CONVOYS CROSSBORDER COVERT-OPS

Responding to State-led arbitrary aid denial in civil wars. Lessons from Syria, Myanmar, and Ethiopia.

TA OT

Author: Emma Beals

First published in June 2023.

Contents

Executive Summary

The world is plagued by more conflicts that last longer. Many of these wars are intra-state conflicts, or civil wars. In many of these crises', the state (or de facto state) effectively dispenses with their responsibilities under international law by failing to protect the population–in many cases representing the primary protection risk–and by arbitrarily denying humanitarian aid access or intentionally causing starvation.

Sovereignty and territorial integrity are increasingly fraught issues that lie at the heart of the challenge that arises when the state denies aid access in civil wars. This issue is central to the United Nations (UN) Charter and international law, and has been codified into various United Nations Security Council (UNSC) resolutions and legal positions pertaining to humanitarian operations over the years.

States that block aid assert sovereignty to deflect international interference; too often, they find international allies to support them. Access issues often fall along geopolitical fault lines. The political splits between the United States (US), Russia, and China have led to an increasing sense that having the support of even one permanent member of the UNSC that is willing to veto resolutions on a state's behalf can lead to almost complete impunity. Russian aggression in Ukraine in 2014 and 2022 has heightened the sensitivity of this issue.

In the past, the humanitarian system operated in a more informal, ad hoc manner; sovereignty/consent concerns were addressed as required, and borders were crossed if needed. The formalization and expansion of the aid sector happened to coincide with a period of international cooperation on these matters. A risk-averse and bureaucratized aid sector now faces a geopolitical quagmire, and these concerns have become intractable.

A UNSC resolution determined Syria's cross-border aid solution in 2014, but the geopolitical environment for enabling any similar agreement has declined significantly since then and is unlikely to improve in the near term. Meanwhile, the resolution has empowered bad actors and set a dangerous precedent.

Initiatives such as Responsibility to Protect (R2P) and Human Rights Up Front have all but fallen by the wayside, despite images of young protestors in Myanmar holding R2P signs in the hopes it would promote action on their behalf. The 2018 UNSC resolution 2417 on arbitrary aid denial and starvation in conflict has yet to be properly implemented.

In this age of impunity, blocks on humanitarian access appear to be increasing. The humanitarian system particularly struggles when access constraints amount to arbitrary or systemic denial from the state party, particularly in an intra-state conflict or political crisis. Natural disasters in states already affected by conflict, such as the recent Turkish–Syrian earthquake and Cyclone Mocha in Myanmar and Bangladesh, effectively cause the system to

collapse altogether. A state-centric, UN-dependent humanitarian system is consistently failing in these contexts.

Ultimately, a new path must be charted at the highest levels. The UN must take a different legal interpretation of its mandate, but this is unlikely until there is more courageous leadership in place. Member states must eventually agree to a UNSC or United Nations General Assembly resolution or humanitarian declaration that reaffirms the right to humanitarian assistance in all contexts, which would force the UN to pivot its conservative legal position. Building the case for such a declaration must begin now to ensure the necessary pieces are in place once there is a more enabling environment within the UN and the geopolitical environment.

The first step in building such a case is to reclaim the lost space on international norms and reassert the right to humanitarian assistance. Defining arbitrary and systematic denial and diligently monitoring and publishing information about the nature of access restrictions (and the needs that go unmet as a result) would help expose how common the practice is, its scale, and which parties normally perpetrate it. An independent organization should monitor this phenomenon globally and provide information and analysis to the UNSC, regional states and major donors, and civil society to enable further action, both diplomatically and through public advocacy.

Ending the culture of impunity around arbitrary aid denial, starvation, and attacks on humanitarian infrastructure and works would also help reclaim some of the space that has been lost around this fundamental right. Preparatory work to prosecute starvation as a weapon of war is moving ahead in Ukraine and Tigray, and should be expanded through the International Criminal Court (ICC) and universal jurisdiction. Through advocacy and legal cases, a longer-term effort to highlight this problem, stigmatize those who perpetuate it, and create the necessary political momentum and appetite for high-level solutions can help create an environment that can facilitate solutions.

In addition to justice and accountability efforts, considering these concerns in peace processes and transitional justice work will also help to reduce recidivism and repair the damage, restore social cohesion and support long-term peace.

Too often, a lack of progress or ambition in ending a conflict results in an overly politicized humanitarian access discussion that replaces genuine negotiations or attempts to resolve the underlying conflict. Resolving humanitarian access issues through international agreements is enormously resource intensive; focusing solely on access concerns fails to help resolve the conflicts themselves, even though they impact the conflict dynamics. For example, in northwestern Syria the status of an area housing millions of people is negotiated solely through a humanitarian access agreement, which has generated a protracted 'life support' situation that is still controlled by those who denied access to the affected population. Enormous amounts of diplomatic resources have been diverted in this process away from efforts to resolve the conflict or address the status of the area and those living there. Even the occurrence of such negotiations depends on the engagement and political positions of major donors in particular.

This is closely linked to the lack of a unified strategic vision or action from major donor states, which tend to silo their diplomatic, political, stabilization, and humanitarian efforts. This has a knock-on effect on their funding streams, diplomatic or mediation efforts, and how (and whether) their engagement on humanitarian assistance and access issues forms part of a broader strategy to resolve the conflict. Where humanitarian access is being arbitrarily denied, particularly when access issues are escalated, the reasons and consequences are inherently political. Actors should streamline their engagement into a unified approach and avoid the temptation to manage protracted conflicts as solely humanitarian files. An integrated approach would also help ensure donors are best able to support humanitarian responses through varied funding streams and allow actors to be more agile at the operational level.

There is also an absence of principled UN leadership at the operational level. UN agencies currently take an extremely conservative legal position. Given the difficulties associated with balancing member states' views, these legal positions are unlikely to be altered in the short term. Individuals affected by these crises cannot wait. Alternative solutions that do not depend on the UN are needed.

Many donors, INGOs, and local organizations believe they are able to work in these environments without additional legal findings, but they have recently been hesitant to do so. One reason for this is a misreading of the humanitarian principles. It is entirely within the remit of these principles to serve needs through the most appropriate route and modality; a far more holistic view of the principles should thus be taken. To some degree the principles have become conflated with preferred operating procedures in a bureaucratic and UN-centric system in which clusters, risk, and market share are more dominant factors in driving operations than meeting needs. Identifying ways to more quickly prompt a range of actors to pivot to new ways of working in these crises, outside of the capital-based UN-dependent system, is likely to be the most effective driver of change in the short term.

In Syria and Myanmar, it took at least 2 years for responses to even begin working differently to the capital and state-permissions focused approach that was failing to secure access. That is too long. In Ethiopia, they never did. In future conflicts it will be vital to quickly determine whether the state is likely to deny access so that aid agencies can engage in early operational planning for alternative ways of working. Using data from Syria, Ethiopia, and Myanmar, as well as similar contexts, this report proposes a typology checklist that can be used alongside local contextual information to help agencies, donors and others rapidly identify when this kind of crisis may be unfolding so that timely action can be taken.

More information and data are needed. Although there is an enormous amount of humanitarian data and analysis, there is little useful timely information in these contexts; this must be remedied from the outset in countries likely to experience blocked access. Independent information on population, needs, access constraints, context analysis, and scenario planning should be collected as soon as possible to support operations. This initiative should dovetail with information gathering by a new high-level humanitarian access organization.

Donors have a core role to play in helping to pivot to new ways of working in these contexts. Installing multi-mandate envoys at the state level and appointing an independent response-wide focal point who can help coordinate across modalities and sectors during the set-up phase is also important. Utilizing a well-rationalized access strategy and operational plan, donors can support a new ecosystem and architecture in which a range of well-rationalized partners implement assistance wherever needs arise, through the most appropriate routes and modalities.

At the ground level, when looking to pivot to cross-border or remote work, genuine partnerships are key. These partnerships may need to be supported by non-humanitarian budget lines, but certainly involve interlocutors taking on elements of the role and risk such as adapting reporting methods to the context and deriving programme choices from local needs rather than donor priorities.

By employing a combination of these political and operational approaches, all kinds of actors can better assist those in need today, while putting the building blocks in place to ensure this problem is eventually remedied for all.

Introduction and Methodology

The Syrian regime has denied humanitarian access to affected populations throughout the country's 12-year conflict as a military strategy. The international humanitarian system has struggled to provide for those in need, but a range of lessons can be drawn from their attempts to do so. The United Nations Security Council (UNSC) cross-border resolution in 2014 was hailed as a diplomatic triumph at the time. While it facilitated a significant increase in the scale of assistance available in territories outside the regime's control, it requires constant renewal and failed to solve the underpinning issue at a global level. The resolution continues to give control over access to the warring parties that cut it off in the first place and has made the response dependent on the United Nations (UN). It has also empowered bad actors and had a chilling effect on the use of cross-border routes to provide assistance in subsequent conflicts elsewhere. However, secretive remote aid modalities have been developed in Syria that could be applied elsewhere.

The state or de facto state parties also denied access to aid organizations when Ethiopia's Tigray province was blockaded after conflict broke out in the region in November 2020 and following Myanmar's February 2021 military coup. Neither has seen a solution to these woes. Natural disasters in Syria and Myanmar exacerbated these challenges.

When states (or de facto states) arbitrarily deny humanitarian access in intra-state conflicts (civil wars), the world is slow to act and affected populations suffer. The UN maintains that it requires an additional legal permission or mandate if consent to access is not forthcoming, while most major donors and international non-governmental organizations (INGOs) take an alternative view but are slow to break away from a state-centric UN system to meet needs through the most direct routes and modalities in a principled manner.

Those responsible for blocking aid face no consequences for this growing problem, and permanent members of the UNSC are increasingly happy to cover for them. A state depriving its own citizens of the most basic humanitarian needs is no longer considered an unconscionable act, and the humanitarian aid sector has become increasingly complicit due to conservative operational positions.

How is so little being learned? Why are there so few solutions to this recurring problem? This project examined the last 12 years of the aid response in Syria in detail, as well as the current situations in Myanmar and Tigray, to identify lessons learned for those working in intra-state conflicts where the state is responsible for arbitrary denial. It draws on the author's decade-plus of experience working on Syria, as well as several months of desk research on the responses in Syria, Myanmar, and Ethiopia, reviewing public reports as well as private operational documents. The study also incorporates the findings from in-depth interviews with 40 key informants from donor governments, the UN, INGOs, civil society organizations (CSOs), think tanks and analysis organizations that worked across the three responses or in directly relevant thematic areas, in addition to material collected in previous interviews.

This report highlights some of the major lessons identified in Syria and the other two contexts. It focuses on identifying solutions to the cross-cutting issues identified and charting a way forward in both the political sphere and humanitarian operations.

Background on Syria, Myanmar and Ethiopia

This following overviews are intended only to provide a brief synopsis of the issues faced in each theatre and are in no way exhaustive or indicative of the full range of complexities and challenges faced in each. Their inclusion is designed to give an overview in order to contextualize the cross-cutting recommendations of the project.

Syria

Humanitarian access to affected populations in Syria has been contentious and difficult since the beginning of the uprising and subsequent civil war. The regime blocked the first humanitarian 'convoys' to Daraa in early 2011,[1] a trend that expanded throughout the country[2] as the war dragged on, and continues today.

Restricted access and high levels of control over aid operations were not new in the country; Syrian President Bashar al-Assad's regime had stymied efforts to support Iraqi refugees sheltering in the country in the past.[3] Civil society had been targeted for decades, but civic space had begun to open up prior to the war; the First Lady's personal charity, the Syria Trust, had a leading role. The UN country team had pursued a development agenda in the years leading up to the uprising, working in the standard way with line ministries and ministers and pursuing good relations to ensure work could be done.

The protests were met with increasingly brutal violence; a full-scale armed opposition began to take shape and the humanitarian picture grew more complex. Crackdowns on journalists,[4] internet blackouts, and attacks on aid workers and the humanitarian architecture from the beginning[5] laid the groundwork for a very serious humanitarian crisis. Access issues grew alongside needs: reaching beneficiaries was difficult, the provision of baby milk was blocked, and convoys were stopped. The Syrian regime's security forces targeted humanitarian workers who reported protection concerns to UN agencies.[6]

By the end of 2012, large numbers of people were living in areas outside of regime control, either because their neighbourhoods had resisted and been besieged or fallen into armed opposition control, or because they had fled their homes and sought shelter away from the regime's aggression and indiscriminate bombing of civilian areas. This included pockets of the governorates in central and southern Syria such as Homs, Damascus, and Daraa, as well as most of the north of the country. The humanitarian aid architecture operating out of Damascus was unable to reach the majority of these areas at all.

---

[1] Katherine Marsh, The Guardian, 'Deraa must be allowed to receive aid and siege lifted, NGOs tell Syria,' 04 May, 2011
[2] Physicians for Human Rights, 'Access Denied: UN Aid Deliveries to Syria's Besieged and Hard-to-Reach Areas,' March 2017
[3] The New Humanitarian, 'Syria: Rice import snag leaves some Iraqi refugees short,' 17 Nov, 2008
[4] CPJ, 'Attacks on the press in 2011, Syria,' 2011
[5] Physicians for Human Rights, 'Syria: Attacks on Doctors, Patients, and Hospitals,' December 2011
[6] Anonymous interviews with the author conducted in 2016.

The previously development-focused response was slow to adapt to the unfolding conflict and humanitarian crisis. In mid-2012, the Damascus-based response inexplicably replaced an outgoing double-hat development and humanitarian lead Resident Co-ordinator/Humanitarian Co-ordinator (RC/HC) with a solely development-focused RC, further compounding the lack of emergency humanitarian focus in the response.[7] The UN Office for the Coordination of Humanitarian Affairs (OCHA) released a Humanitarian Response Plan[8] in December 2012. This plan lacked important data about the needs of those outside its reach, privileged the regime and ministries as the primary implementers even though they were a party to the conflict and were preventing access to most affected populations, and made little reasonable reference to or accommodation for the fact the response in Damascus could not reach the majority of internally displaced persons or people in need. Shortly after, Syria became the first example of OCHA activating the newly created L3 prioritization mechanism for a crisis response.[9]

Throughout 2012, international engagement in the conflict and its regional consequences stepped up. The United States Agency for International Development (USAID) operated a taskforce headquartered in Amman,[10] and a military task force was set up the same year.[11] Inter-agency coordination occurred, as did regional collaboration; US embassies elsewhere in the region were assigned responsibility for different sectors of Syria. The strategic ambition of the US and regional states was to keep Syrians within the country's borders, even as they fled their homes and conflict-related violence. This underpinned the early provision of informal cross-border assistance into Syria from both Jordan and Turkey.[12] Other states were also actively engaged in these efforts around this time, including the UK and Germany.[13]

In early 2013, there was a need to expand the provision of cross-border relief operations to keep pace with growing needs. A range of small diaspora efforts were taking place alongside the early Western-funded cross-border operations. However, while international donors understood the basic outlines of the problem, they could not provide the necessary uptick in funding without a quantitative case for it. In early 2013, INGOs and other organizations supported the Assistance Co-ordination Unit (ACU) to produce a rapid needs assessment across the north.[14] This assessment differed from OCHA's which was released just 2 months prior in terms of the number in need, the level of detail, and the reach into areas Damascus could not access. It showed that the majority of the country's humanitarian needs were in areas outside the regime's control and were not being reached, or even measured, from Damascus.

[7] Lewis Sida, Lorenzo Trombetta and Veronica Panero, OCHA, 'Evaluation of OCHA response to the Syria crisis,' March, 2016
[8] OCHA, 'Syria: $1.5bn needed for next six months,' 19 December, 2012
[9] Lewis Sida, Lorenzo Trombetta and Veronica Panero, OCHA, 'Evaluation of OCHA response to the Syria crisis,' March, 2016
[10] USIP, 'Preserving Stability Amidst Regional Conflagration: US Engagement in Jordan 2011 to 2016,' 2017
[11] Michael R. Gordon and Elisabeth Bumiller, Atlantic Council, 'U.S. military task force sent to help Jordan with crisis in Syria,' 10 October, 2012
[12] USIP, 'Preserving Stability Amidst Regional Conflagration: US Engagement in Jordan 2011 to 2016,' 2017
[13] Anonymous interviews conducted in April and May, 2023.
[14] Assessment Working Group for Northern Syria, 'Joint Rapid Assessment of Northern Syria - Aleppo City Assessment,' 27 March, 2013; Assessment Working Group for Northern Syria, 'Joint Rapid Assessment of Northern Syria II - Final Report,' 22 March 2013; Assessment Working Group for Northern Syria, 'Joint Rapid Assessment of Northern Syria - Final Report,' 17 February, 2013

The cross-border humanitarian response from Turkey into northern Syria grew rapidly throughout 2013 as donors and other actors felt more comfortable providing assistance. Most of those operating in this context were doing what needed to be done, thinking creatively, taking risks, and building systems from scratch to meet the growing needs. The dynamism among the early humanitarian responders faded as the response grew and changed and new actors came onto the scene. A parallel effort to support local aid efforts operating across the border and remotely from Lebanon into Syria also began to receive support from 2012 onward, expanding and adapting as needs grew, and the context changed from contested areas to firmer frontlines around sieges.[15]

Donors played a large role in this expansion and pivot. In addition to assisting with the needs assessments, donors offered INGOs large budgets and encouraged them to take the risk of providing aid; donors channelled funding through various streams to help maintain an agile approach that purely humanitarian funds could not have done.[16] This included stabilization funding for local governance structures, programmes, and resilience work through development companies and local organizations—such as those engaging in civil defence—that would not have aligned with humanitarian partner selection criteria. Some donors found resistance from INGOs and others, which were reluctant to be the first movers in this space,[17] though plenty were prepared to come online later once the path had been established, offering ever-diminishing levels of added value to the response. This support aligned with donors' broader political positions and ambitions.

These early efforts, and the remote efforts which continued throughout the sieges, were not underpinned by any additional legal or political mandates other than those that already exist within humanitarian law and practice. Organizations squared away their own internal legal positions before they ramped up these operations. Most major donors and INGOs believe that providing humanitarian assistance is a necessity and should not be arbitrarily denied. The only actor that required additional reassurance was the UN itself. It remains this way today, though the picture has become more complex.

As the response grew, local coordination followed. By mid-2014, an NGO forum in the northwest of Syria boasted around 30 members.[18] In Lebanon, efforts became more focused on remote programmes into the areas under siege; these operations were forming behind consolidating frontlines using established networks and INGOs/NGOs that were willing to support in similar ways as in the northwest. From 2015 onward, these efforts became more coordinated as well.

OCHA began to recognize that it had to change its approach towards needs assessments, coordination, and access in order to remain central to the response. However, there was an enduring belief within the UN that a formalized cross-border response could or would be provided from Jordan,[19] which made little sense geographically and was never realized; some

---

[15]Anonymous interviews conducted in April and May, 2023.
[16] Ibid.
[17] Ibid.
[18] Emma Beals, The Daily Beast, 'Assad Expels Aid Groups as Syria Starves,' 19 May, 2014
[19]Anonymous interviews conducted in April and May, 2023.

aid crossed from Jordan into southern Syria through Ramtha crossing and Amman has remained an administrative hub for components of the response architecture.

Alongside these efforts, a major campaign from Human Rights Watch and other groups kept the need for expanded and safe access at the top of the political agenda from the earliest days of the war. As control shifted in the conflict, there was space for international journalists, human rights organizations, and others to take enormous risks to travel into the country and document what was happening, which increased the pressure for the international community to act.

In August 2013, the Syrian regime used sarin gas on the population of eastern Ghouta, killing 1,500 people.[20] Weeks of high-stakes politicking and diplomacy followed, during which a major military intervention was proposed and ultimately abandoned. Instead, a diplomatic effort led by US Secretary of State John Kerry and Russian Foreign Minister Sergey Lavrov convinced Syria to agree to a disarmament deal.[21] This created political momentum wherein Russia in particular was keen to avoid military action, creating a unique moment in time when the UNSC could be deployed to address humanitarian access issues in Syria.[22]

In February 2014, UNSC resolution 2139 was passed which called for rapid, safe, and unhindered humanitarian access, among other things.[23] This was insufficient to free up assistance as intended. Despite this resolution and the expanding cross-border efforts into the northwest, blocks on assistance from Damascus continued, as did attacks on healthcare and humanitarian infrastructure and workers. In July 2014, UNSCR 2165 created a mandate at the highest levels for cross-border humanitarian aid to Syria to take place by *notification* rather than consent, using several named crossing points.[24]

Initially, access was allowed into southern Syria from Jordan, into northeast Syria from Iraq, and from Turkey into the north and northwest. Hubs were set up in Jordan, Turkey, and Damascus, and senior staff across the areas shared leadership of the response, which they coordinated in a 'whole of Syria' response architecture. A joint needs assessment and single funding request for Syria could then be made, though the hubs have separate pooled funds. Clusters, coordination, procurement, monitoring, and diplomacy with the relevant states and armed groups could be undertaken at a central level in each hub, and clear dividing lines were set up between each to ensure the safety and security of beneficiaries and the local actors that undertake the majority of the work on the ground. While not without challenges and issues, the response has, for the most part, facilitated a large-scale response into the country where access across borders was possible but access from the capital was not. Remote programmes into sieges continued separately.

---

[20] The White House, 'Government Assessment of the Syrian Government's Use of Chemical Weapons on August 21, 2013,' 30 August, 2013

[21] OPCW, 'OPCW Director-General Welcomes Agreement on Syrian Chemical Weapons,' 14 September, 2013

[22] Anonymous interviews conducted in April and May, 2023.

[23] UNSC Resolution 2139, 2013

[24] UNSC Resolution 2165, 2014

The Damascus operation has been plagued by criticism, including the propensity to hire the family members of regime ministers, partner with or procure from sanctioned entities or those involved with the regime and its abuses, conflict and context blindness in programming, diversion, and consistently acquiescing to regime control and demands.[25] The regime continued to block access to besieged areas, where the most significant needs in regime-controlled areas (or those that could only be reached from regime-controlled areas) were located. Thus reliable population and needs assessments were unavailable for these areas, but the Damascus hub was reluctant to use the word 'siege' or to believe when conditions were critical, including when the siege of Madaya resulted in starvation deaths.[26] Siege Watch was set up to report on the sieges and to hold OCHA publicly accountable on the issue.[27] Throughout the conflict, around 2.5 million Syrians suffered under siege.[28]

During this time, access discussions returned to the UNSC, as convoys were routinely denied admittance to besieged areas and states threatened unilateral action. A demand to reach the sieges by air resulted only in expensive UN airlifts to a regime area besieged by ISIS in Deir Ezzour; there was no action in the sieges around Damascus and Homs.[29] Where some commercial access and smuggling routes existed, cash support to implementers inside the sieges allowed some basic needs to be met.[30] Where this was not possible, fraught medical evacuation requests and convoy permissions were the only lifelines.[31] Where convoys were allowed, many of the approved goods were removed from the trucks before departure.[32] Huge amounts of political pressure were brought to bear on the UN to report in detail on these challenges in the UNSC; UNSC reports thus regularly detailed some of the specific components of the arbitrary denial .

During this period, political brinkmanship regarding every element of humanitarian operations became the primary lens through which the conflict trajectory was litigated. However, it was all in vain. Between August 2016 and the end of 2018, each siege was broken militarily; bombardment and tightened siege resulted in the capitulation and forced displacement of the population, leaving only the northeast and northwestern pockets outside the regime's control.[33] Those forcibly displaced from the sieges were bused to Idlib, where they remain dependent on the cross-border mechanism to protect their access to basic assistance. Most of those who were remotely delivering aid to areas under siege were forced to leave, fearing arrest for their actions once the regime regained control of these areas. Humanitarian workers found that their contracts ended as soon as their programmes ceased during the evacuations, leaving them displaced and without work or support.[34]

---

[25] Natasha Hall, CSIS, 'Rescuing Aid in Syria,' 14 February, 2022

[26] CNN, 'Madaya: Syria allows aid to reach city facing starvation, says U.N.,' 8 January, 2016

[27] Siege Watch, Reports, 2016-18

[28] Siege Watch, 'Final Report Out of Sight, Out of Mind: The Aftermath of Syria's Sieges,' 2018

[29] UN, 'Security Council Endorses Syria Cessation of Hostilities Accord, Unanimously Adopting Resolution 2268 (2016),' 26 February, 2016

[30] Syria Deeply, 'The Siege Sector: Why Starving Civilians Is Big Business,' 11 August, 2016

[31] Reuters, 'Madaya medical evacuation essential says UN,' 23 May, 2016

[32] Emma Beals and Nick Hopkins, 'Lifesaving UN aid regularly fails to reach besieged Syrians,' 12 September 2016

[33] Siege Watch, 'Final Report Out of Sight, Out of Mind: The Aftermath of Syria's Sieges,' 2018

[34] Private INGO advocacy note, 2017

Throughout this time, the cross-border resolution has been regularly renewed. Initially, these renewals were for 12 months and were simple technical rollovers. Russia has since begun to push for shorter renewal periods and upped the cost for their vote, demanding early recovery work in regime areas, along with additional crossline convoys which have limited operational utility. This process has allowed Russia and the regime to maintain control over aid access and empowered them through the process of renewal.

These renewals reduced the number of crossings named in the UNSC resolution from four to one. At the beginning of 2020, the crossing in the northeast was removed from the resolution, causing a host of issues in the response right as the Covid-19 pandemic struck. Information sharing was severed, pooled funds were no longer available for cross-border work and had to be topped up bilaterally, and a lack of coordination between hubs meant that at one stage three Covid testing systems were running in parallel.[35] In the northeast, former cross-border actors have continued to work in the area on aid efforts they believe are legal under international law. However, the presence of US D-ISIS military forces implicitly provides physical security cover for this work; if US forces depart, most of these actors would cease their operations, leaving the area to be serviced from Damascus and likely causing another humanitarian disaster.

In Syria's northwest, two crossings were reduced to just one. Throughout the cross-border operation into the area, the UN prohibited their staff from crossing into the area, a policy decision taken even though the resolution permitted them to enter Syrian territory. The response to the 2023 earthquake in Turkey and northwest Syria failed despite the resolution. For a full week, no rescue teams or earthquake aid entered the area. While a number of factors were to blame, the most egregious failures of the system occurred when the UN, donors, and INGOs had to make real-time policy choices pertaining to the context. A UN Disaster Assessment and Coordination request for rescue teams was never made for the northwest, and no search and rescue terms or heavy equipment crossed into the area.[36] Eventually, the Syrian regime permitted the use of two extra crossings and said the UN staff could move around the area (permission that was not required), which resulted in a shift in the UN's actions. Crossline crossings through the frontlines from Damascus have once again become a contentious issue; aid actors are keen to push for all modalities, even though crossline is operationally inappropriate and represents a long-term threat to cross-border access.

While some contingency planning had been ongoing in the northwest in case the resolution was not renewed, the earthquake exposed the fragility of the aid architecture and these plans. Not only did the UN fail; major donor states and those with rescue teams in Turkey also failed to send rescue teams or emergency quake support in the first days after the disaster. Although the vast majority of aid work throughout the conflict has been undertaken in practice by local NGOs and civil society, the entire response was dependent on the UN system, and was thus unable to act rapidly to address needs when called on by local communities and frontline responders.

---

[35] HRW, 'Syria: Aid Restrictions Hinder Covid-19 Response,' 28 April, 2020
[36] HRW, 'Northwest Syria: Aid Delays Deadly for Quake Survivors,' 15 February, 2023

After 12 years, the ability to meet the needs of those living outside the regime's control is as precarious as ever.

Myanmar

Myanmar also has a long history of humanitarian access constraints. There was a cross-border aid response from the 1980s during the junta's previous period of political rule. It started as a low-visibility effort to assist refugees in Thailand, but over time local organizations and communities began assisting their own people back in Myanmar as needed during periods of conflict, instability, and repression.

In the aftermath of Cyclone Nargis in 2008, the junta heavily restricted aid access despite enormous political pressure.[37] A broader set of political changes began during this period that placed the country on what was thought to be a more constructive path towards democracy. It elicited international approval following the by-elections in 2012 wherein pro-democracy darling Aung San Suu Kyi won her seat, and subsequently a Nobel prize and international favour.[38]

The military junta retained a significant role in the country's leadership during this imperfect pathway to democracy. After 2012, donors encouraged organizations that were working in Myanmar but headquartered both inside and outside the country to register in Yangon and cooperate with the centralized development-focused response.[39] The Rohingya genocide in 2016–17 followed sustained rights abuses against the Rohingya population, which included blocking humanitarian access to the population, providing another example of dysfunctional humanitarian presence and approach to the country which was later articulated in the UN's Rosenthal report on its operations in Myanmar.[40] Despite the genocide, there remained a sustained development and humanitarian presence in the country's capital, although these actors did not enjoy access to much of the country; where access was available, programmes primarily focused on direct implementation, with no meaningful culture of partnership working.

The needs of many living in the diverse ethnic areas across the country continued to be underserved by the central government and humanitarian agencies. In many cases they were supported by their community leadership, occasionally with international support. As a result, some groups perceived the Yangon-based development response as privileging a single ethnic group.[41] Peace processes unsuccessfully attempted to reintegrate these localities into the central state.

The junta's February 2021 coup 4 months after an election took humanitarians and diplomats by surprise.[42] It triggered a widespread popular protest and civil disobedience movement, which the

[37] Ian McKinnon, The Guardian, 'Burmese regime blocked international aid to cyclone victims, report says,' 27 February, 2009
[38] Anthony Kuhn, NPR, 'With Honors Awaiting, Aung San Suu Kyi Visits U.S.,' September 18, 2012
[39] Anonymous interviews conducted in April and May, 2023.
[40] Gert Rosenthal, UN, 'A brief and independent inquiry into the involvement of the United Nations in Myanmar from 2010 to 2018,' 29 May, 2019
[41] Anonymous interviews conducted in April and May, 2023.
[42] John Reed, Financial Times, 'Myanmar coup blindsides the west,' 2 February, 2021

junta responded to with a crackdown on protest, arrests of journalists and civil society leaders, internet and media blackouts, and brutal violence. The civil disobedience movement transitioned to an armed resistance; the junta's violent repression has continued to escalate ever since.

The junta again blocked humanitarian access to much of the country. They have consolidated control over travel permissions (which are infrequently given), and they control visas and access to the country. Because of delays or outright refusal, many agencies are unable to properly staff their offices (a tactic akin to expulsion by proxy).[43] The junta has cracked down on banking systems and issued laws that criminalize those working with unregistered aid actors. In late 2022 they issued the Organization Registration Law in an attempt to further control the aid response and reduce the work that can be done with local organizations.[44]

The development-focused international community in Yangon did not take into account the magnitude of the rapidly changing situation and the dynamics at stake.[45] The response was staffed with a development focus, and senior staff roles were unfilled; it was thus slow to pivot to a conflict or political crisis (similar to their actions during the Rohingya genocide).[46] Due to the lack of partnership work and the heavily Yangon-focused nature of the response, it was poorly equipped to handle the situation.[47] Many agencies hire junta-linked individuals to secure access, as happens globally, and their office buildings and land are also linked to the junta.[48] Although the junta is a de facto authority that is not recognized internationally or by major donors, they maintain access to the instruments of state bureaucracy. Thus dealing with them is essential to maintain the response (e.g., providing visas and travel permissions), which has a legitimizing effect.[49]

Over 2 years into the conflict, it is still not possible to see at a glance the extent of the needs and access concerns in Myanmar. Much of the available analysis of news and access constraints in the country requires reading between the lines of OCHA's public materials. Their 2022 review report illustrates how little access is possible from Yangon; aid is said to be needed for 6.2 million individuals, but the response reaches only 3.9 million, 80% of whom are in Yangon and Rakhine provinces.[50] Humanitarian Outcomes published a report under their SHARP programme in April 2023 that provides an excellent overview of the issues but is not designed to give a quantitative picture of needs or access constraints. Similarly, local organizations such as the Karen Human Rights Group,[51] or international analysis groups such as the Community Analysis Support System,[52] have provided detailed and insightful snapshots throughout the conflict that lay out the challenges and needs in levels of displacement. The ad hoc nature of this information has made the problem easy to ignore, particularly for political

[43] Anonymous interviews conducted in April and May, 2023.
[44] ICI, 'Myanmar: Military regime's new "law" aims to further decimate the function of civil society,' 22 November, 2022
[45] Anonymous interviews conducted in April and May, 2023.
[46] Damian Lilly, IPSI, 'The UN's Response to the Human Rights Crisis after the Coup in Myanmar: Destined to Fail?,' June 2021
[47] Anonymous interviews conducted in April and May, 2023.
[48] Ibid.
[49] Frontier Myanmar, 'Dancing with dictators: The humanitarian dilemma in Myanmar,' 22 November, 2022
[50] Humanitarian Outcomes, 'Humanitarian Access SCORE Report: Myanmar Survey on the Coverage, Operational Reach, and Effectiveness of Humanitarian Aid,' April 2023
[51] Karen Human Rights Group, 'Denied and Deprived,' June 2022
[52] Community Analysis Support System (CASS): https://cass-mm.org/

actors like the Association of Southeast Asian Nations (ASEAN); the organization's policy of non-interference makes this issue politically inconvenient. Moreover, the sensitive political dynamics with neighbouring countries and the need for cross-border access necessitates a measured approach; continued cross-border access must be maintained from within the same countries that tacitly support the junta or at least remain unconvinced of their inability to address the country's humanitarian needs.

Meanwhile, cross-border actors and local community and ethnic resistance organizations (EROs) have been providing aid in the areas they access and control. Some of this assistance is provided utilizing longstanding systems and relationships, often with diaspora funding. Others groups have benefited from an uptick in funding from a small number of donors looking to increase the amount of assistance they provide through these alternate methods. This stream of aid has not yet been able to scale up to the levels needed, which is likely to become a more pronounced issue over time as access stalls, particularly during the upcoming rainy season. The declining access to localized health and prevention schemes is already having negative consequences: the number of malaria cases in Karin state rose over 1000% from 399 in January 2023 to 4,510 in January 2023.[53]

There has been very little creativity regarding how (and why) to remedy this issue at a 'whole of Myanmar' level. Some donors are providing funding across the various modalities, but since donors are not driving more holistic change in the humanitarian approach to the crisis, the aid community are regrouping themselves at a snail's pace. Some hope the recently passed 'Burma Act' which was included in the 2023 NDAA may help drive greater US engagement.[54] Funding options are urgently needed that can support local governance or EROs that are not always compatible with humanitarian partner selection but play a critical role in service provision and community resilience at the local level.[55]

At the international level, the UNSC passed Resolution 2669 which called for full safe and unimpeded humanitarian access,[56] but nothing further has been forthcoming or is likely. A Syria-style resolution is not only unlikely in the political context; it is logistically challenging and potentially unhelpful even in a context-specific perspective, let alone taking into account the risks the Syrian context has highlighted.

ASEAN has focused aid through their own aid coordination organization, the AHA centre, which works through the junta, making it unsuitable for addressing the country's core access problems.[57] OCHA recently took a small step towards increasing the range of organizations they can work with through the pooled fund, while major donors are continuing to support small amounts of cross-border assistance.[58] There is a new focus on remote or partnership

---

[53] Sarah Newey, The Telegraph, 'War-torn Myanmar hit by 1,000pc leap in malaria cases,' 3 April, 2023

[54] Michael Martin, CSIS, 'What the BURMA Act Does and Doesn't Mean for U.S. Policy in Myanmar,' 6 February, 2023

[55] Charles Petrie and Scott Guggenhim, Bangkok Post, 'Taking risks and supporting local governance,' 24 March, 2023

[56] UN, Resolution 2669, 2022

[57] ASEAN, 'Report of the Special Envoy of the ASEAN Chair on Myanmar to the 40th and 41st ASEAN Summits,' 2022

[58] OCHA guidance to partners, 2023

programming from INGOs.[59] Some agencies are trying to manage remote programming from inside Yangon, which many local actors consider impossible due to the security concerns involved.[60] Other aid organizations are jumping on this wave, when they have programmatic reasons to remain in Yangon and have little value to add to remote or cross-border work.[61] Local organizations have concerns about some INGOs' approaches to them and the degree to which the relationships are based on subcontracting rather than locally led partnerships.[62] Many international organizations have no track record of such work in Myanmar and are starting from scratch, which is unhelpful in high-risk situations where trust is required. Existing organizations like the The Border Consortium have been scaling up for some time now. There is next to no coordination on needs, funding, advocacy, or strategy across the growing hubs and modalities, and OCHA's recent Area Humanitarian Coordination Team proposal is unlikely to address this problem.[63] A humanitarian platform proposal from the UN's Special Envoy may help to bridge this gap, though ongoing security concerns and constraints will make this challenging.

The political and humanitarian spheres are worlds apart at all levels, while the accountability and documentation space is heavily focused on atrocity crimes that may or may not be tried through universal jurisdiction eventually. The crisis screams out for coordination across the various sectoral pillars and across the various components of the humanitarian response—the UN, NGOs, donors, and CSOs—to ensure all of those in need are being reached and that the humanitarian situation is being addressed and remedied in a manner that is conducive to, and aligns with, the broader range of continuing efforts in the country and supports, rather than undermines, long-term peace and security in Myanmar.

The recent Cyclone Mocha has once again thrust access issues into the spotlight, much as Syria's recent earthquake did. With many of the most affected areas in Rakhine state outside of areas where Yangon-based humanitarians have permission to work, massive delays in the relief operation have left communities desperate for a protracted period while the Yangon-based response requests access to the affected areas and organizes major funding appeals with no guarantee the funds will translate to programmes.[64]

Ethiopia

Ethiopia has a long and troubled history with war and humanitarian access constraints. During the civil war in the 1970s and 1980s, a severe famine struck the country, predominantly impacting the north due to access restrictions that necessitated a cross-border aid effort to reach those affected.[65]

---

[59]Anonymous interviews conducted in April and May, 2023.
[60]Ibid.
[61]Ibid.
[62]Anonymous interviews conducted in April and May, 2023.
[63] OCHA guidance to partners, 2023
[64] Al Jazeera, 'Official Cyclone Mocha death toll in Myanmar rises to 145,' 19 May, 2023
[65] Barbara Hendrie, 'Cross-Border Relief Operations in Eritrea and Tigray,' December 1989

The arrival of Prime Minister Abiy Ahmed Ali in 2018 sparked hope for a new beginning for the country. He received the Nobel Peace Prize in 2019 for negotiating a peace deal with Eritrea,[66] and his rapid reforms created expectations of an equally brisk development agenda.[67] International actors of all kinds struggled to let go of this wishful thinking, which endured even throughout the early stages of the recent war in Tigray.[68]

When the most recent conflict in Tigray began in November 2020 it was immediately accompanied by access restrictions in that area of the country.[69] That month, humanitarians signed an agreement dictating how permissions from the state would be processed, but these were slow to be approved; in many cases they were denied. Two further deals followed in quick succession that had little positive effect.[70]

The state cracked down on information as part of a broader blockade on Tigray. This included a blackout on internet and mobile service in the area, which made reporting extremely difficult and delayed the dissemination of information, adding to the lack of information about needs. A long history of inhibiting free speech and targeting journalists meant that most of those working in the country were aware of the limits on what could be said without personal consequence. This blockade lasted throughout the conflict and caused an extended period of confusion and propaganda about the conditions in Tigray, which ultimately hampered a forceful response.[71]

While the diaspora was focused on helping to provide aid through small organizations and networks of their own on the ground, there was never a major advocacy campaign or international attention to the crisis in Tigray to parallel those in Syria or even Myanmar. There was an attempt to bring the situation in Tigray to the UNSC as early as March 2021 as a test case for utilizing UNSC Resolution 2417 from 2018 on starvation as a weapon of war.[72] However, this and subsequent attempts to bring the issue to the UNSC did not spark action. Mark Lowcock, OCHA's Emergency Relief Coordinator, blamed Russia and China for blocking these efforts by claiming the issues were internal concerns for Ethiopia.[73]

The lack of communication and data allowed space for a government narrative that the blocks were caused by bureaucratic impediments, localized restrictions, and fighting, which helped to complicate the picture. While there were a range of legitimate security concerns for humanitarians within Tigray, and multiple challenges for aid workers to navigate beyond acquiring the government's permission, a broad humanitarian blockade of Tigray was an explicit part of the government strategy and one that had been used before. This included blocking the transit of fuel and goods into the area and shuttering banking services. Thus in addition to a lack of basic supplies, the movement of goods within the area was difficult and sending cash was

[66] Jason Burke and Jon Henley, The Guardian, 'Abiy Ahmed, Ethiopia's prime minister, wins 2019 Nobel peace prize,' 11 October, 2019
[67] Jason Burke, The Guardian, ''These changes are unprecedented': how Abiy is upending Ethiopian politics,' 08 July, 2018
[68] Anonymous interviews conducted in April and May, 2023.
[69] Congressional research Center, 'Ethiopia's Transition and the Tigray Conflict,' September 9, 2021
[70] The New Humanitarian, 'Relief for Tigray stalled as Ethiopian government curbs access,' 11 February, 2021
[71] HRW, 'Ethiopia: Protect People as Tigray Crisis Escalates,' 13 November, 2020
[72] Global Rights Compliance, 'Ethiopia: A Test Case for UN Security Council Action Under Resolution 2417,' 4 March, 2021
[73] William Worley, Devex, 'Exclusive: Russia, China foiled UN meetings on Tigray famine, says Lowcock,' 21 June, 2022

impossible.[74] According to Mark Lowcock, the Ethiopian government was strategic in their attempts to obfuscate their policy of aid denial (used as a strategy to starve Tigray) from the international community in order to avoid scrutiny or consequences.[75]

Staffing and agency issues manifested in various ways but included a strong link to the government from pre-war aid organizations that were working with them on predominantly development-focused programs and a lack of coordinated negotiations between agencies. After his departure, the World Food Programme (WFP) country director during this time published a book claiming there was never famine in Tigray[76]—a claim publicly praised by the Ethiopian prime minister.[77] The WFP's global head was seen to be negotiating and working with the government unilaterally and not engaging in coordinated access request efforts with the remainder of the response, which weakened the position of all actors.[78]

There were geographical impediments to setting up a cross-border response in Ethiopia. Djibouti would not give permission due to their economic ties to Ethiopia, Eritrea was a non-starter, and the access route from Sudan went through areas of Ethiopian government control. Flights were deemed to be expensive and impractical, unable to provide the scale of goods needed.[79]

Local actors within Tigray restarted operations as soon as they could after the conflict began, receiving small amounts of funding from partners outside the country and from diaspora groups. But the communications blockades made it difficult to assess needs or move around, and the fighting made the work perilous. Groups that continued to work were extremely limited in what they could offer and the reach of their programmes.[80] While diaspora groups managed some small efforts to bring cash and goods into the area through highly secretive and informal methods, this did not occur at scale and was not replicable within the frameworks and policies of most major organizations due to the high levels of risk and informality.[81]

Beyond this, there was no lasting solution or creativity to address the Tigray crisis. The international debate focused on asking permission from the government, which was blocking aid in the first place.[82] This had occasional success but created significant tension between some international officials and the government. While some aid workers and diplomats in the capital were not keen to push these issues, not everyone was silent. In late 2021, the government expelled at least seven aid workers from the country for daring to speak out against the restrictions they faced after a period of several months during which no access had been granted at all.[83]

---

[74] Anonymous interviews conducted in April and May, 2023.

[75] William Worley, Devex, 'Exclusive: Russia, China foiled UN meetings on Tigray famine, says Lowcock,' 21 June, 2022

[76] William Worley, Devex, 'Exclusive: Russia, China foiled UN meetings on Tigray famine, says Lowcock,' 21 June, 2022

[77] Abiy Ahmed Ali, Twitter, 11 January, 2023

[78] Humanitarian Outcomes, 'Humanitarian Access SCORE Report: Tigray, Ethiopia,' April, 2021

[79] Anonymous interviews conducted in April and May, 2023.

[80] Ibid.

[81] Ibid.

[82] Ibid.

[83] Dawit Endeshaw, Reuters, 'Ethiopia expels seven U.N. officials, accusing them of 'meddling',' October 6, 2021

Aid trickled into Tigray in 2022 but then stopped again until a peace agreement was signed in December 2022.[84] Aid has since begun to reach the area, but nowhere near the levels or scope of assistance required. The role of the African Union monitoring force in ensuring the passage of humanitarian aid is unclear.[85]

Data and information about access remains patchy, even after the peace agreement. Diaspora groups remain largely responsible for clarifying and unpacking the data and information provided by UN agencies and providing ground truth, albeit limited, to help shed light on the realities on the ground compared to the reported data.[86]

A WFP and USAID monitoring mission to Tigray in March 2023 identified the large-scale diversion of aid which resulted in the suspension of assistance to the area. The flow of aid has not yet resumed at the time of writing. An investigation is underway, suggesting that broader issues in the Ethiopia response, and Tigray in particular, have not been adequately addressed.[87]

Meanwhile, Ethiopia is becoming a staging post for the Sudan response, making it unlikely that humanitarian actors or the international community will strive to address the ongoing arbitrary denial concerns and state overreach on their operations.

[84] IGAD, 'Agreement for lasting peace through a permanent cessation of hostilities between the government of the federal democratic republic of Ethiopia and the TPLF,' November 2022
[85] African Union, 'The African Union Launches the African Union Monitoring, Verification and Compliance Mission in Mekelle, Tigray Region, Ethiopia.,' 29 December, 2022
[86]Anonymous interviews conducted in April and May, 2023.
[87] Duke Burbridge, TGHAT, 'The suspension of food aid to Tigray expected to kill innocent civilians,' 8 May, 2023

Core lessons from Syria

The big questions are political

The humanitarian community has rightly come under fire for failing to rise to the challenges presented by the Syrian conflict, but it is important to highlight that the challenges themselves—and the solutions—are political in nature and often the result of the choices or actions of parties to the conflict or major donors.

The geopolitical environment matters. The political environment changed over the course of the conflict and played a large role in whether or not solutions to challenges can be found.

Major donors' political positions matter. The range of financing options available, levels of risk appetite, and desire to encourage solutions to access challenges and meet needs across the country were closely linked to major donors' political positions and levels of engagement.

Humanitarian principles despite political centrality. Humanitarian access issues frequently became the central political or mediation question, but were treated as separate from the negotiations to end the conflict.

Big questions have never been solved. Despite 12 years of effort at all levels, renewals of the cross-border mechanism are still required, the architecture failed in the response to the recent quake, and concerns about the Damascus hub have not been adequately resolved.

Slow pivot moved by specific actions

The international aid response in Syria was extremely slow to pivot when the conflict began, and aid denial and regime control became central features of the war. The state-centric and UN-focused approach of the response and donors was difficult to move away from. Even after it shifted, there has been constant pressure to return to the usual path, which has required enormous amounts of resources to counter. Where poor practices were identified, there was huge resistance to change behaviours; even where this was achieved, there was a constant pull back towards a state-centric normative approach.

The aid system is difficult to pivot; a development response is harder. The pre-war development response greatly inhibited the beginning of the emergency humanitarian response when the dynamic changed, but the state-centric and highly bureaucratized aid system is extremely difficult to move.

Donors play a critical role. Donors were one of the major influences behind changes to the response. In the initial phases, donors incentivized or assisted even large INGOs to shift their programmes.

Information and advocacy are key. Quantitative information that highlighted the needs and access issues in a methodologically sound manner that could be translated into funding requests and programmes was crucial. Parallel campaigns from rights documentation organizations and journalists, who were then able to access affected areas, provided qualitative information and public pressure. Nothing changed without all of these elements working together.

Creative solutions and systems are possible. Positive and worthwhile efforts were made to meet needs in Syria. Remote programming, information and data, coordination, and the whole-of-Syria architecture were among the imperfect but constructive solutions to the challenges faced. Creating separate hubs with firewalls to safely enable cross-border and remote work was a positive aspect of the often-controversial whole-of-Syria architecture.

Remote partnerships and programmes

In addition to physical cross-border work, Syria was an excellent example of remote partnership work. This stemmed from local efforts, but donor support and willingness—and open dialogues between actors throughout the response—led to some genuine partnership working.

Relationships matter. All actors involved in the remote management phase of the Syria response—including donors, INGOs, and local actors—cited the positive and enabling impact that close and trusting relationships had on their ability to respond.

Partnerships are key. Viewing this work as a partnership rather than subcontracting or remote management is key. This was reported to have worked best in the early period of the response, when there was a focus on supporting local initiatives and donors were willing and INGOs were staffed by individuals who were adapting their approach to the response and taking on complementary roles such as adapting and completing reporting materials.

The cross-border resolution

In hindsight, the cross-border resolution was a negative development. While it allowed humanitarians to scale up their work at a critical time, it is believed to have created a damaging precedent, suggesting that extra-legal or political cover is required to undertake humanitarian work where access is denied. While ostensibly only the UN or the International Committee of the Red Cross require an additional layer of approval, the resolution also gave actors that wish to be obstructive an excuse to head off any humanitarian action in defiance of their own access denials. It also had a chilling effect on donor willingness to push cross-border and remote aid outside of these mechanisms.

Similarly, it meant that the response, and the international community, were never forced to have a larger conversation about the humanitarian aid component of R2P and international law more generally. The resolution, in effect, removed the urgency from these discussions and pushed the issues further down the road without solving them in a macro sense. Moreover, in

the interim the resolution empowered bad actors. These issues are still not resolved in Ethiopia or Myanmar, and new contexts are facing the same challenges. However, the geopolitical environment is less conducive to addressing or solving these issues than it was in 2014 or before.

While Syria has become dependent on the UN and the response is effectively now stuck with the resolution, this approach should not be replicated elsewhere.

Core cross-cutting lessons

There are many differences between Syria, Ethiopia, and Myanmar, but there are also a great many similarities. The remainder of this report and its recommendations offer solutions to the cross-cutting concerns identified in all three contexts. The main cross-cutting points identified were:

- The geopolitical situation affects whether aid denial is escalated successfully, the level of influence of regional blocs, whether one of the five permanent members of the UNSC (P5 members) provides cover for the perpetrator, and whether solutions to the conflict and the access constraints can be found.
- Major donors' political positions make a great deal of difference in how quickly, and in what ways, access constraints are escalated or resolved at the political and operational levels.
- The big questions are not being solved in any context, and affected communities are paying the price.
- Access denial recurs due to impunity and the continued power of perpetrators, which is compounded by the failure to address denial in peace negotiations or transitional justice.
- Access constraints relate to (and tend to compound) conflict dynamics in a variety of ways. Where solutions are sought solely through a humanitarian access lens, this can negatively impact conflict dynamics.
- Responses pivoted slowly, if at all. All three conflicts took at least 2 years to even begin to change course, even though the challenges were clear from the beginning.
- Development responses inhibit a pivot due to the nature of the staffing and close relationships with the government in implementing these programmes.
- Data and information are important, and are not readily available in these contexts. Quantitative data, qualitative information, and public campaigns are all required when driving a change in operational approach or diplomatic efforts.
- Local actors are central to responses in these contexts and take on the lion's share of the work, necessitating a range of operational best practices to ensure safe and effective programming.

Political Considerations

Introduction

The world is now plagued by more conflicts that last longer. The geopolitical environment and multilateral institutions are also less able to end wars or cooperate on solutions to the problems they create than they have been in recent history. Many of these wars are intra-state conflicts, or civil wars.

In some conflicts, the state or de facto state party effectively dispenses with their responsibilities under international law by failing to protect the population and by arbitrarily denying humanitarian aid access or intentionally causing starvation. These actions are typically accompanied by a litany of other breaches of international law, including attacks on humanitarian infrastructure and civilians. While these breaches of international humanitarian law (IHL) were historically regarded as a truly unthinkable act—a scarlet letter—they are increasingly a strategic component of warfare.

Offending states tend to assert sovereignty or territorial integrity to dissuade outside actors from getting involved to tackle these abuses. Their international backers are often attuned to these issues as well; prone to asserting sovereignty as a way of deflecting international action in their own affairs or those of their allies. The international system is not only failing to resolve conflicts or protect civilians; it is also struggling to deliver humanitarian assistance to those in need. This, in turn, degrades international laws and norms and shrinks the space to fulfil the humanitarian imperative to deliver assistance to all those in need. A long-term strategy to solve these central challenges is required.

How we got here: Sovereignty vs. Protection

Sovereignty and territorial integrity are at the heart of discussions about aid access in contexts where it is arbitrarily denied. Indeed, it is at the heart of the UN system and international law. That said, the issue of sovereignty appears to have taken on greater resonance in recent years, as nefarious actors invoke it to stave off interference in their affairs. This is particularly common in intra-state conflicts in which the state or de facto state party is denying humanitarian aid access to their opponents. Here, sovereignty is used as a pretext to constrain aid without recourse; it is difficult to find support for the counterargument in the current climate.

The conservative approach of the UN—particularly under the stewardship of the current Secretary General and the even more cautious Office of Legal Affairs—means they are unwilling to challenge this trend. This has led to recent debates regarding the legality of the

UN delivering aid to Syria across borders without a UNSC resolution. According to the UN's current interpretation of international law, they cannot deliver aid in a state without consent or an additional legal or UNSC mandate. The centrality of the sovereignty issue makes this debate necessary, but the UN are the only actors that do not believe they have this mandate and are unlikely to change this view in the short term. INGOs and major donors instead believe that aid can and must be delivered despite access denial.

Long-time humanitarians fondly recall the cross-border efforts undertaken throughout the 1970s and 1980s, which they cite as an example of how humanitarian action can overcome arbitrary access denial. However, multiple fundamental changes to the international system and geopolitics since that period have complicated the situation.

In the 'cowboy' era of the 1970s and 1980s a nascent and poorly regulated or defined industry was finding its feet. Until the end of the Cold War, idealist young humanitarians were involved in cross-border actions in a range of contexts. The process of codifying and professionalizing humanitarian action and the laws of war in the post-Cold War era enshrined the concepts of state consent and territorial integrity/sovereignty alongside humanitarian principles in a December 1991 UNSC Resolution, which laid out the operating framework for UN agencies.[88] This resolution represents a turning point in cross-border humanitarian action. Prior to this, for example, UNICEF's operating mandate did not include a requirement for state consent.[89]

The period from 1989 to 1995 is characterized by UN-coordinated humanitarian interventions and negotiated but collaborative solutions to humanitarian crises or genocides. Some of these interventions were highly criticized, such as in Rwanda and Bosnia.

International attitudes to intervention waxed and waned from here. While humanitarians often cite the war on terror as a defining moment in humanitarian action, the 2003 invasion of Iraq shaped international perceptions of Western motivations for interfering in the affairs of other states.

Despite this shift in attitudes, the UN adopted the three pillars of the Responsibility to Protect (R2P) in 2005 at the UN World Summit in response to the atrocities and international failures in the Balkans and Rwanda.[90] In the wake of Iraq, many states viewed the humanitarian intervention pillar of R2P with caution, suspecting it may be a pretext for Western military intervention. The intervention in Libya in 2011 once again gave the impression that any Western involvement in interventionism was a precursor for regime change. Since this time, there has been almost universal reluctance to engage on this issue at all and the R2P and Human Rights Up Front initiatives have all but been abandoned.

---

[88] UN, UNGA Resolution 1991, 19 December, 1991
[89] ODI, 'The Changing Role of NGOs in the Provision of Relief and Rehabilitation Assistance,' January 1994
[90] UN, UNGA Resolution 2005 World Summit Outcome, 16 September, 2005

As a result, Syrian President Bahsar al-Assad's use of chemical weapons against his own people in August 2013 did not prompt a military response. Yet it is understood to have created the political space for the 2014 cross-border UNSC Resolution (UNSCR) 2165,[91] created an international mandate to deliver assistance into Syria without government consent.

When Russia invaded eastern Ukraine later that year, the appetite to litigate issues that could be perceived to threaten sovereignty and territorial integrity at the highest levels disappeared. The 2022 Russian invasion of Ukraine cemented the toxicity of this issue—which is now also a high priority among supporters of Ukraine, who seek to retain the moral high ground. There has never been a less conducive political environment in which to address the concerns this raises.

Resolution 2165 avoided a humanitarian catastrophe in Syria. It addressed the immediate operational issues, but set a dangerous precedent that additional legal coverage is needed for this kind of work. It also constrained the need for a sovereignty vs. rights debate without actually resolving those fundamental issues in Syria or elsewhere. As a result, the resolution must be renewed every 6–12 months, other theatres are struggling to gain access across borders or remotely from outside the country in a less enabling political environment, and the geopolitical ecosystem is far less conducive to a macro-level solution to the issue than it was in 2014.

Reclaiming norms

A concerted and strategic effort must be made to reassert international and legal norms, reaffirm the right to aid and reclaim the lost ground on aid access. Addressing access denial solely through subnational operational responses helps to further entrench the precedent that is being set. A high-level strategic shift should be the ultimate goal. However, given the challenging geopolitical environment, a body of preparatory work is necessary to create an enabling environment for such an initiative.

Some of this work is unlikely to sit comfortably with humanitarians, who may view this endeavour as contrary to humanitarian principles. However, firmly defending the basic tenets of humanitarian action and civilian protection will, over time, help to defend the space within which they can undertake principled humanitarian action.

A high-level mandate-setting agreement codifying aid access without consent in contexts where the state or de facto state arbitrarily and systemically denies it could occur through a new initiative or a United Nations General Assembly (UNGA) humanitarian declaration. Alternatively, revisiting R2P or the codification of consent in the 1991 resolution could eventually be argued to

---

[91] UN, UNSC Resolution 2165, 2014

be a necessary step in the full implementation of UNSCR 2139, 2417,[92] or 2573[93] where aid access is denied, starvation is used as a method of warfare, and humanitarian structures are attacked.

Arbitrary denial is not well defined.[94] In response to its inclusion in the UNSCR 2139 of 2014 on Syria, which stated 'that arbitrary denial of humanitarian access and depriving civilians of objects indispensable to their survival, including wilfully impeding relief supply and access, can constitute a violation of international humanitarian law', OCHA undertook some nascent legal interpretations in 2014. Yet more work could be done in this area, particularly with regard to operationalizing the measurement of arbitrary denial.[95] Although heralded as a diplomatic success at the time, very little subsequent action was taken on this issue even within Syria.[96]

UNSCR 2417 of 2018 revisited the notion of arbitrary denial and stated that causing starvation in a conflict, including by attacking humanitarian infrastructure, can be considered a war crime. OCHA reports to the UNSC under the auspices of UNSCR 2417 implementation have been very general and do not contain detailed information on arbitrary denial. UNSCR 2573 of 2021 again addressed the issues of arbitrary denial and starvation and condemned the targeting of civilian and humanitarian infrastructure in contravention of international law. The UNSC and UNGA have still taken little action on these matters to date.[97]

Many states and de facto states that block humanitarian access as a strategy are careful to feign compliance by stalling and limiting access through procedure, to give the impression that bureaucracy rather than malice is the culprit. For example, rather than expelling an organization, they deny or delay visas. When accused of blocking, they offer temporary or limited access before closing it off again, to suggest that subnational negotiated access may be achievable. Aid organizations thus do not tend to view access denial as systemic or a tactic of the conflict, or do so only after a long period of time.

Defining, measuring and reporting states' denial of humanitarian aid in civil wars is a first step. The Inter-Agency Standing Committee (IASC) found that 'at the operational level, many actors do not regularly share information about BAI [Bureaucratic and Administrative Impediments], even with the structures created to address these issues';[98] despite their adoption of the beginnings of a strategy to address this, this process is unlikely to be rapid, robust, or sufficiently cognizant of the specific issues in contexts where BAIs are strategic and intentional.

[92] UN, 'Adopting Resolution 2417 (2018), Security Council Strongly Condemns Starving of Civilians, Unlawfully Denying Humanitarian Access as Warfare Tactics,' 24 May, 2018
[93] UN, UNSC Resolution 2573, 27 April 2021
[94] International Law Studies, US Naval War College, 'Arbitrary Withholding of Consent to Humanitarian Relief Operations in Armed Conflict,' 2016
[95] UNOCHA, 'Arbitrary withholding of consent to humanitarian relief operations in armed conflict,' 21 August, 2014
[96] Walter Kalin, Brookings, 'The Guiding Principles on Internal Displacement and the Prohibition of Arbitrary Denial of Humanitarian Access: A Story of Success,' 25 September, 2014
[97] Oxford Institute for Ethics, Law and Armed Conflict, 'Conflict-induced hunger and the security council,' November 2021
[98] IASC, 'Understanding and addressing bureaucratic and administrative impediments to humanitarian action: Framework for a system-wide approach,' January 2022

As such, defining, measuring and reporting states' denial of humanitarian aid access should be done through an independent organization that can utilize a range of research methodologies where access is challenging, laying out population and needs information as well as granular and systematic monitoring of access challenges, denial, and attacks on aid structures. This information should include the detailed descriptions of arbitrary denial, starvation, and attacks on infrastructure laid out in the relevant UN resolutions, IHL, IASC paper, and other studies. A systematic, global, longitudinal approach to data collection would highlight the size, frequency, and impact of the problem and analyse trends over time.

This information should inform regional diplomacy and (alongside OCHA reporting) provide the necessary data for UNSC members to address these concerns, at both the country and global levels. Public advocacy and dissemination of this information would help to promote prevention or action where it has been slow. These efforts should dovetail with enhanced localized information and data collection described in the humanitarian operations section of this paper, which would inform country-level engagement and programming.

Pursuing accountability and justice for the arbitrary denial of assistance or the war crime of starvation would curtail the current culture of impunity for these actions. Investigating this denial through commissions of inquiry, OHCHR or other human rights or legal investigatory bodies and organizations should complement legal and accountability actors pursuing criminal cases where this is possible and feasible.[99] The ICC's new jurisdiction following the December 2019 statute amendment to include starvation of civilians as a method of warfare in non-international armed conflicts should be utilized rapidly.[100] Universal jurisdiction and other legal processes could also be used to bring cases as soon as possible. Tigray is an obvious example[101] and an investigatory initiative is also underway in Ukraine.[102] These initiatives would have a higher deterrence value if they are not solely pursued in Ukraine, which may give the perception they are a tool of Western policy rather than a good faith attempt to uphold IHL and protection. This pillar of work should also include sanctioning those responsible for these crimes where appropriate, as has begun to be seen in some cases.[103]

This work should also seek to increase recognition of the denial of aid—and the war crime of starvation—within transitional justice processes or peace negotiations. Too often, these crimes are forgotten as soon as the access concern is remedied, even if the affected population remains under the control of the party responsible for these actions and the party maintains the same political posture. In all of the contexts studied in this project, aid denial had been a consistent policy, and impunity for these actions helped to create the conditions in which it persisted.

[99] Yousef Syed Khan, OpinioJuris, 'Pandemic of Hunger Symposium: Population Transfers and the Civilian Toll of Starvation as a Method of Warfare in Syria and South Sudan,' 20 May, 2021

[100] ICC Assembly of States Parties, Resolution on amendments to article 8 of the Rome Statute of the International Criminal Court, 6 December 2019

[101] Global Rights Compliance, 'A global rights compliance OSINT investigation of starvation crimes in Tigray,' 4 October 2022

[102] Global Rights Compliance, 'All Our Hope Is in the Famine": Why an Investigation into Starvation Crimes in Ukraine Is Urgently Needed, 9 August, 2022

[103] Global Rights Compliance, 'New UN, EU, UK and US starvation-related sanctions digest,' 7 April, 2023

In Tigray, the Pretoria Agreement[104] mentions the need for aid access, but there are few discernible guardrails for this or monitoring criteria for the African Union monitors. Nor is there a clear process to follow if access is granted but then later denied. In northwest Syria, the status and fate of millions of people is negotiated and framed solely through a humanitarian access negotiation rather than a substantive dialogue about the conditions, agreements, and security guarantees that would be required to facilitate any shift in the aid access architecture or framework. Here, 12 years of arbitrary denial, starvation, and persecution and targeting of aid workers, and the geographical and legal frameworks for access are treated as a concern completely separated from the political dynamics of the conflict. For the affected population, this could not be further from the truth; shocks to the fragile system, as seen in the week after the earthquake, have a devastating effect on the chances of long-term peace and stability.

Where humanitarian access negotiations require high-level diplomacy, subsequent peace agreements should not only call for access, but also contain clear benchmarks, agreements, guarantees, and monitoring of access and operational space to prevent recidivism, as well as restoring trust and providing accountability to the affected population through transitional justice programming. Formulating a new approach to this issue across all policy areas can help foster long-term peace and prevent recidivism.

High-level humanitarian diplomacy

In the absence of progress on resolving conflicts, humanitarian diplomacy often becomes the central contact point for international engagements. Political actors become involved in negotiating humanitarian access, often through international mechanisms and agreements, instead of focusing on bringing the conflict to an end. However, these agreements and policies become a feature of the conflict's dynamics.

Where humanitarian access cannot be negotiated at the national or subnational level, this is often a symptom of a broader failure of the political track: states that wish to appear to be engaged on the topic jump into broad humanitarian negotiations rather than participate in the conflict resolution process. In doing so, states take sides along ideological or alliance-based fault lines and issues become further politicized.

This dynamic squanders diplomatic energy and capital on trying to move regional blocks or P5 actors on a humanitarian access issue rather than on solving the conflict. In Ethiopia, high-level US officials were deployed to the border with Tigray to discuss the looming famine after unsuccessful attempts to raise concerns about the issue in the UNSC. The UK similarly failed to bring Myanmar's issues to the UNSC. During the sieges in Syria, the entire UNSC's diplomatic resources were spent trying to highlight the lack of movement of individual convoys.

Where traction is possible it has resulted in high-level agreements, notably the Syrian cross-border aid resolution and, although not solely humanitarian access-related, the Hudaydah

---

[104] IGAD, 'Agreement for lasting peace through a permanent cessation of hostilities between the government of the federal democratic republic of Ethiopia and the TPLF,' November 2022

deal in Yemen and the Black Sea Grain Initiative[105] (BSGI) in Ukraine. These are clever agreements that solve immediate and critical concerns, but the short-term format of the cross-border resolution and BSGI has knock-on impacts. Foreign ministers and the UN Secretary General are often engaged in these negotiations and their renewal. Other policy areas which may upset one of the key parties to these deals are put on the back burner in the lead-up to their renewal; presently one or another needs renewing every couple of months. The regular renewal process has empowered bad actors; they have effectively hijacked high-level diplomacy. This short-term approach creates multiple operational concerns, constraining implementation and diverting resources from an already stretched aid budget.

In a protracted crisis these negotiations fail to address the conflict context. For example, continually negotiating cross-border humanitarian access moves the conversation away from the long-term status of the northwest and other areas outside the regime's control, and allows political actors to manipulate a humanitarian problem. Despite requiring enormous amounts of diplomatic resources, the regular renewals have not solved the broader issue of aid denial in Syria or helped to reach a negotiated solution to the long-term status of the northwestern region of the country.

Adding to these complexities is the degree to which humanitarian access and operations become a function of the conflict itself. This begins with states and de facto states blocking access to populations they wish to defeat militarily; when humanitarian agencies do not pivot their work away from the capital rapidly enough to prevent this from happening, affected populations view this as a policy decision to align with those states.

For instance in Myanmar, some see any continuing response in Yangon as a way of legitimizing the junta, which aid actors rely on for a range of state-like administrative functions. This is compounded by a lack of equivalence in how UN agencies engage with resistance organizations'. Where ethnic areas are governed by de facto authorities who manage administration, local governance, and armed resistance, humanitarian agencies prefer to engage only with the humanitarian arm, or indeed with separate organizations with solely humanitarian mandates. This inequity is further amplified when UN peace actors do not fully engage with all sides; humanitarian action is seen to legitimize or benefit some parties to the conflict and thus is not considered neutral.

In these situations, treating humanitarian action as entirely separate from peace and security is unhelpful. Securing deals that permit unhindered long-term humanitarian access to populations should not be an afterthought or a low-hanging fruit that can be achieved when the larger issues are deemed to be insurmountable. In these conflicts, access is directly related to long-term peace and security and should be considered as a critical component of those discussions. National or subnational decisions about how to enact access strategies and modalities should be made on the basis of neutrality regarding the conflict itself; aid actors should ensure such decisions do not become a pillar of the conflict dynamics by enacting certain policies or applying approaches asymmetrically.

---

[105] UN, Beacon on the Black Sea,' April, 2022

Integrated donor strategies

Where arbitrary denial occurs, escalation and alternative operational actions often depend on major donors' political positions and level of engagement; they are rarely driven by aid actors or principled humanitarian action. This point should be better understood, as it is likely to dictate potential outcomes. Meanwhile, major donors should recognize their outsized role in these contexts and employ their foreign policy instruments in an integrated manner to provide the most constructive engagement possible at the national and operational levels.

In Ethiopia and Syria, major donor states—rather than humanitarians—set the agenda and led on trying to solve the aid denial problem; both types of actors had different agendas. In Ethiopia, where the prime minister had won favour with the West, the resolution of the access issue in Tigray focused heavily on government permissions. This was partly due to the geographical and logistical constraints in the theatre, but avoiding the destabilization of the rest of the country was a key driver. Here, donors were less inclined to push cross-border or remote assistance and instead focused on requests to the government and a peace agreement that would allow aid to flow. In Syria, where the state was not aligned with major donors, when faced with state access denial and a lack of responsiveness from the UN and major INGOs, the donors themselves drove a pivot towards new modalities of delivering assistance in order to meet needs in the countries to the northwest and south.

When geographical or bureaucratic blocks are in place, responses must operate differently and outside the UN-dependent structures that the humanitarian system is used to. These efforts are likely to be donor driven, and donors should better integrate humanitarian action with their peace and security work in these contexts. Such a tactic would help to ensure that high-level diplomacy is more aligned with conflict resolution, but would also bring a broader range of funding mechanisms and policy tools to bear which can better underpin a coordinated policy approach to the conflict. Here, donors can ensure that their humanitarian aid support aligns with their political or conflict resolution strategy, and can harness political or stabilization funding where needed to compliment aid work when supporting alternative approaches to aid access.

Aid is rarely delivered by perfect humanitarian organizations in these contexts, and engagement with these actors should better integrate a long-term strategy for peace and resilience. For example, in Syria's local councils or Myanmar's EROs, local governance and administrative functions are loosely aligned with service delivery as well as political (and sometimes military) aims. In these contexts, parallel humanitarian action can degrade local governance capacity and turn civil society into service delivery agents rather than actors that are genuinely building local resilience and capacity for the future. Here, using various funding streams to support local governance alongside the provision of ostensibly humanitarian work could help build community resilience and ensure that while needs are met there is a robust local community structure which can be integrated into peace negotiations to represent the needs and aspirations of the community.

To drive forward an integrated approach, donor states may find it useful to deploy senior special envoys who can work across various agencies and departments within their own systems. Mixed-mandate focal points from major political actors and donors can shepherd resources and work across new delivery initiatives, rationalizing new approaches to aid access against a political strategy, peace negotiation, and the need to speak out about and prosecute war crimes and abuses. When sufficiently senior, these envoys represent their governments in contact groups designed to help drive the response, as has happened in Syria. This would also be a helpful initiative in Myanmar: it is becoming increasingly clear that ASEAN is unlikely to resolve the conflict on their own.

Humanitarian operations

Blocks at the operational level

The aid architecture and humanitarian principles guide (or constrain) modern humanitarian action. When engaging in complex environments where the state, or de facto state, is the major impediment to humanitarian access in an intra-state conflict or civil war, both elements exacerbate the difficulties of rising to these challenges.

The UN is inherently state centric; its presence is often the cornerstone of any international response architecture. While they say they recognize states not governments, they are in effect bound by their relationship with those in power—even when the governing power is de facto and illegitimate, so long as they maintain control of the bureaucratic functions of the state.

Through well-established systems that replicate globally, the UN manages country-based pooled funds, funding appeals, cluster systems, and a host of other central components of humanitarian responses. UN agencies are often delivering development-focused programming in partnership with the government alongside any humanitarian response. In the majority of cases this state-centric approach is appropriate, but in a small number of instances it entirely cripples principled action.

In all three countries studied for this report, the pre-crisis context involved a development response, entrenched in the capital city and working alongside the government. This meant senior staff were development specialists, programming operated with or through line ministries, state capacity building was considered desirable, and there were close relationships between the response and the government. When each conflict or crisis began, the government became a party to the conflict and an impediment to delivery. In all cases, the UN country teams were ill prepared for the complex crises they found themselves in. A lack of emergency capacity, wishful thinking, and path dependency delayed a pivot in the response. In the future, relying on similar set-ups to be a driver of change is likely to replicate the same problems.

The UN is likely to maintain a state-centric and risk-averse approach for at least as long as the current leadership is in place. Its conservative legal position on consent is an outlier in the humanitarian aid ecosystem. Over the long term, the UN's current style of operations needs to be addressed at a global level. Until then, in contexts such as those studied here, it is necessary to break away from a UN-focused or dependent system. Willing donors, INGOs, and local actors should reduce their dependence on the UN and deliver aid through all necessary and available routes and modalities. It is essential to remove blocks and find triggers that could help more quickly pivot some actors towards creative, needs-based, and contextually appropriate solutions for humanitarian action. To be most effective, this is likely to require an alternative ecosystem and structure to that offered by the UN, to provide the full set of complementary components required to ensure the response can scale effectively.

Neutrality vs. Resistance: A False Binary

The humanitarian principles of neutrality and impartiality underpin humanitarian action.[106] However, rather than a simple call to ensure that humanitarian needs are met in a non-discriminatory manner without humanitarians being seen as parties to the conflict, over time these terms have been interpreted in ways that do not necessarily align with their intent and purpose.

For many, neutrality has come to centre on a state-centric response in which all humanitarian actors must talk to parties on all sides of a conflict, who are subsequently given equivalence, either explicitly or implicitly. Its meaning has also evolved to imply that humanitarians should remain professionally detached from the context and the people within it, and that humanitarian action should not consider the politicized operating environment.

The codification of these principles occurred alongside the enlargement and professionalization of the aid industry, including an expansion of how and where aid organizations work.[107] The UN and large INGOs now employ thousands of staff and manage budgets of billions of dollars. The industry is thus risk averse and heavily policy and process focused. As such, it is sometimes hard to determine where devotion to humanitarian principles ends and a risk-averse, bureaucratized approach to assistance begins.

Hugo Slim has framed the counterargument to this increasingly problematic approach to neutrality as 'humanitarian resistance',[108] a concept that has gained significant traction in Ukraine, Myanmar, Syria, and Ethiopia. To some extent, this notion builds on the 'localization agenda', which has failed to materialize in practice. This polarizing idea suggests there is a choice to make between principles and alignment with conflict parties, between staying to deliver or leaving posts entirely; these decisions have exacerbated the north–south divide at the heart of the localization debate.

However, this framing is too binary and simplistic. While each camp plays a vital role in the broader humanitarian ecosystem, when considering how to approach humanitarian action, there is in effect a third pillar, or perhaps even a full spectrum of action between these two endpoints—a way of looking at a response's neutrality and impartiality in totality.

This involves understanding that it does not violate the humanitarian principles to assess the needs across the entire conflict or crisis and ask whether the response as a whole is managing to assist all those in need through the most direct or appropriate route or modality.

---

[106] ICRC, 'The Humanitarian Principles,' Accessed April, 2023

[107] The New Humanitarian, 'Change in the humanitarian sector, in numbers,' 9 September, 202

[108] Hugo Slim, ODI, 'Humanitarian resistance Its ethical and operational importance,' September 2022

This may involve deploying some actors to facilitate covert remote assistance or to support cross-border partners; this is not by definition an act of humanitarian resistance, but is instead necessary to ensure the response is reaching all those in need. Simply by moving away from a capital or state-centric approach, operating in only one territory of a country, or utilizing new modalities or approaches to meet needs, an aid organization has not necessarily pivoted into humanitarian resistance.

Rather than suggesting that humanitarians pick a team, recent complex environments highlight the need to view humanitarian principles and operations as responses that are focused on meeting needs through the most appropriate routes and modalities. This approach does not require a new name, debate, or framing; it just needs creativity, complementarity, and concerted effort.

There is also a tendency to mistake deep knowledge, ethics, and concern for partners and beneficiaries for partisanship or a lack of neutrality or impartiality. A careful balance must be struck in these unique situations. It is important not to mistake deep concern and care about the task of providing assistance in extremely complex environments—including the protection and human rights of both local partners and beneficiaries—for a lack of neutrality or impartiality. These principles do not equate to indifference or professional distance. This is particularly important in physically and politically risky operations, which require close relationships and work between internationals and local actors in order to be successful.

A new type of response

Creative thinking on new options for humanitarian action in these types of conflicts is urgently needed. Due to the unique legal complexities of this typology of crisis, such operations can be considered differently from other humanitarian emergencies. Once identified, this typology of conflict merits alternative operational action that moves away from UN dependency and focuses on creating the necessary ecosystem to support partners that are willing to meet needs through the most appropriate routes and modalities.

Identifying the problem: defining the typology of crisis

Rapidly identifying crises in which the state or de facto state is likely to deny access is the first step to trigger alternative operational action. This report draws on analysis from Syria, Ethiopia, Myanmar, and similar conflicts to create a checklist for this typology of conflict; the presence of a certain set of characteristics and indicators can help humanitarians and donors quickly identify it. The 'checklist' for this typology should be applied alongside local knowledge, contextual analysis, and other relevant information to make a context-specific determination.

This typology and set of characteristics could help donors and agencies identify where an area is likely to present intractable access constraints and implement new ways of working, as described below.

Syria, Ethiopia, and Myanmar share several characteristics that contributed to, or were correlated with, the political and conflict context and access challenges faced during the conflict:

- **Non-international conflict or violent political crisis.**

- **Autocratic regime and/or support of a UNSC P5 member, or regional bloc protection/impunity.**

- **State (or de facto state) is the primary impediment to aid access.**

- **State (or de facto state) control of aid architecture and operations through the capital city adds to access constraints.**

- **Aid access challenges are, and become, a function of the conflict.**

- **Aid access is arbitrarily or systematically denied.**

- **Disinformation or narrative setting from the state or de facto state about aid, aid workers, and aid access denial.**

- **Targeted attacks on humanitarian aid infrastructure or workers.**

- **Disregard for IHL in other aspects of the conflict or crisis.**

- **Significant challenges meeting needs (scale and severity).**

- **Safety and security threats to the local population, aid actors, or humanitarian operations (including infrastructure) are present and may be heightened through crossline access either physically or remote from the capital.**

While not all of the above characteristics are clear at the outset of a conflict or crisis, other characteristics or correlated concerns were in place from the beginning in all three settings and may help to identify this kind of typology and/or suggest that challenges may be forthcoming:

- **Existing development-focused response working closely with the government.**

- **History of, and/or a sudden uptick in, restricting humanitarian aid access or operations.**

- **History of, and/or a sudden uptick in, issuance of visas and travel within the country.**

- **History of, and/or a sudden uptick in, arrests, targeting, or suppression of journalists and journalism.**

- **History of, and/or a sudden uptick in, blocking of the internet, websites, and mobile phone networks.**

- **History of, and/or a sudden uptick in, arrests, targeting, or suppression of civil society and civic space, including the issuance of new laws restricting civil society and NGOs and/or registration procedures.**

- **History of, and/or a sudden uptick in, restrictions on banking and financial transactions.**

- **Passing restrictive laws, particularly emergency laws, terrorism laws, and cybercrimes laws.**

- **History of, and/or a sudden uptick in, state surveillance of perceived opponents and prominent individuals.**

These characteristics have been robustly stress tested. States that have blocked humanitarian access to affected populations have typically engaged in the above activities. This model successfully mapped beyond the three studied countries to other, similar, historical contexts.

The report authors have begun to identify ways to build these findings into early warning systems that would help to highlight where a state may be vulnerable to becoming a complex humanitarian context if it were to experience a conflict or political crisis or face a major humanitarian disaster. This early warning system would not only help humanitarian operational planning; it may also enable actors outside the humanitarian sphere to undertake prevention work when these indicators arise to head off these complex crises where possible.

Operating differently across the response

Once this typology of crisis has been identified, some actors should begin non-UN-dependent operational planning on a 'no regrets' basis, meaning that a limited number of donors, agencies, and experts would begin gathering information, analysis, and scenario planning and exploring alternative access strategies, response architectures, and modalities. Other actors would remain on the traditional path until more information becomes available. Donors can play a leadership role in this process by utilizing a range of budgets to help create the necessary ecosystems to service a large-scale response outside the UN.

From here, focal points within donor organizations and other agencies are needed to drive forward a well-coordinated approach. In these environments, best practice involves building relationships and trust as well as creating coherent strategy and organization between the partners involved—using the best of each, and their access, to set up an uncompetitive environment and common collective approach.

Information, analysis and scenario planning

Detailed information about access, needs, and programmes would help generate these assessments more quickly. Humanitarians keep access concerns quiet in order to address them at the subnational level and maintain operations. As a result, a plethora of monitoring and analysis products have emerged in recent years to track access challenges. OCHA, ACAPS, Humanitarian Outcomes, and other organizations regularly produce watchlists and map hotspots. While these products make a useful contribution, there remains a significant lack of timely, actionable information in these situations.

Where access is denied, data collection normally is too. In Syria, as late as December 2012 OCHA was unable to document the scale of the blocks or unmet needs. The scale of the unmet needs across northern Syria was not understood until donors and INGOs worked with the ACU in early 2013 to produce a rapid needs assessment in the area utilizing informal cross-border access to the populations that could not be reached from the capital. In Ethiopia, the government's blockade on internet and mobile service throughout the period of restricted access made anecdotal information difficult to obtain and quantitative needs assessments impossible. Even months after the peace deal, there remains a lack of information about the scale of access restriction and needs. In Myanmar, various narrative and descriptive reports detail certain components of the humanitarian context and situation in areas outside of junta control. However, this does not adequately describe the access challenges and unmet needs. In these examples, the lack of concrete information inhibits action on a new approach to the conflict and aid provision.

Information and data should be collected independently through a mechanism designed and implemented by major donors. The typology checklist can be used to trigger this work on the same 'no regrets' basis so that independent information about the challenges would be available more rapidly than it has been in the past. This independent body or organization

should work across areas of control, drawing on a wide range of research methodologies to overcome access constraints. At the national level, this information should focus on population figures and movements, needs, and access constraints and should be used for operations and operational decision-making and advocacy or negotiation efforts in the first instance.

This initiative should dovetail or collaborate with an independent humanitarian access tsar or organization monitoring this information at a global level as described in the political section of this report. This organization would then be able lead on narrative and advocacy work, leaving humanitarian agencies to undertake the difficult task of responding in a challenging environment.

Leadership and focal points

UN country representatives have often, but not always, been able to manage an integrated, whole-of-country approach. This entails managing the delivery of assistance, as well as speaking out about abuses or access denial, and forcefully pushing to expose humanitarian needs in underserved areas, even when it involves crossing frontlines.[109] Such an approach is almost unheard of today as the system prioritizes the ability to 'stay and deliver' and maintain good relations with authorities over the traditional approach.[110] Thus a pivot in operational approach will also necessitate external leadership and focal points.

Donors have a key role to play. Appointing special envoys and setting up donor contact groups to advance a strategic approach to alternative action can have a major impact. Within donor organizations, ensuring the full range of foreign policy and funding instruments are in place will help strengthen their role. Donors may also need to incentivize humanitarian actors to act, as they have in the past.

Donors and INGOs should individually or collectively appoint an individual or small office of consultants who can act as an independent focal point during an initiation phase. Working across the UN, INGOs, and CSOs and local initiatives with a 360 degree view of the context and its component parts, this focal point could help to identify quick solutions, rationalize the efforts of different actors, and ensure that the response as a whole is meeting the needs of the population through the most appropriate methods and routes.

Delivery: who and how

Information, context analysis, and scenario planning should underpin a robust access strategy, response architecture, and rationalization of modalities that will be required to meet needs. Focal points should map the components that will be required to create a non-UN-dependent delivery ecosystem. Considerations will involve where work can take place, coordination mechanisms, procurement and logistics, banking and financing, appropriate reporting, partner selection, and other necessary components of a large-scale humanitarian response.

---

[109]Anonymous interviews conducted in April and May, 2023.
[110]Ibid.

This process should involve a sensible rationalization of the strengths and weaknesses of different actors. For example, INGOs that specialize in partnership work should roll out remote or partnership working in the early stages of a response. Organizations that concentrate on insecure or complex emergency environments would be natural choices to identify new approaches to the context. Whereas, agencies that have quality programmes and access in the capital should remain in place.

Actors with an interest in meeting needs across the response should work together in a non-competitive and collaborative manner to ensure these needs are adequately met through the appropriate routes and modalities. These will vary depending on the context, and should consider the state of local civil society and governance arrangements as well as the ability to access populations directly. Some of the broad strokes will be similar, but these should be tailored to the environment.

Operating differently within organizations

The right teams

The right team can make the difference between success and failure, or between creative approaches and tired attempts. There is no 'one size fits all' approach. Where 'magic' teams came together, individuals interviewed for this study often attributed this at least in part to unorthodox hiring practices; but the success of teams was deemed to be broader than the key individuals on the ground. In these cases, staff in the region were supported by agile human resources support, excellent local staff, clear mandates, decision-making power devolved from hands-off capitals, permissive and supportive executives/boards, and empowering donors.

Various iterations of rosters and surge teams have been proposed, rolled out, shuttered, and re-established across actors ranging from the UN to INGOs and others. Ultimately, the bureaucracies involved move so slowly, and the trends in crisis and conflict so quickly, that these teams are often almost obsolete by the time they are rolled out. As such, this report does not recommend a surge capacity or specific emergency response approach from agencies. Instead, in this particular type of challenging environment, organizations should seek out experienced, capable, agile, creative, committed, and deeply principled individuals who are prepared to take risks and understand and operate correct procedures (such as a clear access strategy) but are not overly devoted to bureaucratic processes.

Partnership in the truest sense

In complex environments where cross-border or remote programmes are needed and civilians and local humanitarian partners are at grave risk, partnership working is incredibly important. The localization agenda and its lack of implementation have been well documented elsewhere. While these arguments apply in this context, deep relationships and true partnerships with local implementers are critical in these complex crisis situations.

In Syria, a complex, secretive, and risky component of the response was set up at the grass-roots level. This effort initially involved local actors and predominantly diaspora funding, and later international organizations and donor funding. Early on, international actors were taking risks of their own alongside their Syrian counterparts. They came to know the situation well, built relationships of trust with local partners, and were deemed to be facilitating an effective response that gave local actors agency and also met donor requirements (which were scaled to the situation by politically willing funders). As the programme scaled up, visitors from capitals deemed some of these international staff to be overly invested or personally 'compromised'; they were phased out and replaced by international or regional staff members who did not know the context, the history of the work, or have relationships of mutual trust with implementers. Local organizations said this had a profound effect on the work, and that the turnover of staff in international organizations had a detrimental impact in these highly sensitive and secretive remote operations.

In Myanmar, the majority of local community actors operating in so-called resistance areas are deeply enmeshed in their communities and have decades of experience serving them. A small number of international actors have built trust with them over a sustained period of time, working alongside them and adapting their relationships, modalities, and responses to community needs and the work of their local partners.

Risk should be shared. For partners the risk is often physical, whereas internationals take on the financial and accountability risks for donors. Where local actors are taking on risks, international staff and INGOs should handle the delivery components that complement the efforts of local partners and which add value in the relationship. Internationals should primarily pick up the slack on reporting, managing the donor relationship and advocating for necessary accommodations, and helping to secure funds and programmes to meet local needs.

Where remote programming is necessary at scale due to the circumstances of the conflict rather than a commitment to localization, INGOs should view this as a high-risk and skilled endeavour and should staff these programmes commensurately. Remote partnership programming with local actors in a complex conflict environment should not simply transfer risk onto local actors. INGO staff should therefore build deep and trusting partnership relationships and work directly in a complex and challenging environment to ensure they are appropriately attuned to duty-of-care concerns. Staff should remain in post for longer periods of time; organizations should refrain from cycling them out on a regular basis.

Local organizations' genuine security concerns are vital and should be addressed. This can be as simple as accepting soft receipts or other digital solutions so that partners and individuals are not carrying physical evidence on their persons or in their offices. Partner and civilian protection cannot be underestimated. Basic protections must be available where possible, and advocated for where they are not (e.g., civilian protection programming or accommodations such as bunkers or early warning systems).

INGOs and other agencies should streamline their policies, training, and other capacity-building requirements where possible. Local organizations should not be expected to adapt their systems to the needs of multiple INGOs or to unnecessarily repeat training to adhere to individual INGOs' policies. Moreover, capacity-building efforts should have clear mainstreaming strategies: local organizations should clearly understand the path to receiving direct funding. In Syria, local organizations that employ hundreds of staff and run tens of millions of dollars in programming each year are still told they are not ready for direct funding after over a decade of successful delivery. Local organizations must also receive adequate funding for core costs to support their ability to meet these requirements.

Finding the appropriate way to get money to local organizations is critical. Where banking and financial institutions are monitored or out of service, alternative arrangements need to be made such as through money transfer systems like Hawala or Hundi. Using such systems may need to be justified to donors, but in these contexts it is easy to make the case since it is the only option. Finding other alternatives such as physical cash or other workarounds may be necessary, but the solution should fit the problem and organizations and individuals should not be put at risk for the sake of organizational preferences and convenience.

The shame or stigma associated with being PNG'd (declared persona non grata)" or démarched should be removed. In the contexts analysed in this report, individuals or organizations are often expelled for taking a principled approach or stance. Where local partners face personal physical risks for speaking up or undertaking certain activities, internationals and organizations who face, at worst, expulsion, should assume these risks and costs where advocacy or pushing the line will help local partners or their beneficiaries.

Share the right lessons and best practice

Agencies often do not share the right lessons between responses. For example, the policies and practices used to transfer funds through Hawala in Syria were not shared with staff from the same organizations working in Myanmar who needed to utilize Hundi systems. Yet the advocacy points, operating procedures, payment forms, and reporting guidelines would all have had an immediate benefit across responses. Instead, Myanmar has faced lengthy debates about whether and how to utilize informal payment systems, even though this is crucial for the response and partner safety.

The same problem occurs at the sector level as well. For example, there are myriad reports on remote programming, but these describe how to undertake this work primarily in contexts where programme managers are located in a base within the capital city and are restricted from travelling within the country. They do not differentiate the lessons for remote programming from outside the country into a state that is hostile to the organization, local partner, and affected community. Operationally, these are different problem sets; while some learnings are likely to be applicable across all contexts, there is sometimes a need to be highly specific. This lack of specificity partly explains why responses such as the three analysed for this report struggle to perform.

Finally, CSOs and local NGOs should be supported to share learnings and information across contexts. Local actors often fight to be included in events or dialogues about their own countries, let alone at a global level. Creating solidarity networks between those working in these contexts could help to ensure lessons are embedded, repetition is reduced, and advocacy is more effective.

Recommendations

Cross-cutting political

- Member states should pass a high-level mandate-setting agreement, such as a UNGA resolution or humanitarian declaration, codifying aid access without consent where the state or de facto state arbitrarily and systemically denies access.

- Member states and international organizations should commit to lines of effort focused on reasserting international and legal norms and the right to aid, and reclaiming the lost ground on aid access.

- The UNSC and UN Secretariat and agencies should fully implement UNSCR 2417 and subsequent resolutions and recommendations.

- An independent organization should be created to provide detailed and systematic information about humanitarian aid denial and access constraints in conflict contexts, with a special and urgent focus on unfolding conflicts where the state is blocking assistance.

- Member states, the UNSC, and international organizations should utilize information about access denial to pursue a wide range of advocacy and diplomatic efforts to find solutions and raise the profile and understanding of this issue.

- States and international bodies should pursue accountability and justice against those who arbitrarily deny humanitarian assistance, cause starvation in conflict settings, or attack humanitarian infrastructure through the ICC, universal jurisdiction, and other relevant legal avenues. This should also include censure through sanctioning where appropriate.

- Peace negotiations and transitional justice processes and should more distinctly recognize the denial of aid—and the war crime of starvation. This involves ensuring that peace agreements contain clear benchmarks, agreements, guarantees, and monitoring of access and operational space to prevent recidivism, as well as restoring trust and providing accountability to the affected population through transitional justice programming.

- Where humanitarian access negotiations require high-level diplomacy or international agreements, these should align with broader political and conflict resolution negotiations, particularly during protracted conflicts. While initial access negotiations may relate solely to humanitarian aid, these should be aligned with, or incorporated into, the broader peace negotiation.

- Major donors should take an integrated approach to complex conflicts, rather than attempting to manage them as a humanitarian file. They should outline a clear engagement strategy, deploy multi-mandate envoys, and employ a variety of foreign policy and funding instruments to support a broader political and diplomatic strategy toward the conflict and its resolution.

Cross-cutting humanitarian operations

- Humanitarian actors should apply humanitarian principles and address humanitarian needs through the most appropriate route or modality, ensuring that risk-averse and bureaucratic operating policies and processes do not inhibit principled action.

- The UN should revisit its legal position on humanitarian aid delivery in intra-state conflicts where the state arbitrarily or systematically denies access. Donors, INGOs and local actors should recognize that the UN's legal position is an outlier and reduce UN dependency to deliver aid through all available routes and modalities in these contexts.

- At the outset of a conflict or political crisis, humanitarian actors should quickly identify when a state is likely to arbitrarily deny or inhibit aid access using a typology checklist. Some actors should take an immediate 'no regrets' approach to alternative action; to include, information gathering and scenario and operational planning, and draft a mixed-modality access strategy that can be used if the situation unfolds with these constraints.

- Information and data should be collected rapidly through an independent source. At the country level, this information should support humanitarian operations by providing quantitative data on populations, needs, and access constraints where the capital inhibits the collection of this data. Such efforts will also support the work of the international organization or focal point by providing information that informs their reporting and advocacy on access constraints and denial at the political level.

- Donors should take a leadership role, bringing an integrated approach and flexible funding streams to bear, coordinating with other donors, helping to incentivize alternative action from INGOs and local actors, and creating the collaborative ecosystem required to support alternative models and modalities of humanitarian action.

- Donors should appoint mixed-modality envoys to act as focal points who can operate across sectors and geographical hubs as well as short-term consultants or small offices to rapidly operationalize a well-rationalized response in a manner that complements the political and mediation efforts. These focal points should have political acumen and a track record of principled action in complex contexts with cross-border or covert aid provision.

- Once arbitrary denial or starvation has been used in a conflict and new access strategies, hubs, and modalities have been set up, the response should define red lines or appropriate minimum standards, agreements, guarantees, and monitoring mechanisms that would be required to return to a centralized response.

- Humanitarian actors should ensure they have the appropriate dynamic and committed teams in place during these complex conflicts, provide clear mandates with high-level support and buy-in, flexible HR policies, devolve decision-making to the local level, and reduce churn, among other things.

- Humanitarian actors should support cross-border and remote modalities with genuine partnership working, which involves creating and maintaining meaningful relationships, meeting locally led needs through locally relevant actors, funding through a range of mechanisms that best meet local needs, utilizing informal banking networks where needed, taking on reporting and risk for local partners, implementing security support and a duty-of-care approach for local partners, and sharing best practices across organizations and relevant sectors.

- Provide opportunities for learnings, solidarity, and shared advocacy between civil society and local humanitarian actors in contexts where access concerns are present.

Country-level recommendations

Syria

- UNSC members should renew the cross-border resolution for at least 12 months from July 2023 and include all necessary crossings required to meet needs.

- The UN should avoid making policy choices that restrict the already-limited humanitarian space, such as the pre-quake policy that prevented staff from crossing into the northwest.

- All actors should recognize the history of extensive and well-documented arbitrary aid denial, which includes starvation, and the lack of accountability for this. They should avoid pushing policies or solutions that risk replicating these dynamics while the responsible parties remain in power and without adequate international agreements, guarantees, and protections in place.

- Firewalls between hubs should remain in place and operational information from the northwest and Gaziantep should not be shared with Damascus.

- No solution to long-term humanitarian access to the northwest can be based on regime consent until international political agreements, guarantees, monitoring, and contingency planning are in place, to include a snapback mechanism without the need for a UNSC

vote.

- The UN maintains a conservative legal position on aid delivery without consent. As such, humanitarian actors in the northwest should reduce UN dependency to ensure aid provision is possible if the UNSC resolution is not renewed. In this sense, the Syria response has the opportunity to produce innovative solutions that can be applied elsewhere to address this growing problem. To this end, following the failures witnessed after the recent quake, all major donors and INGOs should clearly articulate to local partners how non-renewal would affect their funding and operations. UN agencies should specify which activities they would be able to continue.

- The status and long-term future of northwest Syria cannot be treated solely as a humanitarian access issue. International peace and diplomatic negotiations should include realistic medium-term security and access solutions and address the status and future of the area's population who cannot return to the regime's control.

- Many local actors have been operating for more than a decade and manage huge operations across the northwest. These organizations should have a clear pathway to independence to ensure the long-term sustainability of the response and the resilience of local capacity.

Syria and Myanmar

- An independent inquiry should investigate the responses to the Turkey–Syria quake in northwest Syria and Cyclone Mocha in Myanmar. This inquiry should provide recommendations for humanitarian response operations to disasters in conflict settings in which the state or de facto state systematically denies access to aid providers.

Myanmar

- All actors should acknowledge the nature of the operational environment and rapidly work to reduce dependency on the UN and the Yangon focus of the response.

- Donors should fund an urgent independent assessment of the population, needs, and access constraints across the country to support humanitarian operations and advocacy work. This should include scenario planning for the next phase of the Cyclone Mocha recovery and the incoming monsoon season.

- Major donors should help to lead on a well-rationalized access strategy and help to create a collaborative ecosystem of partners working to support a diffused and multi-modality response. This strategy should place needs at the heart of its design and involve coordination to ensure all needs are met through the most appropriate route or

modality.

- Major donors should align their political, stabilization, and humanitarian work to ensure that their engagement across the conflict is well rationalized. For example, supporting local governance and community resilience should be complemented by efforts to ensure community representation in peace negotiations, recognition of the National Unity Government, and support for an integrated humanitarian platform.

- Major donors should set up an appropriate financing mechanism to enable the expansion of support to local actors and INGOs working outside of junta-controlled areas, or communities that cannot adequately be accessed from Yangon.

- Major donors should scale up their support for cross-border and remote programming. This should be done through trusted actors with a proven track record of partnership working. It will require a range of funding streams to support, rather than undermine, local governance and administrative systems where they are providing assistance.

- International actors should recognize the lack of partnership working in the response during the pre-coup period and seek to rapidly and respectfully pivot toward partnerships, centring on and supporting local needs and established networks rather than imposing donor priorities.

- INGOs should take a 'do-no-harm' approach to supporting new modalities and apply firewalls between Yangon and cross-border or remote modalities that should be undertaken from outside the country, utilizing Hundi networks, soft reporting systems, and other best practices to ensure partner safety and security.

- All actors should ensure that their missions have staff with experience in humanitarian emergencies in complex conflicts and full teams in place.

Ethiopia

- Starvation and arbitrary aid denial during the conflict in Tigray should be investigated and pursued through justice and accountability efforts.

- African Union monitors should stipulate targets and monitoring mechanisms for humanitarian access; the peace process should expand on these and include the full implementation of aid access and basic services as well as monitoring.

- Donors should work through INGOs, NGOs, and CSOs working directly in Tigray, funding them directly where possible. They should avoid central government budget top ups or programmes implemented directly or alongside the Ethiopian government.

- WFP programmes and deliveries to Tigray should resume immediately under any necessary temporary oversight or operational security mechanisms. When the results of the formal investigation into diversion become available, adaptations to programming should be made to allow continued delivery.

- Major donors should undertake scenario planning for future access constraints; preparatory work should take place to mitigate the damage of a potential future denial of access.

- Humanitarians should monitor and report on access constraints in Ethiopia as well as monitoring for early warning signs of future access denial or conflict resumption and should rapidly preposition supplies as needed.

- Donors should push for the full restoration of internet, mobile phone and banking services to all areas, supporting new technologies or infrastructure through donor funding if required.

- Donors should rehabilitate and reconstruct critical humanitarian and civil infrastructure destroyed in the conflict, such as hospitals, schools, mills, and warehouses