

# Executive Summary

## Engineered Chaos

### Assertive governments and authorities impede principled humanitarian access: Yemen case study

Principled humanitarian access is the cornerstone of humanitarian programming. It is safeguarded under international legal frameworks, but by no means guaranteed during complex emergencies. Many studies on the issue focus on conflict-related constraints, but an internal Norwegian Refugee Council (NRC) survey in 2020 found bureaucratic and political impediments to be the most significant restriction on humanitarian access.

Following on from Senior Officials meetings held in February and November 2020, and most recently June 2021 where the international community convened to take stock of the access environment in Yemen, and ahead of further high-level donor engagements, NRC has tried to capture the scope and impact of bureaucratic and political access restrictions since 2018.

This case study, the first in a series, analyses the scope and impact of such obstacles to humanitarian organisations in reaching communities in Yemen between mid-2019 and October 2020. The access situation in the country deteriorated steadily during 2019, and 90 per cent of reported access incidents were the result of bureaucratic restraints<sup>1</sup>.

The study is based on desk research, focus group discussions and more than 20 key informant interviews with representatives from UN agencies and international and local NGOs, which took place over a six-month period. The research demonstrates the severe impact that bureaucratic and political constraints have on principled humanitarian responses and programming.

The following are its key findings, and a list of recommendations for national authorities, international organisations and donors.

**Authorities' heavy control compromises humanitarian organisations' independence and challenges their ability to deliver a high quality, needs-based response.** In such a restricted position, it is extremely difficult for organisations to build trust and acceptance among their target communities. The mitigation measures they have put in place, many of them ad hoc, make it possible to continue to provide assistance, but a lack of coordination and shared

approaches makes them less than strategic. They yield "quick wins" but tend not to address the overarching constraints. If organisations are unable to pursue activities that lead to greater outcomes than the sum of their outputs, they cannot create conditions that help communities to build resilience or achieve durable solutions.

**The scale of bureaucratic impediments has made the humanitarian response less effective, causing lengthy programming delays and significant financial costs that stem from compliance and mitigation.** Restrictions impair time-sensitive programming, such as emergency responses, and increase humanitarian needs as organisations' limited financial resources are consumed in managing impediments. The inefficiencies of the response, coupled with the undermining of humanitarian principles, also reduce donor funding and engagement and lead to a loss of interest at the global level in addressing growing needs.

This paper does not shy away from questioning efforts thus far, including raising the issue of quality of access. The recommendations illustrate that there is more work to do and that we have other options at our disposal, which should be exhausted before considering drastic measures such as withdrawal. Any leverage gained by pulling out would by no means outweigh the impact on vulnerable communities. Even temporary suspensions make it difficult to regain community acceptance when the response is resumed, and they can be a considerable setback for access.

The question of how effective it is to tie humanitarian asks to political processes is also worth reflecting on, and not only in Yemen. Bureaucratic impediments and political interference are a common feature of humanitarian responses in many parts of the world. Their scope and impacts vary, but they are invariably tied to other compounding factors, such as the fragmentation of authority and conflict. As the international community learns how to maintain and ideally expand the humanitarian space in Yemen, its experience also has the potential to support principled action elsewhere.

<sup>1</sup> OCHA Yemen Humanitarian Access Snapshot, 2019 Yearly Overview, April 2020, [https://reliefweb.int/sites/reliefweb.int/files/resources/Access\\_annual\\_snapshot\\_V2.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/Access_annual_snapshot_V2.pdf)

**The study identifies five key bureaucratic impediments to access, which are outlined below.** The organisations that contributed to the research overwhelmingly cite sub-agreements (SAs), directives and travel permits as the ones with greatest impact.

### **1. Sub-agreements**

Once authorised to work in Yemen, organisations also have to obtain approval for specific programmes. Finalising SAs is the most frequent and disruptive restriction they face. Approvals take an average of three to four months but can take more than a year. These delays and ensuing alterations to service delivery have significant implications for programming and organisations' ability to respond to urgent needs on the ground. Authorities use SAs to reject undesired programmes, meaning organisations struggle to implement protection activities and interventions focused on women or information, counselling, and legal assistance (ICLA). Monitoring and evaluation is also affected, because it tends to be conflated with spying.

### **2. Directives**

Authorities issue ad hoc directives as a tool to control organisations and their programming, and to extract demands from them. More than 430 were recorded between the start of 2019 and October 2020. Directives are often verbal, and those issued by local and national authorities are often contradictory. Unrelenting demands for beneficiary lists and other sensitive data are of particular concern. They significantly affect organisations' independence, and negotiations can drag them into local political dynamics and threaten humanitarian principles. Bureaucratic processes are then used in an attempt to extract concessions and force compliance with directives, creating further delays or compromises.

### **3. Travel permits**

Obtaining permission to travel is mainly an issue in areas controlled by Ansar Allah (AA), where permits are required for both local and international staff. Twenty-five per cent of permits requested for AA-controlled areas between August and October 2020 were denied. Such restrictions challenge organisations' ability to implement, especially for emergency responses, and limit their capacity to conduct monitoring and evaluation. Reduced oversight and evaluation means they lack analysis of whether activities are achieving their outcomes and prevents the humanitarian community establishing a comprehensive overview of the humanitarian situation in the country.

### **4. Visas and residency permits**

Delays to visa approvals are the first barrier organisations encounter. Approval times and outcomes depend on the intended location and type of position involved. It is particularly difficult to get applications for sensitive positions in areas such as advocacy, communications or security approved. Visa delays and rejections seriously disrupt operations, leaving significant gaps in emergency and senior roles that affect quality, oversight and capacity-building strategies.

### **5. Customs clearance**

Humanitarian imports should be exempt from taxes, but in reality various authorities levy them. Organisations also face double taxation if aid deliveries cross internal borders between areas controlled by one authority and another. Import restrictions cause significant delays to aid delivery, financial losses if goods spoil and broad impacts in terms of community acceptance and donor compliance.

# Recommendations

(see pages 17-20 of the full report for the full recommendations section)

## To donor governments:

**Humanitarian Access Diplomacy:** Sustained engagement is critical and has proven results. Regular and consistent high-level access diplomacy, that is coordinated with organisations on the ground, is needed from donors and senior humanitarian representatives. This should include a commitment to a renewed action plan on access benchmarks led by the Technical Monitoring Group (TMG) to clearly prioritise issues, identify actions and responsibilities for different stakeholders (UN, INGOs, donors), and to monitor their implementation. Review and maintain the evidence base needed to support high-level engagement, as well as prioritising evidence for operational support. Be innovative in how data is used for advocacy knowing that being overly confrontational with Yemeni authorities will rarely yield results, and the need to manage risks and backlash for operational actors.

**Principled access costs money:** Donors must fund access and liaison staff at all levels, as well as capacity building initiatives focused on access. Organisations need to advocate for, and invest, in this.

**Flexible funding:** Increase the funding of multi-year grants to reduce the impact of SA delays on recipient organisations. This would limit budgeting adjustments and allow the exploration of how funding cycles can be used to mitigate the impact of delays. Donors must allow flexibility in adjusting target locations as a contingency. Moving around funding between governorates in areas under the control of the same actor can be a last resort to acknowledge the sub-national windows for access.

**Link to policy level initiatives:** Include bureaucratic impediments in Yemen in the G7 Famine Compact, the High-Level Task Force on Famine, and implementation of UN Security Council Resolution 2417 on conflict and hunger, which seeks to promote and address obstructions to humanitarian access.

## To international organisations:

**Target decision-makers:** Engagement must target the right stakeholders, from both inside and outside of the country; those with decision-making authority and leverage over other critical gatekeepers. Stakeholder analysis should be conducted to ensure messaging efficiently targets decisions makers and influencers. Develop a framework for engagement with stakeholders at national and sub-national levels that enables the decentralisation of decision making closer to the field/area office within organisations as well as across organisations.

**Standing together:** A more consolidated approach by NGOs, UN agencies, and donors towards local and national authorities is key. Joint strategies in country, and common positions and red lines need to be developed and implemented. Maintaining a firm position, shared across organisations, can prevent undermining joint and bilateral negotiations.

**Be firm and consistent:** Authorities respond to consistent messaging and the application of humanitarian principles relies on it. Support this by expending time to represent organisational mandates and humanitarian principles to authorities. This can be particularly critical for military and/or new authorities who have not had the same experience collaborating with humanitarian organisations.

**Primary support to the field:** Decentralised access coordination that enables the devolution of decision making closer to the field/area office within organisations as well as across organisations. This can be managed by putting in place proper channels that delineate the thresholds for escalation of issues, when necessary, whilst ensuring a level of oversight so that it is coordinated with country-level initiatives.