in this paper might be addressed. The research and toolkit have created new opportunities to build consensus on access coordination needs and a collective way forward.

CAPITALISE ON BEST PRACTICES

HAWGs should engage in periodic lessons learned activities to capture their challenges and successes. The results of these activities should be made available to all HAWGs to ensure that experiences with best practices are more readily available globally. If needed, further guidance should be provided by both the UN and NGO co-chairs on the methodology for such lessons learned activities.

STRENGTHEN GLOBAL ACCESS COORDINATION

The NGOs involved in global access coordination structures and the UN should provide increased technical and operational support to HAWGs, through, among other measures, stronger links with HAWG co-chairs. This could include establishing a dedicated co-chair community of practice and hosting regular meetings between HAWG co-chairs.

ACCOUNTABILITY FOR ACCESS

Renewed efforts should be made to guide humanitarian coordinators and HCT members to better leverage HAWGs in their respective contexts. They should be reminded of their responsibilities regarding humanitarian access and work to build a more common understanding of how the HAWG can support their work. Donors also have a role to play in holding HCTs and HAWGs to account for the objectives set out in the relevant ToRs and access strategies.

CLARIFYING THE CO-CHAIR ROLE

UN and NGO representatives should engage in dialogue to agree on a broad framework and the steps needed to improve the global understanding of how UN and NGO co-chairs should divide their roles. These should be communicated throughout the humanitarian system to ensure co-chairs' superiors are aware of the updated "global guidance" on this issue.

NATIONAL/LOCAL NGO PARTICIPATION

Additional data collection and dialogue should be conducted to arrive at a better understanding of the practical ways in which the participation of national and local NGOs can be strengthened. As a starting point, recommendations from existing research should be gathered and analysed before initiating new activities.

IMPROVING INFORMATION SHARING WITH DONORS

UN and NGO co-chairs should provide periodic briefings to key donors on the access environments and the work of the HAWG. They should do this together. Donors should ensure this information is fed into their engagements with other coordination forums, like HCTs.

INCREASING HUMAN RESOURCES

Donors should increase their funding of country-level positions that directly lead or support the effective functioning of HAWGs. This funding could support co-chair positions or additional analysis or coordination capacity.

COUNTERTERRORISM AND SANCTIONS

In contexts where CT and sanctions regimes are affecting humanitarian action, HAWGs and HCTs should be provided with additional resources and support to help the HAWGs mitigate the impact of these regimes on principled humanitarian access.

STRATEGIC ENGAGEMENT

Research or discussions should be undertaken with HCs and HCT members to better assess the prospects for enhancing strategic level engagement with governments, NSAGs, and DFAs that can improve humanitarian access. Research could inform and strengthen HCTs' and HAWGs' respective leadership, and advisory functions.

