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Global Protection Cluster
Roundtable: Cross-Border
Humanitarian Relief
Operations

SUMMARY CONCLUSIONS

Foreword

The Global Protection Cluster (GPC) hosted a roundtable on cross-border humanitarian relief in Geneva on 8 July 2014. Bringing together a diverse range of practitioners and experts in humanitarian action, the roundtable sought to build on lessons learned, past and present, to develop a set of operational recommendations that could be used to stimulate practical field-based planning and coordination of current-day cross-border humanitarian relief operations.

Participation comprised representatives of United Nations (UN) agencies, international non-governmental organizations (INGOs) and independent policy researchers. To ensure full participation and draw on the rich experience of those present, the roundtable included a morning plenary and afternoon working groups. The plenary was opened by the Director of International Protection for the United Nations High Commissioner for Refugees (UNHCR) Volker Türk. Panel discussions were chaired by the UN Special Rapporteur on the Human Rights of Internally Displaced Persons Chaloka Beyani. In the afternoon, three working groups were convened to focus more specifically on negotiations, security and monitoring and assessments.

In respect of Chatham House Rules, the following summary does not represent the individual views of participants. It does, however, seek to capture more broadly the understanding and ideas which emerged from the discussion.

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I. Context of Cross-Border Humanitarian Relief Operations

A) General Context

The delivery of protection and assistance across borders is, in certain circumstances, necessary when an armed conflict or natural disaster prevents affected populations from accessing food, shelter and basic services, and protection risks are widespread. In such situations, the State may be unable to ensure the protection and assistance of those in need. Experience has shown, however, that despite the overarching *humanitarian imperative*, the complexity of cross-border humanitarian relief operations generally obliges humanitarian actors to balance standards with needs, security, access and logistical exigencies. Such complications are exacerbated when relief operations are dependent on “remote management”. To this end, adequate safeguards are needed to mitigate the inherent risks associated with cross-border humanitarian relief operations, and to ensure that assistance and protection reach populations in need, meeting the objective of saving lives and reducing human suffering.

Characteristics and Risks

Many of the dilemmas and constraints that humanitarian actors encounter in cross-border humanitarian relief operations are the same as in a cross-line context or, more generally, in situations of conflict. While cross-border humanitarian relief is often defined by an elevated level of risk, this feature is not exclusive to such operations. Lack of consent by one of the parties to the conflict, which in turn requires activities to be conducted discreetly and possibly covertly, is another common, albeit not exclusive nor automatic, feature of cross-border humanitarian relief. In many instances, whether cross-line or cross-border, humanitarian actors are obliged to manage their relief operations remotely, thus relying substantially on local networks. The reliability of assessments and monitoring is complicated by the need to avoid exposing enumerators and informants to risks.

The inherent risks commonly associated with cross-border humanitarian relief operations are nevertheless important to analyze. When humanitarians cross into opposition-controlled areas without State consent, for example, humanitarian space in State-controlled areas can be compromised. At the same time, cross-border humanitarian activities can unintentionally give rise to restrictions on the right to seek and to enjoy asylum, while also potentially placing affected populations at further risk of exploitation, extortion and physical attack, especially if civilians are drawn to border areas, assume the presence of humanitarians is a safeguard for their physical protection and/or take personal risks to access assistance.

The risk of humanitarian relief fuelling a war economy or being instrumentalized to serve political aims is also ever present, particularly in cross-border relief operations. Such a risk is exacerbated where a multitude of actors is present with varying degrees of knowledge, expertise and orientation. The politicization of certain humanitarian actors has, in the past, negatively impacted the access that other humanitarian actors were able to achieve – particularly when there is limited communication and information sharing; a lack of consensus; and no agreement on principles, standards and criteria. In such cases, warring parties may not be interested in the principles, turning to the “lowest bidder” and ultimately lowering standards for all actors.

Historical Perspective

Historically, cross-border humanitarian operations have emerged as a response to the realities of conflict as well as States imposing restrictions on access to populations affected by conflict and in need of urgent, life-saving humanitarian assistance. Many of these operations (e.g. Afghanistan, Cambodia and Sudan) started off as *ad hoc*, informal arrangements, at times prompted by the closure of borders and/or an inability of affected populations to move, with a range of organizations responding to large-scale displacement, high rates of civilian casualties and acute protection challenges.

The *humanitarian imperative* has, over the years, led many organizations to respond instinctively, without giving borders “a second thought” if convinced that the operation was essential and life-saving, regardless of whether access was granted by the State. These early cross-border operations were often driven by *solidarity* with the needs of the affected communities, and a sense of “duty to respond”. The leadership and personalities of those driving these operations was of great importance to their success, and the justification to act has only increased as the international community has been more exposed to human rights terminology through the media.

Current-day Perspective

Turning to today’s crises, many of the old challenges persist while new ones are beginning to manifest themselves more systematically. In this current context, regulations and/or restrictions imposed by governments and armed actors on humanitarian assistance and protection delivery, often to facilitate military or political gains, are on the rise. Meanwhile, State and non-State actors increasingly lack a genuine commitment/capacity to protect civilian populations. The widespread violations of human rights and international humanitarian law, including the deliberate targeting of civilians and humanitarian workers, are compounded by the blurring of lines between organized armed groups and more ad hoc, vigilante mobs (whether they be criminal gangs or volunteer forces/loosely organized groups). Equally concerning is the increasing pressure on humanitarian actors to substitute, rather than complement, political interventions, resulting in the politicization and instrumentalization of humanitarian action.

B) Operational Considerations

Cross Cutting Themes

Building trust with communities

Strong relationships of trust, developed through a process of community engagement and, wherever feasible, empowerment, are critical for cross-border humanitarian relief operations. Having long-established relationships of trust within the community and inviting communities to participate directly in decision-making and analysis can enable a more frank discussion on principles.

Building trust, however, requires time and, as such, it is not always evident in new operations such as Syria (unlike in South Kordofan where relations between humanitarians and communities have been developed over decades). Engaging with the community through already established and trusted pre-existing programmes can enhance the effectiveness of humanitarian action in the cross-border context. This in turn can be complemented by the use of established and trusted information and communication channels, including radio and other outreach mechanisms.

A greater level of trust enabled by a long-standing partnership will further contribute to greater accountability by humanitarian actors towards affected communities; it can minimize skepticism in reporting and monitoring, and serve to reduce tensions between local actors and national and INGOs. It further facilitates ongoing efforts to assess and monitor risks associated with the conflict as well as the impact of the humanitarian response.

Ensuring a community-based approach

Applying an *age, gender and diversity* (AGD) approach can help to ensure that humanitarian actors engage with a diverse representation of the population. In many cases, for example, persons volunteering for assessment interviews are not necessarily representative of the whole community or the specific needs of certain members of the community. As such, gaps can arise or negative coping mechanisms of the community can become more pronounced because persons with specific needs are completely overlooked and protection risks are elevated.

From the very beginning of any emergency operation, humanitarian actors need to gain a deeper understanding of how members of a community are impacted differently depending on their personal characteristics and how their meaningful participation in decisions affecting them can be encouraged. Also, with a view to engaging and building trust with the community on a broad scale, efforts that build the capacity of local actors to adhere to an AGD approach can impact positively on the way these actors engage with affected populations, as well as the principled nature of the operation.

Assessing and analyzing risks

Because cross-border humanitarian operations stemmed historically in a number of instances from solidarity movements, they have, at times, departed from the principle of neutrality. It should thus be borne in mind that when the interests driving the operation are not entirely humanitarian in character, the contextual analysis may not meet the standards set by the international community. In a previous cross-border operation, for example, the analysis that followed in retrospect determined that the risk of starvation upon which humanitarians acted was not as extreme as was feared. This highlights the need for clear pre-engagement analysis to prevent subjecting affected populations to further harm, especially in situations where aid only reaches a small fraction of the affected population. An ongoing and protection-oriented analysis can also contribute to preventing the instrumentalization or politicization of humanitarian action, or its use for other non-humanitarian purposes.

Emphasizing principled action

Today, principled action is challenged by the ever expanding number of humanitarian actors. The erosion of principled action threatens to weaken the entire humanitarian system. Notions of pragmatism, meanwhile, are being promoted over principled action, whereas the two need not be mutually exclusive; rather, “principled pragmatism” is an approach to be encouraged. At the same time, some actors are reluctant to commit to minimum standards (*red lines* and *minima*), which they feel can be invoked as an argument to justify inaction. Cross-border operations, depending on their complexities, can present genuine dilemmas in terms of acceptable levels of insecurity, quality and independence, which demand flexibility alongside agreement on core criteria that cannot be compromised. In specific situations, it may therefore become necessary to support the development of a shared understanding of these principles among the actors involved, especially when some actors may lack the relevant and required knowledge, experience and expertise.

Humanitarian principles thus remain integral to safeguarding the integrity of a humanitarian response. Programmes that are perceived as impartial gain credibility, especially with the local population. As such, a way forward could be to formulate frameworks for engagement, grounded in principles (including the overriding principle of “do no harm”) and derived from a thorough protection-oriented analysis, around which humanitarian actors can reach agreement.

Harnessing complementarities

Complementarities of actors can be maximized with an agreed division of labour in respect of diversity of mandates, capacities, expertise and knowledge. Here, it is important to reach consensus on protection being the primary objective of humanitarian action. Accordingly, when protection considerations are embedded in humanitarian action from the outset, the focus remains on protection outcomes and can result in more principled action. At the same time, in recognizing the limitations of humanitarian action, more can be done to refine the relationship between humanitarian and political actors, particularly with regard to negotiations (i.e. leveraging).

Negotiations

When it comes to negotiating secure access to affected populations, there is no “one size fits all” model that can be applied. Negotiations tend to occur on several levels, with State and non-State actors, nationally and locally, and achieve a variety of outcomes. Depending on the particular context, for example, “formal” (official) consent - as distinct from “operational” consent (acceptance) - may not always be sufficient. It is thus crucial that negotiations are as broad, and as principled, as possible, rather than overly detailed and procedure-specific. In other words, negotiations strive to formulate an agreement that is general in character, without compromise on principles.

Furthermore, when negotiating access to affected populations, humanitarian actors need to give consideration to ensuring:

- respect for state sovereignty;
- information sharing among key actors and with affected populations;
- transparency throughout the negotiation process;
- consensus and common ground among humanitarian actors (avoid having one agency act on behalf of the collective without consensus);
- respect for the roles and complementarities of actors;
- clear and consistent messaging on the aims of humanitarian action, with a particular emphasis on neutrality and impartiality; and
- a constant focus on maintaining/expanding humanitarian space.

Additionally, consideration needs to be given to undertaking an analysis of the positions, interests and priorities of all the actors (both State and non-State) more broadly and specifically in relation to humanitarian relief. To this end, it is vital to gauge the perceptions of all actors in relation to neutrality and impartiality of humanitarian relief, while also obtaining insights into how it is viewed by the local as well as the general public. Such analysis will be crucial to facilitating an understanding of the real and potential barriers to cross-border humanitarian relief in relation to, for example, political dynamics, security and logistics, as well as seeking acceptance of actors on the ground.

Being aware of the level of knowledge (or lack thereof) of international norms by “belligerents” is essential to preparing negotiations for access and humanitarian relief to affected populations. In this sense, prerogatives of State actors in relation to territorial integrity is also key in determining the level of sustainability that can be expected from the access; one-off authorization, for example, or medium to longer-term access.

Finally, this foundation will need to be complemented by an assessment of regional and geo-political dynamics; in particular, local customs and traditions in relation to, for example, negotiation, cross-border operations, humanitarian relief and access. In this sense, negotiators must engage with neighbouring governments as well as with any other actors who can potentially disrupt or influence humanitarian action. Consideration for any relevant historical (local and/or regional) precedents is equally beneficial for obtaining valuable lessons to take into account. At a minimum, coordination and consensus, including on respectively different roles and complementary action, amongst humanitarian actors during negotiations is necessary to prevent any lowering of standards and unacceptable compromises.

Security

Perceptions can play a significant role in safeguarding the security and integrity of humanitarian relief operations. As a result, “protection by presence” can be an effective security measure, although its limitations need to be acknowledged upfront. Information about displaced and other affected populations as well as the general security conditions, including communication with communities, is essential to avoid situations whereby the mere presence of UN flags may lead populations to assume their security is assured (particularly because physical security guarantees go far beyond the remit of humanitarian organizations). Such a scenario highlights the importance of managing expectations, especially among the affected population, through proper analysis, communication, transparency and engagement with the communities.

Accepting that there are no measures that can make an operation fully “safe,” humanitarian actors need to develop sufficient safeguards and measures to minimize risks, for affected populations as well as for their own staff. Again, effective communication and information sharing are vital practices that can assist humanitarian actors to ensure a certain level of security for themselves and affected populations. Acknowledging that obtaining and sharing information in a cross-border context presents a range of challenges, however, sharing information across agencies and across borders (including in relation to security and protection) is essential for maintaining a consistent and realistic understanding of what is happening on both sides of an operation. It likewise enables actors to develop strategies based on factors that may impact upon the security and protection environment.

As with negotiations, there is again no “one size fits all” approach to security. Strategies must be informed by a careful security analysis based on the surrounding context (e.g. political context, situation on the ground). While a visible presence may be an appropriate security response in some situations, it may be more prudent to maintain a low profile in other situations (“fly under the radar”), with minimal visibility and possibly minimal operators on the ground. In undertaking such analysis, actors need to make specific security provisions for those who are, or may be, targeted, especially local actors with greater exposure. While national staff or local organizations are often well placed to provide information, their contribution needs to be weighed against the risks and benefits so the right balance is struck and mitigation measures are identified and activated.

Above all, security measures in cross-border humanitarian operations need to be guided by the principle of “do no harm.” By way of example, armed escorts, despite enabling access, may have an overall negative effect on an operation and thus can only be considered as a last resort, and after a thorough analysis has been conducted. This requires utmost care to ensure that cross-border operations do not increase the risk of harm to affected populations or humanitarian actors. This also demands resistance to external pressures to demonstrate access at all costs.

Monitoring and Assessments

Because not all members of a community experience a crisis in the same way, it is essential for humanitarian action to be “needs based.” Accordingly, a needs assessment is a prerequisite for humanitarian action. At the same time, to capture the diverse range of needs of the community, the needs assessment must follow a people-centered, participatory approach that is sensitive to age, gender and diversity. This in turn enhances overall protection because it provides the “protection lens” through which to view all other sectors, including health, WASH, nutrition, shelter, and livelihoods. A people-centered (e.g. participatory) approach furthermore enables communities to articulate their own needs (as opposed to humanitarian actors deciding on their behalf). Participatory approaches furthermore reduce the risk of needs assessments and the subsequent interventions from causing more harm, including by undermining any positive local coping mechanisms, neglecting marginalized social groups and wasting resources on aid that is not required.

Assessments can, however, create expectations among affected populations. It is therefore necessary to limit assessments to areas where humanitarian actors can intervene. It is equally important for humanitarian actors to include communities in priority-setting and communicate clearly what can and cannot be delivered from the outset, in order to manage expectations.

As with assessments, monitoring is a key element of needs-based programming; it enables humanitarian actors to determine their impact as well as to identify potential gaps. Monitoring can be formulated as an ongoing assessment that serves to enhance the accountability of humanitarian actors to affected populations.

For monitoring and assessments, access limitations influence the choice of methodology and sampling used for data collection. Innovative approaches might therefore be used to expand and strengthen outreach to communities. At the same time, coordinated inter-agency and/or multi-sectoral assessments that are based on an agreed methodology (e.g. sample size, questionnaire design, indicators,) can contribute to ensuring that information on needs/gaps is sufficiently comprehensive and shared among all actors while, at the same time, duplication/repetition is minimized as is the burden on target communities.

So as not to endanger enumerators or interviewees in monitoring and assessments, it will be necessary to undertake a risk analysis that is updated regularly, and to put in place specific risk mitigating measures; maintaining the confidentiality of the identity of enumerators, for example, may be essential.

Often times, assessment and monitoring will be conducted remotely in the context of cross-border humanitarian relief operations. Some organizations are reluctant to rely on this method as it has potential to compromise an organization’s staff security, independence and overall quality of programme implementation. Remote monitoring and assessments are further complicated by the fact that often different partners are used for the assessment on the one hand and delivery/monitoring on the other hand. Techniques such as simplifying questionnaires, use of the local language, a reliance on “control groups” of key informants to verify an information source can be used as a minimum standard. Procedures for vetting of partners to conduct assessments and monitoring will often need to be applied less strictly, with the two main criteria being impartiality and capacity.

II. Way Forward

In today's current context, cross-border humanitarian relief remains relevant and in demand. The ever growing number of actors engaged or ready to engage in cross-border humanitarian relief further points to a need to develop an overarching framework for engagement, grounded in key principles. Red lines or minima can too easily be interpreted as a justification for inaction, whereas a "principled engagement framework" can serve as a basis to move forward towards a coherent objective, with the elaboration of operating standards tailored to the specific context and contributing toward complementary and reinforcing actions.

An equal dialogue between local, national and international actors is, in turn, necessary to develop a principled engagement framework. For practical reasons, coordination is essential, as it aims to build consensus, find common ground and identify the complementary roles of a diverse range of actors.

At the same time, the aim of coordination, and ultimately consensus, is to prevent any lowering of standards and unacceptable compromises, which inadvertently put affected populations at greater risk. Coordination is even more important in situations where the lines of the conflict are constantly shifting.

When it comes to assessing the impact of cross-border humanitarian relief, this equal dialogue between local, national and international actors remains essential. To this end, an inter-agency mechanism could look at the humanitarian relief operation at large to determine its impact, and to determine whether sufficient safeguards are in place to prevent harm to affected populations.

III. Recommendations and Conclusions

Cross-border humanitarian relief, while often triggered by a humanitarian imperative, can pose a range of dilemmas that require actors to adopt safeguards and risk mitigating measures to ensure that assistance intended to save lives and reduce human suffering does not unintentionally cause more harm to affected populations. To this end, the following considerations can guide humanitarian actors engaging in cross-border relief operations:

- To avoid any lowering of standards or unacceptable compromises, it is necessary to **build consensus** and **find common ground**, which in turn demands an **equal dialogue** between local, national and international humanitarian actors;
- **Coordination**, if approached through an equal dialogue, can serve as the means to achieve consensus and common goals, as well as to develop a principled engagement framework;
- A **principled engagement framework** can then serve as a basis for more detailed **operating standards** to be developed within the specific context, through engaging with concerned humanitarian actors;
- **Protection** needs to be at the **core of humanitarian action**, with a coordinated division of labour that emphasizes the **complementary roles** of actors in respect of their expertise, experience and mandates;
- Visible respect for humanitarian principles, in particular a consistent approach to impartiality, can **generate the trust** necessary for effective humanitarian action;
- Whilst clear lines of communication and providing information to communities is important in addressing expectations and perceptions, there is a need to balance information sharing and transparency with practices to **protect informants** and information sources;
- Investments in the **capacity of partners** involved in cross-border humanitarian relief can serve to raise standards (as all partners would gain the same knowledge and appreciation for principled humanitarian action), quality and accessibility, particularly if tools are available in the local language and are sensitive to the local culture;
- It is likewise critical to explore all means possible to **engage affected populations in decision-making** through an approach that is sensitive to age, gender and diversity – this is also a means to enhance trust and security as well as to assess the impact of assistance;
- The operation must be **non-discriminatory**, and displaced and other affected populations should be fully informed about the operation in order to make the most appropriate and independent decisions.
- Appropriate **monitoring mechanisms** need to be established, and lines of communication open between agencies, so that approaches can be adjusted according to the outcomes of monitoring and evaluation
- While **national staff or local organizations** are often well placed to provide information, their contribution needs to be weighed against the risks and benefits so the right balance is struck and risk mitigation measures are identified and activated.