



Safeguarding
humanitarian space:
a review of key challenges
for UNHCR

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1. Introduction

1. In recent years, a complex range of challenges to principled humanitarian action and to the ability of those affected by crisis to access protection and assistance has emerged. While such challenges have always existed, the changing nature of conflict, the post-9/11 global political landscape (i.e. the harnessing of humanitarian vocabulary and techniques in support of military and foreign policy objectives, a renewed vigour in asserting state sovereignty, and the push for 'coherence' in the UN's engagement in conflict-affected countries) have combined to contribute to a substantial shift in the operating environment for UNHCR and other humanitarian actors.

2. These developments have been described as contributing to a 'shrinking' of humanitarian space. From the perspective of aid worker security, there is ample evidence that humanitarian space is indeed diminishing.

3. A recent report from the Overseas Development Institute confirmed that there has been a significant rise in the number of attacks in which aid workers were killed, kidnapped or injured, from 35 in 1997 to 155 in 2008.¹ There has been a particularly marked increase over the last three years. In the last eighteen months alone, three UNHCR staff members were killed in the course of duty, and two held as hostages for extended periods.

4. But humanitarian space should not be assessed with reference to aid worker security alone. The last ten years have also seen an increasing disregard for international humanitarian law in the context of asymmetric conflicts in which fragmented irregular armed groups use attacks on civilians and civilian shields as tools of warfare, and state actors engage in disproportionate and indiscriminate methods of warfare.

5. Access to safety is frequently deliberately blocked and the ability of civilians to access protection, including assistance, severely constrained. The principles of independence, neutrality and impartiality of humanitarian action have also been significantly undermined in many contexts. In some operations, humanitarian space is effectively non-existent.

6. Nonetheless, not all humanitarian actors are in agreement that humanitarian space is in fact shrinking. During the Cold War many conflict-affected areas (such as parts of Afghanistan, Angola and Mozambique) were off-limits to aid workers. The diversion and manipulation of aid has also been a perennial feature of the operating landscape. What has changed is the nature of the challenges to principled humanitarian action, underpinned by significant shifts in the global political and security context.

¹ *Providing aid in insecure environments: 2009 update*, Abby Stoddard, Adele Harmer and Victoria DiDomenico, Humanitarian Policy Brief 34, Humanitarian Policy Group, Overseas Development Institute, London, April 2009

7. In 2007, the Inter-Agency Standing Committee (IASC)² embarked on a process to analyse the challenges faced by humanitarian agencies in seeking to preserve humanitarian space, and to identify key contributing factors and actions which might be taken to address these.³ Together with OCHA, UNHCR currently co-chairs the IASC working group established to steer that process.

8. In parallel with its engagement in the IASC process, UNHCR has undertaken an internal review of the specific humanitarian space challenges faced in its field operations, with a view to better understanding the nature of such challenges and informing future strategy development. This report sets out the key findings of that review.

9. The findings set out in this report are based on a series of interviews with senior UNHCR staff working in operations where securing and/or preserving humanitarian space was identified as a particular challenge. The operations covered were Afghanistan, Algeria, Central African Republic, Chad, Colombia, Cote d'Ivoire, the Democratic Republic of Congo, Georgia, Iraq, Israel, Myanmar, Pakistan, Somalia, Sri Lanka, and Sudan.

10. The interviews were conducted by telephone and in person in late 2008 and early 2009 by a team of Headquarters-based staff consisting of Raouf Mazou, Bernie Doyle, Ann Blomberg, Jane Janz and Vicky Tennant. Reem Alsalem, Pia Paguio and Dina Sinigallia contributed extensively to the analysis, as did staff from the Regional Bureaux who also participated in the interviews. The findings which emerged also benefited from additional feedback and discussion in a series of meetings with headquarters and field-based staff between June and November 2009.

11. It should be noted that the findings set out in this report emerge directly from current field experience, as conveyed through the interview process. They constitute a snapshot of key challenges at a particular point in time, and as such do not purport to constitute a comprehensive analysis of the many dimensions of the humanitarian space issue, nor do they represent an official position on the part of UNHCR. Owing to the selection of operations, the focus is also primarily on complex emergencies.

12. Moreover, while many of the challenges identified emanate from recent changes in the operating landscape, some are issues with which UNHCR has been obliged to grapple for much of its history. The fact that these are not necessarily new does not render them any less problematic, and it is hoped that situating these within a broader analytic framework will help to provide fresh perspectives and stimulate new thinking on how to address them.

²The Inter-Agency Standing Committee (IASC) is the primary mechanism for inter-agency coordination of humanitarian assistance, involving key UN and non-UN humanitarian partners including NGOs and the Red Cross/Red Crescent Movement.

³ *Background document: Preserving Humanitarian Space, Protection and Security*, IASC, 26 February 2008

2. Humanitarian space and UNHCR

13. The term 'humanitarian space' has been in use for at least two decades and captures a number of inter-related concepts. Some definitions, such as that developed by Médecins Sans Frontières (MSF) in the 1990s, focus on the establishment of an environment in which humanitarian agencies can operate independently of external political and other agendas: a 'space for humanitarian action' in which aid agencies are 'free to evaluate needs, free to monitor the delivery and use of assistance, free to have a dialogue with the people.'

14. The UN Office for the Coordination of Humanitarian Affairs (OCHA), in its glossary of humanitarian terms, equates humanitarian space with a 'conducive humanitarian operating environment' underpinned by perceived adherence to the humanitarian principles of neutrality and impartiality as the critical means for achieving the humanitarian imperative of saving lives and alleviating suffering.⁴

15. Consequently, OCHA stresses the crucial importance of maintaining a clear distinction between the role and function of humanitarian actors and that of the military, and ensuring that the right of a population to receive humanitarian assistance is not contingent upon political or other allegiances. The requirement of respect for the humanitarian principles of humanity, neutrality and impartiality is also set out in General Assembly Resolution 46/182 (1991).

16. For the International Committee of the Red Cross (ICRC), the concept of humanitarian space is rooted in international humanitarian law (IHL), in particular, international customary law and the 1949 Geneva Conventions and Additional Protocols. These re-affirm the responsibility of national authorities and occupying forces to provide for the basic needs of civilian populations affected by conflict, and if this is not done, to permit relief action 'which is humanitarian and impartial in character and conducted without any adverse distinction.'

17. Here, the principle of 'humanity' refers to a concern for the humanity and dignity of those suffering from the effects of war, and 'impartiality' refers to needs-based, non-discriminatory aid. These norms, say the ICRC, underpin the concept of 'impartial humanitarian space.'

18. The ICRC argues that 'humanitarian space' may be occupied by a range of diverse actors, including civilian authorities and military forces, provided that the principles of humanity and impartiality are respected and that aid is provided in a transparent manner which does not blur the distinction between military and civilian actors. Within this space, there is a particular role for the ICRC, which under its Statute is required to be neutral and independent. While other actors may aspire to

⁴ *Glossary of Humanitarian Terms in Relation to the Protection of Civilians in Armed Conflict*, OCHA Policy Development and Studies Branch, New York, 2003

respect them, from a strictly legal point of view (it argues) these principles apply only to the ICRC.⁵

19. A number of NGOs, as well as making reference to humanitarian principles, have incorporated a focus on the rights of beneficiary populations to humanitarian assistance and protection in their analysis of what is meant by humanitarian space.

20. For Oxfam International, humanitarian space refers to: 'an operating environment in which the right of populations to receive protection and assistance is upheld, and aid agencies can carry out effective humanitarian action by responding to their needs in an impartial and independent way. 'Humanitarian space' allows humanitarian agencies to work independently and impartially to assist populations in need, without fear of attack or obstruction by political or physical barriers to their work. For this to be the case, humanitarian agencies need to be free to make their own choices, based solely on the criteria of need.'⁶

21. A number of the UNHCR staff interviewed in the course of the review stressed the link between humanitarian space and 'protection space' or 'asylum space,' and cautioned against too narrow a focus on physical access or security of staff. In the absence of an enabling protection environment, the delivery of assistance may even place populations at risk.

22. They argued for a two-fold concept of humanitarian space which incorporates the potential for crisis-affected communities to exercise and enjoy basic rights, and which allows UNHCR to deliver its mandated activities in a secure and enabling environment. Incorporating the perspective of beneficiaries was seen as an important element which reflects UNHCR's protection mandate and its commitment to accountability to the populations it serves.

23. Accordingly, for the purposes of this paper, a working definition will be applied which links the key elements analysed above with the specific mandate and activities of UNHCR: 'a social, political and security environment which allows access to protection, including assistance, for populations of concern to UNHCR, facilitates the exercise of UNHCR's non-political and humanitarian protection mandate, and within which the prospect of achieving solutions to displacement is optimised'.

Relationship with UNHCR mandate

24. The humanitarian space-related challenges faced by UNHCR are shaped by the agency's mandate and the nature of the operational activities in which it engages. As an agency with an internationally-recognised protection mandate, often working in complex emergencies, UNHCR's operating environment often presents particular challenges. These may also be shaped by the nature of the population with which the agency is working in a specific context – whether refugees, who have crossed an international border and for whom UNHCR has a direct protection mandate, or the

⁵ *An IHL/ICRC perspective in 'humanitarian space*, Johanna Grombach Wagner (ICRC), Humanitarian Exchange, Issue 32, December 2005

⁶ *Policy Compendium Note on United Nations Integrated Missions and Humanitarian Assistance*, Oxfam International, January 2008

internally displaced, for whom the primary responsibility lies with the national authorities.

25. Experience in certain operations has demonstrated that protection-related activities, especially as they relate to internally displaced persons (IDPs) are often less acceptable to governments than purely assistance-driven programmes. Protection activities may also touch on the interests of non-state armed groups, for example when they seek to prevent forced displacement or avoid the recruitment of children, as in Colombia.

26. UNHCR has traditionally not played a significant or systematic role in natural disaster response. Where it has done so, experience suggests that securing humanitarian access has often been less problematic than in complex emergencies or areas affected by political unrest or human rights violations, although this is not always the case.

27. Restrictions on access to the Ayeyarwady Delta area of Myanmar were relaxed following Cyclone Nargis in 2008, but humanitarian access remained extremely constrained in the south-east areas of the country, historically affected by conflict and exclusion. In Pakistan, despite some resistance to the presence of international aid workers, access was generally good during the 2005 earthquake, and UNHCR was also able to participate in a UN response to the floods in Baluchistan in 2008. Restrictions on access to Aceh, Indonesia were also relaxed following the 2004 Tsunami.

28. Under UNHCR's Statute, 'the work of the High Commissioner shall be of an entirely non-political character... it shall be humanitarian and social.'⁷ This clear statement of the non-political nature of UNHCR's refugee protection and solutions mandate, underpinned by a strong normative framework in international refugee and human rights law, is in many respects UNHCR's greatest strength, and provides a clear basis for explaining UNHCR's presence, role and activities in protecting and assisting refugees. Almost 60 years of direct engagement in conflict zones have reinforced UNHCR's standing as a humanitarian agency.

29. In practice, however, UNHCR's work goes beyond the classic scope of purely 'humanitarian' action, as defined (for example) in the context of the Good Humanitarian Donorship (GHD) initiative: 'the objectives of humanitarian action are to save lives, alleviate suffering and maintain human dignity during and in the aftermath of man-made crises and natural disasters, as well as to prevent and strengthen preparedness for the occurrence of such situations.' Under UNHCR's Statute, the agency has a mandate both to provide international refugee protection (including assistance) and to seek permanent solutions to displacement, working with States.

30. The solutions component of UNHCR's mandate means that in many contexts, and particularly in return and reintegration operations in countries still in transition from conflict to peace, it is engaged in strengthening national protection capacity, working closely (although not exclusively) with governments. The responsibility to work in partnership with governments in order to strengthen

⁷ Statute of the Office of the United National High Commissioner for Refugees, annexed to General Assembly Resolution 428(V) of 14 December 1950.

national protection is also underpinned by UNHCR's role in supervising the application of the 1951 Refugee Convention and its 1967 Protocol.⁸

31. In certain situations, particularly where a government's legitimacy or authority is challenged, such engagement may contribute to a perception that UNHCR is not entirely neutral, and may even be seen as endorsing a particular political or institutional model, or aligning itself with a party to a conflict, with a consequent impact on humanitarian space.

32. It is not just UNHCR which faces this dilemma. Many NGOs and other UN agencies are 'multi-mandated,' engaging in both humanitarian and capacity building or development activities, and even acting as implementing partners for governments, as for example, in Afghanistan's National Solidarity Programme.

33. It should also be recognised that while UNHCR's mandate is non-political, humanitarian action almost always takes place in highly politicised contexts. In such situations, agencies such as UNHCR are accepted in part because they are useful to political actors, because of the services they deliver, the money they bring, and the legitimacy they confer by association, at the national and international levels.

34. In situations such as Somalia, there is a perpetual risk that aid becomes a driver of conflict, reinforcing the authority and power of warlords. Despite initiatives such as the GHD, the funding priorities of donors also frequently reflect foreign policy interests. Against this backdrop, understanding how UNHCR and other humanitarian actors fit into the political economy of conflict and crisis, and regional and international interests, is crucial to the preservation of humanitarian space.

35. The OAU Refugee Convention (1969)⁹ and a number of General Assembly Resolutions and EXCOM Conclusions reaffirm that the grant of asylum or refuge is a peaceful and humanitarian act, and the 1951 Refugee Convention also confirms the social and humanitarian nature of the refugee problem. Nonetheless, the phenomenon of forced displacement itself often takes on political dimensions. For example:

- the presence of refugees may be politically sensitive, particularly where it is linked to cross-border conflicts or self-determination movements.
- issues such as the enumeration and registration of refugees or the delivery of assistance may be instrumentalised by host governments or refugee leaders with a particular political agenda.
- return and reintegration processes can be at particular risk of politicisation, particularly when censuses, elections or referendum processes are imminent, or where governments or international actors seek to promote early return in order to demonstrate the success of a peace process.
- the issue of statelessness can be similarly contentious, often involving complex issues of national identity and minority rights. Even the use of the term 'stateless' has been challenged in some contexts.

⁸ *1951 Convention Relating to the Status of Refugees*, Article 35; *1967 Protocol Relating to the Status of Refugees*, Article II.

⁹ *OAU Convention Governing the Specific Aspects of Refugee Problems in Africa*, 1969

36. The phenomenon of mixed migration is also often a politically-charged issue, and the involvement of UNHCR in ensuring the protection of refugees within mixed migratory flows is not always welcomed. This is particularly the case where transit states perceive that they are under pressure to shoulder an inequitable burden, in the context, for example, of 'externalisation' policies pursued by other states, and it is important that UNHCR is not seen as an instrument for such purposes.

37. In Algeria, for example, while UNHCR works closely with the authorities in ensuring protection and assistance for Sahrawi refugees in the Tindouf camps, its engagement with urban refugees and asylum seekers has been less welcome. In many countries throughout North Africa and elsewhere, securing access to border areas for the purposes of identifying refugees moving in the context of mixed migratory flows has been extremely difficult.

38. UNHCR's advocacy role in relation to mixed migration in Europe has also been politically sensitive. While this has not traditionally viewed as an issue of humanitarian space, a number of interviewees stressed the close connection between humanitarian space and 'asylum space'.

39. Some interviewees also noted that while UNHCR has a clear international protection mandate in relation to refugees and the stateless, its role in relation to the internally displaced is intrinsically different in nature and does not have the same normative basis.

40. While the agency's role has been clarified to some extent in the context of the cluster approach, in which it leads (or co-leads) the protection, emergency shelter and camp coordination and camp management clusters, this is not underpinned by a specific institutional responsibility accorded under international law, and national authorities retain primary responsibility for the protection of their own citizens.

41. UNHCR's IDP protection role is not always accepted by governments, and in some states, governments have even been unwilling to accept the existence of IDPs. In others, the provision of assistance to IDPs has sometimes been perceived (or misrepresented by certain parties) as providing support to anti-government elements. Maintaining neutrality can be a particular challenge in IDP situations, particularly where conflict is ongoing.

42. UNHCR's advocacy role in relation to the human rights of displaced populations or those at risk of displacement, and its involvement in reconciliation or conflict resolution efforts, as part of its solutions mandate, have also on occasion been viewed as political.

43. There have sometimes also been tensions between UNHCR's role in providing country of origin information for the purpose of refugee status determination (which entails an analysis of ongoing human rights violations and patterns of persecution) and the need to remain present in countries of origin and to retain communication channels with actors who may be implicated in violations of human rights.

44. The humanitarian space within which UNHCR operates is also influenced by the geographical locations in which UNHCR's work requires it to be present -

often insecure, politically sensitive border areas in which the authority of central government is not fully felt (as in Chad), or, particularly in IDP operations such as the Democratic Republic of Congo, directly in conflict zones. The challenges of ensuring the civilian and humanitarian character of IDP and refugee camps in such contexts are well-documented.

45. Despite the complexities which stem from UNHCR's mandate, activities and the locations in which it works, interviewees were nonetheless of the view that UNHCR's clear non-political and humanitarian mandate, in particular with respect to refugee and stateless populations, together with the longevity of its presence in many operations, impact positively on humanitarian space. Some cited UNHCR's long experience in working with both governments and *de facto* authorities while avoiding politicisation.

46. Building and maintaining relationships over time is an important component of strengthening and preserving humanitarian space. For example, the presence of agencies such as WFP and UNHCR in Afghanistan throughout the conflict of the 1990s is believed to have helped reinforce their standing and credibility at both local and central levels.

47. Similarly, UNHCR's work in northern Iraq in the early 1990s, and its continued presence since then, contributed to a more conducive operating environment in that part of the country. Even where the agency does not maintain a full operational engagement, the presence of honorary representatives (as, for example, in Israel for many years) was perceived by interviewees as having a positive impact.

3. Nature and sources of humanitarian space challenges

48. Pressure on humanitarian space emanates from a range of sources, including governments and non-state actors such as irregular armed groups, de facto authorities, non-displaced communities, criminal elements, and 'community gatekeepers.' The sources of humanitarian space challenges as encountered by UNHCR, and the form that they take, are explored in this chapter.

Challenges emanating from governments

49. Responsibility for providing protection and assistance to those affected by conflict and natural disasters lies primarily with states, who accordingly have the 'primary role in the initiation, organisation, coordination, and implementation of humanitarian assistance within (their) territor(ies).'

¹⁰ The paramount role of states in responding to crisis is arguably not always sufficiently recognised by international humanitarian actors, who have been accused by some States of sidelining national structures and undermining local capacities.

50. Providing support to national authorities to fulfil their responsibilities to assist and protect their own citizens should be a key goal of international humanitarian action.¹¹ The responsibilities of states include the coordination and facilitation of external humanitarian assistance where needed.

51. Host states therefore play a key role in shaping humanitarian space, and in many situations make a positive and constructive contribution in this respect. This role may nonetheless be complicated, for example where the government is a party to an internal armed conflict, where it is unwilling to meet the needs of particular groups in need of protection and assistance, where it has a particular political or security agenda to advance, or where it wishes to avoid international involvement in the humanitarian response for political or other reasons.

52. Governments may also be unwilling to acknowledge that their capacity to cope with a crisis has been exceeded, and that international assistance is required. Pressure on humanitarian space emanating from governments has also been linked by some to the reaffirmation of state sovereignty, which may manifest itself in an array of controls over the work of humanitarian agencies which go beyond the legitimate interest of the state in ensuring a coordinated and managed response in accordance with national regulatory frameworks. There is also a risk that humanitarian agencies become mere implementers of government agendas, with a consequent impact on their ability to operate in line with humanitarian principles.

¹⁰ General Assembly Resolution 46/182.

¹¹ A recent study by the Overseas Development Institute argues that the humanitarian principles of neutrality and independence should not mean disengagement from state structures, but on the contrary, should underpin principled engagement to encourage and support states to fulfil their responsibilities. *Towards good humanitarian engagement: The role of the affected state in disaster response* Paul Harvey, HPG Report 29 Humanitarian Policy Group, Overseas Development Institute, September 2009

53. Restrictions on humanitarian space emanating from governments include those that are administrative in nature. Such restrictions include delays in issuing visas for international staff, the blocking of deployments of staff of certain nationalities, refusals or delays in granting agreements to accredit Representatives, expulsions of staff (actual or threatened) and delays in issuing customs clearances for relief items. It is nonetheless important to distinguish between deliberate or negligent obstruction, and incidental bureaucratic procedures or inefficient systems.

54. Restrictions may also be geographical in nature. For example, governments may seek to block access to certain areas of the territory (such as by the designation of 'no-go' areas), or by imposing over-stringent security restrictions, such as requirements for advance security clearance requests with lengthy processing periods or heavy escort arrangements which go beyond the exigencies of the situation. Restrictions may also be imposed on the kind of programme to be delivered (in some operations, the authorities have been unwilling to permit registration of refugee populations, or self-reliance programmes) or on assistance to certain population groups.

55. Humanitarian space restrictions emanating from governments may also include restrictions on access to territory, or to places of safety, by beneficiaries, including non-admission at borders, interception at sea, or the refusal to allow civilians to leave conflict-affected areas.

56. Challenges to humanitarian space may also take the form of a direct assertion of control by the government over humanitarian action which limits the way in which programmes are designed and delivered, for example by inhibiting impartial needs-based assistance and seeking to link humanitarian action to broader counter-insurgency strategies. In some operations this has significantly inhibited the ability of UNHCR and other agencies to operate in line with humanitarian principles, and has a significant impact on the perceptions of the neutrality and independence of humanitarian actors, with a consequent impact on staff security.

57. Lastly, restrictions on humanitarian space emanating from governments may take the form of a rolling-back of the legal frameworks and principles which underpin the provision of protection and assistance to refugees and other displaced populations, often in the context of more restrictive security policies.

Challenges emanating from non-state actors

58. Challenges to humanitarian space emanating from non-state actors include a broad range of threats to the security of humanitarian workers. These may take the form of deliberate targeted killing or kidnapping by insurgents or irregular armed groups, who may perceive UN or other humanitarian staff as linked to the government or representing Western political agendas (as in Pakistan, Afghanistan, Algeria and Iraq), or may seek to use the high profile of such incidents to secure visibility for their cause or negotiate for a specific desired outcome. Successful attacks on targets such as the UN may also be used as a means of demonstrating the weakness of state authority, and its inability to deliver security.

59. In certain situations, the threat may emanate from paramilitary groups believed to be operating with government complicity. In other locations, such as the

Democratic Republic of Congo, staff may be at risk not because they are directly targeted but because of a general disregard for international humanitarian law in the context of a volatile and unpredictable armed conflict.

60. In some situations, the target is not aid workers as such, but the assets and resources which aid agencies bring. These may place staff at risk of robberies, hijackings, lootings, extortion, and kidnappings for ransom, as for example in the Central African Republic and Chad.¹²

61. Such actions may be incidental to the conflict, linked to basic criminality, but more often, emanate from actors linked to the conflict and for whom access to such assets and financial resources are a means of reinforcing their status and feeding the war effort.¹³ In some operations, of which Somalia is the most vivid example, UNHCR and other agencies face significant dilemmas in determining to what extent they should cooperate with non-state actors exercising effective control over areas of territory in (for example) paying rent for 'public' buildings or 'taxes' at check points.

62. Challenges to humanitarian space may also emanate from within the communities with which aid agencies work, where misinformation and manipulation by certain actors may lead to hostility and mistrust from displaced and local communities, resulting, for example, in attacks on NGO aid workers by IDPs in Darfur.

63. In other locations, such as Somalia, community 'gatekeepers' may restrict access to beneficiaries, and refugee leaders have on occasion also opposed particular programmes which are seen as undermining traditional values or political aspirations (such as resistance to girls' education programmes, or (as in Nepal), resettlement programmes which are seen as undermining the potential for future return). Interviewees stressed the need for UNHCR to avoid and to counter misperceptions by engaging with displaced and host populations to provide clear information messages in local languages.

¹² Regrettably, recent incidents in Chad and Sudan, including abductions of NGO and ICRC staff, suggest that aid workers have now become direct targets.

¹³ See *Are humanitarians fuelling conflicts? Evidence from eastern Chad and Darfur*, Clea Kahn and Elena Lucchi (MSF), Humanitarian Exchange Magazine, Issue 43, Humanitarian Practice Group/Oveseas Development Institute, June 2009

4. Key policy issues

64. Seven key themes shaping the challenges to humanitarian space emerged from the interviews conducted in the course of the review, all of which are closely interlinked. These are analysed below.

a) Political agendas

65. As highlighted above, humanitarian action often takes place in highly politicised situations. However the nature of the political context has undoubtedly changed in recent years, and in many contexts the UN and/or aid workers are now viewed by some as foreign occupiers and thus as legitimate targets, particularly where the majority of funding comes from governments who are also parties to a conflict or have strong strategic interests in a country or region. This shift has also affected even those agencies that have traditionally made concerted efforts to disassociate themselves from political agendas and to project an image of neutrality.¹⁴

66. The blurring of humanitarian and political agendas is also compounded by 'whole of government' approaches which link security policy and overseas aid, and by 'hearts and minds' strategies which harness the vocabulary of humanitarian action in support of military interventions or political objectives. While such approaches have become most evident in the context of the 'War on Terror', they nonetheless preceded 9/11, and have also been visible in other national counter-insurgency operations which do not fall immediately within the 'War on Terror' arena.¹⁵

67. Even in contexts which do not involve national or multi-national counter-insurgency or stabilisation operations, humanitarian action may be perceived as playing a highly political role. The very presence of humanitarian actors may be seen as undermining the authority of a government (which may wish to demonstrate that there is no crisis, or that it is in any event capable of handling it alone), or may be viewed as exposing a population to unwelcome outside influences. In situations where a particular regime has come under extensive international criticism, the motivations of humanitarian agencies may be questioned, and they may be suspected of spying or otherwise seeking to advance outside interests.

68. From the perspective of non-state actors challenging the authorities through armed insurgency or other means, international actors may be seen as undermining their goals if the grievances of the population are assuaged. Pressure may emanate from the parties to a conflict, who may seek to manipulate aid in support of their

¹⁴ In 2003, the ICRC became a direct target when its delegation in Baghdad was attacked, and ICRC staff members were also killed in Afghanistan and southern Iraq, despite the fact that their identity as ICRC staff was almost certainly clear to their attackers.

¹⁵ It should nonetheless be recognised that given the difficulties for humanitarians to operate in certain conflict zones, military actors face challenging questions about the nature of their role in the face of compelling humanitarian crises.

own agendas, for example, by blocking assistance to areas held by rebel groups (as in the DRC).

69. Some staff interviewed in the course of the review noted the strong relationship between UNHCR and host governments, and questioned whether UNHCR could genuinely be perceived as neutral in situations where the legitimacy of such governments is challenged by certain groups. As noted above, national authorities play the predominant role in ensuring protection and assistance to displaced populations, and UNHCR's relationship with governments (and in some situations, *de facto* authorities) is crucial in order to be able to provide effective support and to engage in direct interventions.

70. In situations such as Afghanistan and Pakistan this relationship could nonetheless be perceived as undermining the agency's neutrality and independence (and indeed, certain actors may seek to portray it in this way). Some of those interviewed pointed out that agencies such as ICRC also work with governments, but equally, have strong relations with non-state actors. For UNHCR, however, the dominant and most visible relationship is with governments, a fact reinforced by its status as a multilateral agency and its Executive Committee (EXCOM) governance structure.

71. In operations where governments have asserted a strong role in directing humanitarian action alongside military interventions, maintaining a relationship with the government while retaining an independent advocacy stance and seeking to de-link humanitarian assistance from security strategies has been a perpetually difficult balancing exercise.

72. Some interviewees questioned how UNHCR could expand its range of interlocutors at national and regional level, becoming more adept at creating allies within governments and across national institutions and civil society. The importance of developing clear frameworks for principled engagement, with benchmarks and 'red lines' was highlighted. In addition, it was felt that agreement between the UN, NGOs and donors on common or complementary strategic dialogue with host governments could be a powerful tool in protecting and expanding humanitarian space.

b) UN coherence

73. A significant number of those interviewed noted that institutional developments over the last five to ten years aimed at securing greater coherence in the engagement of the UN and humanitarian actors at country level have had an influence on humanitarian space. These include the principle of 'integration' in situations where UN peacekeeping or political missions are deployed, the humanitarian reform process of which the 'cluster approach' is a key part, and the 'Delivering as One' approach to the UN's engagement in development activities.

74. In June 2008, the UN Policy Committee re-affirmed the integrated approach as the 'guiding principle' underpinning the UN's engagement in countries either undergoing or emerging from conflict and where peacekeeping or political missions were deployed. Integration essentially takes the form of a strategic partnership between the UN Country Team and the mission, and in some cases, the structural

incorporation of the humanitarian coordination function within the mission, in the form of a triple-hatted position combining the responsibilities of Deputy Representative of the Secretary General (DSRSG), Resident Coordinator (RC) and Humanitarian Coordinator (HC).

75. Many of those interviewed expressed concerns about the impact of integration on the independence of humanitarian action in situations where conflict was ongoing, or where transition was still in the early stages. In such situations, it was felt, the identification of humanitarian actors with the 'political' UN, or with a peacekeeping presence, undermines their neutrality and is likely to have an impact on acceptance, particularly where the UN is closely associated with a government or constitutional arrangement which does not necessarily enjoy popular support or where certain actors remain outside the peace process.

76. Several also expressed the view that within integrated missions, the political and/or peacekeeping components inevitably tend to dominate the agenda and are often much better resourced. In some situations (such as Afghanistan and Iraq) this translated for some time into a tendency to focus on elections and other political processes, and to 'talk up' the situation, masking the full extent of humanitarian needs and access challenges. A desire to demonstrate a successful peace process may also lead to pressure for premature IDP and refugee returns.

77. A number of those interviewed expressed serious concerns about the 'triple-hatting' of the DSRSG, which they felt led to a confusion of roles and diminished humanitarian leadership. It was noted that this is sometimes wrongly characterised as a capacity issue, when in fact there are unresolved tensions between the three roles. Nonetheless, some felt that in certain contexts, it was helpful to have a Humanitarian Coordinator located inside the mission in order to act as an advocate for humanitarian concerns and to ensure that these do not fall off the agenda entirely.

78. Many also felt that the weight and resources of missions, if properly harnessed, can constitute an important means for negotiating and facilitating humanitarian access, and highlighted the role of peacekeeping missions in enhancing the protection of civilians, including refugees and IDPs, as in Chad, and in enhancing humanitarian space through improved security for both local populations and humanitarian workers. However, where the credibility of the peacekeeping component wanes (as happens at some point in the majority of deployments), there is a clear risk that perceptions of humanitarian actors are negatively affected as a result.

79. In general, those interviewed were of the view that preserving the distinct identity of UN humanitarian actors was critical in situations where conflict had still not been definitively resolved. While UNHCR's identity is undoubtedly fundamentally shaped by its being part of the UN system, statements by warring parties in for example, Somalia (which so far is not an integrated presence), provide some indication that local populations and belligerents do distinguish between humanitarian and non-humanitarian UN actors. It is nonetheless difficult to assess the degree to which the respective roles of the various components of the UN system are generally understood in such contexts.

80. Within UN country teams (UNCTs), which generally include both humanitarian and development actors, approaches on issues related to humanitarian

space vary considerably. In some countries, the UNCT is viewed as functioning well and has achieved a strong common position on issues related to humanitarian access.

81. In others, interviewees described something of a gap of understanding between humanitarian and development actors. Development actors are primarily reliant on the relationship with the government, and on occasion have been unwilling to sanction difficult advocacy stances or programmes which are unpopular or do not relate to government priorities.

82. In some operations, such as Pakistan, the UNCT was slow to acknowledge an emerging humanitarian crisis and to make sufficiently timely adjustments for a shift in priorities from development to humanitarian intervention. Some of those interviewed were of the view that separating the HC and RC functions, or installing a Deputy HC with a strong humanitarian background, could help to address these problems.

83. In establishing or adjusting humanitarian coordination structures, for example in the context of the roll-out of the cluster approach, humanitarian space should also be a consideration. The mechanisms through which national coordination mechanisms are linked to the cluster arrangements and in particular, in relation to the coordination of protection activities, may have implications for humanitarian space. Interviewees advocated for flexibility within the cluster system and other coordination arrangements which allow the space to develop the approach best suited to the context.

84. In general, it was felt that it was important to achieve a strong collective position within the UNCT on humanitarian space-related issues, supported by the RC/HC. Some interviewees nonetheless felt that at certain times, diversity and complementary approaches within the UNCT could be mutually reinforcing, and a more useful strategy to achieve humanitarian goals.

85. They argued that UNHCR and other humanitarian agencies should strike a balance between collective engagement as part of the UNCT and maintaining a distinct humanitarian identity and goals. For UNHCR, this is linked to the imperative of safeguarding authority and leadership in relation to its refugee protection mandate.

c) Security management

86. An effective security management system is critical to staff security and should make a significant contribution to establishing and preserving humanitarian space. Those interviewed highlighted the extremely challenging security context now characterising many UNHCR operations and recognised the imperative of ensuring a robust and effective security management system. This should take due account of the risks to staff and populations of concern while at the same time being guided by the imperative of ensuring access to humanitarian protection and assistance for those who need it.

87. Security arrangements which are too risk-averse may unduly limit access to beneficiaries and thus limit humanitarian space, while those that are too lax can jeopardize staff and the long-term viability of programmes. Furthermore, the way in

which security is managed affects the perceptions of humanitarian workers and thus acceptance by all communities.

88. Some staff interviewed pointed to the use of police or military escorts as creating a distance from beneficiaries and in certain contexts, undermining UNHCR's perceived neutrality. Security arrangements which limit access to areas with real needs may in themselves create the impression that agencies such as UNHCR are not helping the 'needy,' or that aid is being diverted or provided on a non-impartial basis.¹⁶

89. Interviewees also pointed to the impact of 'bunkering,' as agencies surround their offices and guest houses with walls, armed guards and barbed wire. They also pointed to the trend of locating offices away from urban centres, in locations where access can be controlled and stringent security measures put in place. In locations assessed as having heightened security risks, such as Islamabad, Algiers and Baghdad, access to UNHCR offices by refugees is sometimes extremely restricted.

90. In such contexts, UNHCR may be perceived as cutting itself off not only from the surrounding community, but also from the populations for whom it works. Operations have developed a range of methods for tackling this, including the provision of free bus transport, telephone hotlines and the delivery of services through offices operated by partners in more accessible locations, although concerns have been expressed that such arrangements do not fully respond to the problem and may simply outsource the risk to others.

91. A number of those interviewed nonetheless cautioned that despite these concerns, restrictive security measures are nonetheless an essential part of the current operating environment, in a situation where the UN and other international actors are increasingly seen as 'legitimate' targets. While such measures may have a negative impact on how the agency and its staff are perceived, in many operations, there is simply no alternative.

92. Experiences of working with UNDSS were reported to be mixed. In some, such as Sudan, Iraq, CAR and Algeria, the approach to security management was viewed as too restrictive, with too much of a focus on hardening targets rather than attenuating risks, and too little emphasis on the humanitarian imperative. In others, including Sri Lanka and Cote d'Ivoire, security management was seen as generally functioning well. One interviewee pointed out that measures which may appear restrictive (such as delays in issuing security clearance) are sometimes due to logistics requirements, such as the need to arrange air transport if road travel is assessed as too risky.

93. In integrated missions, the Special Representative of the Secretary General (SRSG) also holds the position of Designated Official (DO) and thus exercises overall responsibility for security management. While UNDSS remains responsible for advising on the security of UN staff, peacekeepers also tend to play an important role. Views on the appropriateness of the SRSG's holding the DO role were mixed.

¹⁶ Alternatively, the risk becomes outsourced to international and national NGOs and national staff, based on what one commentator has described as the 'frequently false' assumption that local actors face a lower level of risk than international entities, 'simply shift(ing) the burden of risk to local staff and partners who often have fewer security resources and less training.' *Supra*, n.1

94. On the one hand, as in Afghanistan, this may be highly advantageous in terms of his/her access to confidential and sensitive information. On the other hand, in some operations there was believed to be a real risk that the imperative of humanitarian action might be subsumed under the political priorities of the SRSG, who may not want to risk high-profile attacks on humanitarians, or may want to avoid the delivery of assistance to areas controlled by rebel groups or entities remaining outside the peace process.

95. Some interviewees highlighted examples of situations in which UNHCR had been active in developing its capacity to analyse and understand the operating environment and pushing for creative local solutions to address security challenges. They recommended that UNHCR draw on the knowledge and expertise of national staff and build relationships with a range of interlocutors.

96. Some national staff have argued that when a context becomes particularly hazardous, the number of national staff should be increased, operating from more, rather than fewer locations. This, they say, would enhance local knowledge and reduce the need for national staff to travel on mission to areas where they are not familiar with or known to local tribes or ethnic groups.

d) *Engagement with non-state actors*

97. Engaging with non-state armed actors and *de facto* authorities is often crucial to ensuring access to populations and to staff security. UNHCR has a long history of such engagement, often on issues related to access to camps and the maintenance of their civilian character, for example in Pakistan in the 1980s, and eastern Zaire in the 1990s.

98. Engagement with non-state actors has also been a feature of many of UNHCR's IDP operations. However, the level of engagement with non-state actors by UNHCR is currently extremely variable, from no interaction in certain operations where non-state actors exercise significant influence, to a high level of engagement in others.

99. In general, interviewees believed that the need for engagement with non-state actors was likely to become even more significant in the future, given UNHCR's enhanced involvement in IDP operations in the context of the cluster approach. This may require further reflection on the factors which shape the nature and extent of UNHCR's ability to interact with non-state actors, coupled with enhanced training on international humanitarian law and the role of actors such as ICRC.

100. It was nonetheless noted that there are some non-state actors with whom engagement is not desirable, or may even compromise staff or beneficiary security, particularly where there appears to be little potential for a positive outcome owing to manifestly incompatible world-views. In such circumstances, the best approach may be to focus on effective communication of UNHCR's mandate and activities to local authorities and communities, to avoid misperceptions and counter misinformation.

101. A number of risks were identified in engaging with non-state actors. In situations such as Afghanistan and Pakistan, the insurgency is extremely fragmented, with unclear and shifting lines of authority and control, making it extremely difficult

for a humanitarian negotiator to know who to deal with and what degree of authority an interlocutor has. There is also an ever-present risk of political manipulation by non-state (and indeed, government) actors who may seek to portray their engagement with the UN as bestowing a degree of credibility.

102. Engagement with non-state actors may also have implications for the relationship with governments. Some governments, such as in Colombia, Afghanistan and Georgia, may view this as endowing 'terrorists' with legitimacy, and are extremely unwilling to sanction such engagement.

103. In other locations, the government tolerates engagement with non-state actors in areas under the latter's *de facto* control. In other operations, technical-level engagement is permitted on issues such as security and logistics, but not high-level missions or negotiations. Some governments have also restricted any engagement seen as 'capacity-building' of *de facto* administrations or irregular military or security forces.

104. In only a few operations is UNHCR engaged in negotiating access directly with non-state actors, and often the Humanitarian Coordinator or UNDSS exercises this role. In an integrated mission, such as the DRC, peacekeepers may play a role. OCHA's role in negotiating access varies – while OCHA was reported as taking the lead in certain countries such as Somalia, in others this was not the case.

105. In situations involving 'breakaway' states or areas of territory over which sovereignty is contested (such as South Ossetia, and the area between Somaliland and Puntland in northern Somalia) the routes by which relief supplies reach the areas in question may become a political issue.

106. Staff working on such operations emphasised the need for frameworks which operationalise the obligations of states and occupying forces under international humanitarian law, and which stipulate the extent to which considerations such as security may be invoked as the basis for limitations on access. While it may not necessarily be the role of UNHCR to lead such a process, the need for such practical instruments was underlined.

107. Some interviewees noted that non-state actors who are outside the democratic process today may later form part of the political mainstream or even the government. The possibility of conveying messages through branches of such movements based abroad was also highlighted.

e) *Perceptions of UNHCR*

108. The issue of perceptions underpins a number of the themes which have already been considered in this paper, and to a large extent is the defining element which shapes humanitarian space. As has already been noted, how UNHCR is perceived is to a large extent shaped by a broader set of circumstances, including the global political context, over which the agency itself and its staff may have little control.

109. The harnessing of the UN's presence in Iraq to the intervention of the Multinational Force through Security Council Resolution 1546, and the resulting

impact on perceptions of UN humanitarian actors, is just one example. Interviewees also stressed that perceptions of UNHCR and other humanitarian actors are shaped not only at the local level, but in the era of global communications, by key developments in other locations.

110. Nonetheless, interviewees were generally of the view that within this broader context, there are measures which can be taken to reassert the humanitarian and non-political mandate of the agency, operating in a neutral and impartial manner, and to promote acceptance through relationships at a local level.

111. Perceptions of UNHCR are nonetheless first and foremost shaped by the fact that the agency is part of the UN system. The positions taken by one part of the system, and in particular the most visible and powerful components, thus have a major impact on how the UN as a whole is perceived.

112. Moreover, the positions taken by the Security Council on conflicts in the Middle East have had a particularly critical impact on perceptions of UNHCR in Muslim countries. In certain countries the UN is viewed by many as a tool for western interests, and countries which see the wider UN as critical of them may be extremely suspicious of UNHCR and other humanitarian agencies.

113. The importance of asserting a clear humanitarian identity separate from other parts of the UN system was highlighted in the context of Colombia, where drug eradication campaigns (largely perceived as advancing the government's agenda) are conducted by inspectors from the UN Office for Drugs and Crime wearing UN insignia.

114. These activities frequently result in internal displacement, to which UNHCR and other humanitarian actors then respond, wearing the same UN 'badge.' Some interviewees suggested that UNHCR and other humanitarian actors within the UN system should seek to develop a collective 'humanitarian' branding, although others cautioned that a divisive 'us' and 'them' syndrome should be avoided.

115. Some staff emphasised the extent to which UNHCR and other humanitarian actors are viewed as outsiders, noting that the way in which staff conduct themselves (the use of land cruisers, secure compounds, and 'western' lifestyles) reinforces this perception. They argued that UNHCR could do more to ensure that staff understand the history, culture and traditions of the local contexts to which they are being deployed, and to encourage the development of language skills. Others suggested that UNHCR should consider working more closely with anthropologists and sociologists to analyse the structure, traditions and strengths of societies in high risk countries.

116. It is, however, not only international staff who may be perceived as outsiders. National staff brought in from outside the local area, for example from urban backgrounds, may equally be perceived as outsiders, and even as government spies.

117. Some interviewees felt that too much emphasis was placed on employing national staff with English skills or formal education qualifications, rather than experience and skills. They encouraged UNHCR to be ready to invest in recruiting

and coaching locally, even if this meant that those recruited had fewer academic qualifications.

118. Some argued that negative perceptions were likely to arise primarily from insensitive or inappropriate conduct (for example, by driving Landcruisers in an irresponsible manner or leaving them parked ostentatiously outside restaurants, rather than the use of Landcruisers *per se*). Addressing negative perceptions should therefore entail both reinforcing respect for the UNHCR Code of Conduct and ensuring effective communications strategies and respectful interaction with local populations.

119. Interviewees also pointed to the importance of selecting the right partners, whose conduct may also have an important impact on how UNHCR is perceived. Working with credible and respected local and national organisations, including 'non-traditional' partners such as informal community organisations, religious communities and others not necessarily constituted as NGOs, can play an important role in enhancing humanitarian space. The language and concepts used by UNHCR and other humanitarian actors may also play a role in creating distance, and certain types of programme may be viewed as challenging existing power structures and cultural values.

120. Interviewees highlighted the need for local media monitoring, bearing in mind that violence against humanitarian personnel is often accompanied by hostile attitudes or incitement in the local media (sometimes tolerated or even encouraged by the government), and the importance of developing communication strategies tailored to the context. It was suggested that preparation for new assignments should be more sophisticated, and that qualities such as sensitivity to local contexts, communication and language skills should be identified as key staff competencies.

121. At the same time, a sense of realism should be retained. Many of the UNHCR staff who have been subjected to attacks and hostage-taking have had excellent communication skills, been extremely sensitive to local culture and had extensive knowledge of the countries and regions in which they worked. Such attributes may be no protection when a staff member is targeted not because of what he/she is, but for the broader system which he/she represents – often the UN or an international political order which is viewed as inimical to the world-view or ideology of a particular group.

f) Military involvement in 'humanitarian' activities

122. Much has been written on the increasing involvement of military actors, including national armies, peacekeepers and international military forces, in humanitarian activities, and the complications which have resulted as distinctions are blurred between humanitarian and military action, with an impact on perceptions of the neutrality of humanitarian actors.

123. It is generally acknowledged that military actors have a legitimate and important role to play in creating the space for delivery of assistance to crisis-affected populations, and as a last resort (particularly in natural disasters), engaging directly in assistance interventions. However, where this becomes linked to military or political strategies, or where the non-civilian identity of the actor delivering

assistance becomes unclear, the perceived impartiality and neutrality of humanitarian action may be critically undermined.

124. The most vivid example of a situation where the distinct identity of UN humanitarian actors has been fundamentally undermined is Iraq, where the harnessing of UN security arrangements to the presence of the multinational forces by the Security Council removed all semblance of neutrality or independence for UN humanitarian actors, and 'humanitarian' activities became part of the counter-insurgency strategy.

125. Similar challenges are present to a greater or lesser extent in many of the contexts in which UNHCR operates. In operations such as Pakistan and Sri Lanka, national military actors are an integral part of the humanitarian response. In others, such as Colombia, military actors may not play a formal role, but in practice, military and social protection strategies have become closely linked. Establishing appropriate operating frameworks for engagement with military actors in such contexts has been hugely challenging.

126. Interviewees cited the engagement of the military in 'hearts and minds' activities and the use of the language of humanitarian assistance as particularly problematic. One staff member formerly based in Western Afghanistan explained that while military actors claimed to be carrying out projects only in areas where civilians did not have access, in fact there was pressure to demonstrate visible achievements to visiting delegations and to win favour with the government, so that projects were often undertaken in accessible locations.

127. Nonetheless, some of those interviewed were of the view that there has been progress in civil-military relations, and in carving out more distinct roles. Another interviewee based in Afghanistan reported that UNHCR and military actors maintain a 'respectful distance' and that while information may be exchanged (for example, on where and when assistance will be delivered), offers of international military escorts have been turned down, in order to avoid contributing to perceptions that UNHCR's engagement is allied to the coalition presence.

g) International criminal prosecutions

128. A number of those interviewed emphasised the role of impunity, for example in operations such as Somalia, in contributing to shrinking humanitarian space. UNHCR clearly has a strong interest, underpinned by its protection mandate, in advocating for impunity to be addressed, including through national and (where appropriate) international criminal prosecutions.

129. At the same time, if UNHCR is perceived as facilitating such processes, this may have serious implications for its continued presence and activities. This requires a complex balancing of the imperative of tackling impunity against a potential reduction in humanitarian space.

4. Conclusion

130. UNHCR should adopt a practical and realistic approach in seeking to address current pressures on humanitarian space. There will be no quick fixes, and while the agency should change what is in its power to change, many of the challenges to humanitarian space identified in the course of this review emanate from an external environment over which UNHCR has limited influence. Even the most intelligent, carefully-crafted and principled of approaches may have limited impact in a highly polarised political and security context.

131. It should nonetheless be recognised that UNHCR (and indeed, other humanitarian actors) have not always got it 'right' in the past. Faced with complex and troubling challenges to principled humanitarian action, the agency has not always succeeded in resolving the dilemmas these present, or in formulating appropriate and effective strategies to address them. In some instances, UNHCR and other humanitarian actors have arguably contributed to diminishing humanitarian space, especially in scenarios where the geopolitical stakes are high, where agencies are constrained by state policies and where the options available to them appear to be very limited.¹⁷

132. Those interviewed were of the view that there are a number of measures which UNHCR can, and should, undertake to preserve and enhance humanitarian space. A number of key lessons and recommendations have therefore been distilled from the findings summarised above. The operations covered by this review nonetheless vary significantly, and many interviewees highlighted the distinct nature of the contexts in which they were working and the challenges they faced. Guidance on preserving and enhancing humanitarian space should therefore be flexible, and where possible, tailored to the specific operational context.

Vision and delivery

133. Challenges to humanitarian space will not be addressed merely by the assertion of humanitarian principles. Effective and relevant programmes, which respond to the priorities of populations of concern, have a positive impact on the well-being of those most in need, and demonstrate that UNHCR is committed and has the capacity to deliver, are crucial to achieving acceptance. Where appropriate, UNHCR can also act as an advocate for the needs of populations for whom it does not have direct responsibilities, or as a 'neutral facilitator' for processes which are more appropriately led by communities or national authorities.

134. A clear vision for the rationale and goals of each 'high-risk' operation should be articulated by UNHCR senior managers and communicated both internally and externally. There should be a focus on establishing and

¹⁷ UNHCR came under particular criticism in this respect in the early and mid-1990s, due to its controversial role in the refugee camps of Zaire, in repatriation programmes to Myanmar and Tanzania, and in the international response to 'ethnic cleansing' in Bosnia.

communicating a limited number of realistic and clearly-defined objectives, and committing to ensure these are delivered.

Building relationships

135. Acceptance is built through the establishment and maintenance of positive relations with displaced and host communities. UNHCR should engage in support to host communities not only because it contributes to co-existence with displaced populations, but also because this contributes to the preservation of humanitarian space. In this respect, appropriately-tailored engagement in natural disaster response in certain circumstances may be an opportunity to demonstrate the value of UNHCR's presence and expand access in ways that can later be built on.

136. Presence – both in terms of longevity and geographical reach – is important. Length of presence is key to establishing relationships and building up credibility over time. Similarly, widespread field presence, such as that established through the 'protection by presence' approach in Colombia, plays an important role in reinforcing UNHCR's credibility and commitment amongst local populations.

Community empowerment

137. UNHCR should enhance its engagement with communities in its analysis of humanitarian space, and in defining the nature and scope of its engagement in high-risk environments. The perspective of beneficiary communities should be sought in understanding whether and how humanitarian assistance contributes to their protection and whether they indeed perceive it as in their interests to have a humanitarian presence, particularly in fluid situations characterised by ongoing conflict in which UNHCR may not be able to maintain a stable presence.

138. A community-based approach should be adopted which focuses not on holding space for the 'UN badge', but on ensuring that populations have access to the assistance and protection they need (which need not necessarily be provided by UNHCR). There should be a focus on identifying and strengthening existing coping mechanisms, with a focus on empowering people to protect themselves through reducing their exposure to risk, for example through the 'livelihoods for protection' approach piloted by UNHCR in Somalia.

Influencing perceptions

139. UNHCR's clear mission and its humanitarian and non-political mandate should be presented consistently and assertively. Consideration should be given to developing country-specific messaging and communications strategies engaging all those (and not just public information staff) working in operations where humanitarian space is under challenge.

140. UNHCR should seek to communicate its mandate and identity through targeted outreach activities which reach beyond beneficiary groups and the general public, to target key opinion-formers such as religious leaders and prominent persons. Relationships should be established and maintained beyond traditional

government interlocutors such as refugee line ministries, and coalitions should be established at national and regional levels.

141. There is a need for more strategic communication about humanitarian action in general, especially in integrated missions or where UNHCR is deeply embedded in coordination mechanisms. UNHCR should continue to pursue strategic alliances with other humanitarian actors within the UN system, to develop a common approach to communications, possibly involving a distinct 'humanitarian branding.' Such partnerships should also focus on communicating humanitarian principles and the humanitarian imperative within the UN system and to external actors such as governments, military actors and regional organisations.

142. UNHCR should invest in analysing how it is perceived in the countries in which it works, including by displaced and host communities and by groups who may be hostile to its activities. Consideration might be given to commissioning one or more studies to examine perceptions of UNHCR in specific regions or countries, with particular emphasis on those where humanitarian space is under challenge.

Strategic partnerships

143. In operations where the space for independent, impartial, neutral humanitarian action is constrained, efforts should be invested in securing agreement between the UN, NGOs and donors on strategies to analyse and address these challenges, including collective or complementary strategic dialogue with host governments, and common operating frameworks which identify benchmarks and 'red lines' for humanitarian engagement, for example when the risk of diversion of aid is high.

144. UNHCR should continue to advocate for and contribute to inter-agency action to address humanitarian space challenges, including through the IASC, and to engage with donors and EXCOM members.

145. Engagement with DPKO and DPA should be maintained and strengthened, including through the Integration Steering Group, Strategic Assessments, the Integrated Missions Planning process (IMPP), and directly with missions at country level, to encourage action to maintain and expand humanitarian access and to maximise the space for neutral and impartial humanitarian action. This could include more strategic use of secondments, a briefing note for peacekeepers, and/or participation in pre-departure briefing and training sessions provided by DPKO and troop contributing countries.

146. UNHCR partnership arrangements should be reviewed with a view to enhancing collaboration with local and national organisations, in particular 'non-traditional' partners such as informal community organisations, religious communities and others not constituted in the form of an NGO.

147. Effort should be invested in identifying regions and operations where future critical challenges to humanitarian space may occur and develop strategic partnerships with local and national organisations in these areas.

Tailored operating models

148. Further analysis is needed of how UNHCR operates in situations where there is effectively no humanitarian space, either because the security situation presents a high level of risk, or where the degree of political or other interference is such that principled humanitarian action becomes impossible. A degree of experience has now been acquired in such situations, and efforts should be made to distil lessons learned and build on these in developing innovative operating models. Such analysis might include the advantages and risks of remote programme oversight, experience with protection monitoring networks, how best to identify and enhance national and local capacities, and measures to ensure that staff deployed have the capacity and skills to operate in such environments.

149. Clear operating frameworks on humanitarian access would be extremely valuable, which operationalise the obligations of governments and non-state actors under international humanitarian law and define how and when humanitarian access may be restricted, for example on security grounds. While there may be other actors (such as ICRC) more suited to lead such a process, UNHCR could make an active contribution.

Staff skills and capacity

150. Work should be undertaken to enhance the profile and skills of staff deployed to environments where humanitarian space is under threat, through training and an increased focus on communications, negotiation skills, languages and skills in political analysis in deployments, developmental objectives and performance appraisals. Efforts should be strengthened to capitalise on the connections and expertise of national staff, especially those coming from affected areas, without exploiting them or placing them at risk.

151. Enhanced training should be provided for staff deployed in contexts where humanitarian space is under challenge, building on the workshop for senior field staff on humanitarian space piloted in November 2009. This might include country or region-specific training prior to deployment to high-risk operations.

Understanding the operating environment

152. UNHCR should seek to enhance its capacity to conduct country and region-based conflict analysis (drawing on the work of external experts), which takes into account changes over time, and to develop conflict-sensitive programmes. It should work with anthropologists and sociologists to analyse the structure, traditions and strengths of societies in high-risk countries, to capitalise on local capacities and assets.