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## **NOTE ON HUMANITARIAN ACCESS AND ITS IMPLICATIONS FOR WFP**

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## NOTE TO THE EXECUTIVE BOARD

**This document is submitted to the Executive Board for consideration.**

The Secretariat invites members of the Board who may have questions of a technical nature with regard to this document to contact the WFP staff focal points indicated below, preferably well in advance of the Board's meeting.

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## EXECUTIVE SUMMARY

The primary responsibility for providing humanitarian assistance to the population lies with the State affected by a crisis. When a State is unable to provide such assistance, the government of the country concerned may submit requests for consideration by WFP. WFP may also provide emergency food aid and associated non-food items and logistics support at the request of the United Nations Secretary-General.<sup>1</sup> In order to carry out effective and timely assessment, delivery, distribution and monitoring of food aid and to ensure the safety of its personnel, WFP requires safe and unhindered humanitarian access. Humanitarian access is a precondition to humanitarian action.

WFP works primarily with governments – but also with community-based institutions, local authorities and United Nations and non-governmental organization partners – to ensure that all affected populations have access to the food assistance required for their survival. This is done in full respect of national sovereignty and in accordance with international law and the humanitarian principles of humanity, neutrality and impartiality that have been endorsed by the WFP Executive Board.<sup>2</sup> WFP seeks to ensure humanitarian access for the delivery of food assistance under the overall framework of the United Nations and the United Nations country team.

Together with other members of the United Nations country team, WFP advises the Emergency Relief Coordinator and the Humanitarian Coordinator throughout access negotiations on overall humanitarian needs, on WFP's operational requirements and on options for gaining access to affected civilians. WFP often has to negotiate permission for transport operations across national borders or cross-line operations in open conflict environments. In all cases, WFP ensures that governments and other parties are informed and in agreement with its activities.

When food insecurity is a major element of a crisis, WFP may play a more central role on behalf of the United Nations country team in negotiating and securing access not just for the provision of food assistance but also for the provision of complementary humanitarian assistance such as air services by other United Nations agencies and non-governmental organizations. Negotiations are conducted in close coordination and consultation with the government, the United Nations country team, donors, food aid partners and other humanitarian actors.

While working within the institutional arrangements of the United Nations, WFP as a food agency has specific concerns that must be taken into consideration and highlighted when access is being negotiated. These include: (i) regular, timely and continuous access in order to ensure that food assistance achieves its life-saving and livelihood objectives; and (ii) adequate logistics requirements, including secure storage and satisfactory transport arrangements.

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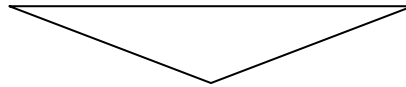
<sup>1</sup> WFP General Regulations Article IX.

<sup>2</sup> WFP/EB.A/2004/5-C, May 2004.



It is not possible to standardize a WFP approach to access. Each access challenge is situation-specific, demands flexibility and creativity and must balance civilian needs with staff and beneficiary safety. Ensuring safe access requires sound situation analysis, security management and awareness, adherence to international law and humanitarian principles, coordination and partnerships among stakeholders, and advocacy at various levels.

## DRAFT DECISION\*



The Board takes note of the information contained in the “Note on Humanitarian Access and its Implications for WFP” (WFP/EB.1/2006/5-B/Rev.1).

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\* This is a draft decision. For the final decision adopted by the Board, please refer to the Decisions and Recommendations document issued at the end of the session.



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## I. INTRODUCTION

1. Obstructed humanitarian access is one of the most difficult and recurring challenges to United Nations assistance in general and to WFP's emergency food aid in particular. Estimates for 2004 suggest that in 20 conflicts around the world, humanitarian access was either denied or obstructed to over 10 million people in need of assistance and protection.<sup>3</sup> Access difficulties are not limited to conflict situations and can occur following natural disasters or in non-conflict situations when a particular group of people is marginalized and/or blocked from accessing humanitarian assistance on the basis of economic, political, ethnic, religious or other status.
2. This paper aims to explain the challenges faced by WFP in securing humanitarian access in conflict and non-conflict emergencies and to describe WFP's role and approach, within the wider United Nations and humanitarian community, in ensuring safe and secure access to hungry men, women and children. The paper takes stock of: (i) the humanitarian principles and legal basis that provide the framework for humanitarian access by WFP; (ii) constraints to access as experienced by WFP, and their impact; (iii) actors involved with governments in ensuring that access to needy populations is safe and secure, and specific WFP roles and needs within the United Nations system arrangements; and (iv) broad parameters for a WFP approach to effective access.
3. The paper draws on studies undertaken from 1999 to 2005 and including: (i) a WFP review of internal access experiences (November 2002); (ii) a book on humanitarian diplomacy, which was commissioned jointly by WFP, the United Nations University (UNU) and Tufts University and includes three WFP country studies – the Democratic People's Republic of Korea (DPRK), the Sudan and Nepal – that directly address access issues;<sup>4</sup> and (iii) interviews with WFP staff during preparation of the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) *Humanitarian Negotiations with Armed Groups: Manual for Practitioners*, which was endorsed by the Inter-Agency Standing Committee (IASC) in September 2005; (iv) additional interviews with experienced WFP staff in 2004 and 2005; (v) a review of recent literature and IASC papers and reports; and (vi) consultations within WFP and with other United Nations agencies and humanitarian organizations.<sup>5</sup>

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## II. LEGAL FRAMEWORK AND DEFINITION OF HUMANITARIAN ACCESS

4. International law, in particular international humanitarian law, establishes a framework regulating humanitarian access.
5. Humanitarian access involves the free and unimpeded movement of humanitarian personnel to deliver relief services, or the free and safe movement of humanitarian agencies to reach civilians who are trapped, unable to move or detained because of armed conflict, natural disasters and other difficult access situations. Humanitarian access allows

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<sup>3</sup> "Report of the Secretary-General to the Security Council on the Protection of Civilians in Armed Conflict", S/2004/431.

<sup>4</sup> Joergensen, E. *Steering Through Insurgencies in Nepal*; Morton, D. *Steep Learning Curves in the DPRK*; and Hyder, M. *Nurturing Humanitarian Space in Sudan*. Forthcoming in *Humanitarian Diplomacy*.

<sup>5</sup> Organizations consulted were UNHCR, UNICEF, OCHA and its Inter-agency Internal Displacement Division, the Centre for Humanitarian Dialogue, and the International Organization for Migration.



impartial assessment of the needs of populations at risk and the delivery of assistance to respond to those needs. Access is therefore a precondition for humanitarian action. It is usually achieved through humanitarian negotiations with the warring parties in countries affected by internal or international armed conflict.<sup>6</sup> The humanitarian space guaranteed during negotiations may widen or narrow depending on a number of factors, including political and security considerations; it thus requires constant diplomacy and nurturing by humanitarian actors and parties to the conflict.

6. Humanitarian access is sometimes referred to as “negotiated access”, a concept that was pioneered in 1989 with Operation Lifeline Sudan (OLS), which aimed to facilitate assistance to war-affected populations in Southern Sudan.<sup>7</sup> Negotiated access was soon being applied to United Nations operations in Afghanistan, Angola and Ethiopia with the establishment of cross-line and cross-border operations, “corridors of peace”, “safe areas/safe corridors” and “days of tranquillity”. International efforts to obtain access for the provision of assistance and protection have since taken various forms and have been pursued in many different contexts. The most recent United Nations General Assembly resolution concerned with humanitarian access, adopted in December 2005, “...calls upon all Governments and parties in complex humanitarian emergencies... to ensure the safe and unhindered access of humanitarian personnel and delivery of relief supplies and equipment...” (A/RES/60/124).

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### III. HUMANITARIAN PRINCIPLES

7. The United Nations General Assembly has agreed on specific principles that should guide the United Nations in providing humanitarian assistance.<sup>8</sup> Consistent with these principles, the WFP Executive Board has endorsed the core principles of humanity, impartiality, and neutrality as a framework for WFP’s humanitarian operations. The WFP Board has also approved the following principles: respect for the sovereignty, territorial integrity and unity of the State in which WFP is working; self-reliance; participation; capacity-building; coordination; accountability; and professionalism.<sup>9</sup>

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<sup>6</sup> Adapted from Mancini-Griffoli, D & Picot, A. 2004. *Humanitarian Negotiation: A Handbook for Securing Access, Assistance and Protection for Civilians in Armed Conflict*. Geneva, Centre for Humanitarian Dialogue, pp. 19–20.

<sup>7</sup> OLS is a United Nations-led relief operation that operates through formal agreements aimed to facilitate access to beneficiaries in Southern Sudan and to internally displaced persons in camps in Khartoum.

<sup>8</sup> United Nations General Assembly Resolution 46/182, 1991.

<sup>9</sup> “Humanitarian Principles”, WFP/EB.A/2004/5-C, May 2004.



## IV. CONSTRAINTS TO ACCESS AND THEIR IMPLICATIONS

8. The primary responsibility for humanitarian access lies with the State. WFP's emergency operations (EMOPs) are sometimes impacted by restricted or denied access. Constraints to access may include denial or obstruction of access by State or non-State parties, extortion, or the inability of the State to guarantee the security of humanitarian staff. Such constraints are sometimes exacerbated by the collapse of critical infrastructure or by other obstacles such as landmines and/or unexploded ordnance. Organizational limitations – funding, personnel or logistics capacity – can also affect WFP's ability to reach affected populations effectively and efficiently.
9. Impeded access has multiple consequences on programming, the well-being of beneficiaries and the safety of WFP personnel. These consequences include:
  - absence or weakness of needs assessment, monitoring and evaluation, leading to strategy and operational plans based on incomplete information;
  - inability to register beneficiary populations appropriately and/or monitor assistance provided to them;
  - restricted/delayed deliveries or cancelled food aid distributions;
  - deterioration of the nutritional status of beneficiaries, increased need for supplementary and therapeutic feeding, and increased mortality rate;
  - further erosion of local communities' coping mechanisms;
  - increased operational costs caused by "last resort" delivery and management mechanisms, such as airdrops and WFP-chartered air services;
  - repeated postponement of rehabilitation and recovery programmes;
  - erosion of the perception of WFP neutrality; and
  - increased risks for WFP field staff.
10. In complex emergencies, women and children usually comprise the largest section of civilians affected by the conflict. They are therefore especially susceptible to the harm that can be caused by a lack of access, including threats of sexual and gender-based violence.





### Box 1: Impacts of Impeded Access

**Case 1: Unrealistic needs assessment.** Limited access to affected populations in Southern Sudan led to “unrealistic and risky assumptions about the duration of the hunger gap, the level of household stocks and the size of the target population”. The food aid programmed was “inadequate to cover fully the nutritional needs of the vulnerable target populations”.<sup>10</sup> In Darfur in 2004, lack of access prevented WFP from collecting household data in 30 out of 75 selected communities.<sup>11</sup> Areas controlled by the Sudan Liberation Army (SLA) were particularly difficult to reach for assessment purposes, as permission to enter these areas had to be obtained through negotiation with the local SLA commander. The resulting assessment of overall food needs in the region, therefore, did not adequately reflect the situation in SLA-controlled areas.

**Case 2: Deteriorated health of affected populations.** Prior to the signing of the peace agreement in Burundi in 2002, among the large segments of the population that were cut off from humanitarian assistance in various parts of the country there was a marked increase in the number of children admitted to therapeutic feeding centres.<sup>12</sup> Likewise, the flight denials for humanitarian activities in Southern Sudan prior to the 2005 peace agreement hampered access to vulnerable populations, who had to walk very long distances – of two to four days – to reach relief. “With such large population converging on one relief centre that lacks adequate water services and sanitation, the beneficiaries [were] easily prone to diseases like malaria and other contagious diseases.”<sup>13</sup>

**Case 3: Field staff at risk.** Between 1992 and 2004, 218 United Nations aid workers were killed.<sup>14</sup> In addition, 258 United Nations and non-governmental organization (NGO) personnel between 1992 and July 2003<sup>15</sup> and more than 120 United Nations personnel from July 2003 to June 2004 were physically assaulted or robbed.<sup>16</sup> Other sources indicate that from 1997 to 2003, 118 national staff and 113 international staff from various humanitarian organizations were assaulted – in most cases killed – during armed attacks on aid convoys. From December 2004 to June 2005, 13 aid workers were killed in Afghanistan, and at least five staff members have been killed and scores detained in Darfur.<sup>17</sup> The delivery of relief assistance to millions of people is at stake because of the insecurity of humanitarian workers.

<sup>10</sup> Food and Agriculture Organization of the United Nations (FAO), *Sudan Technical Review of EMOP 10048.02*, Rome, 2004.

<sup>11</sup> WFP. 2004. “Emergency Food Security and Nutrition Assessment in Darfur, Sudan.” Rome.

<sup>12</sup> WFP. “Africa Hunger Alert”. Available at: [www.wfp.org/appeals/flash\\_appeals/hungeralert](http://www.wfp.org/appeals/flash_appeals/hungeralert).

<sup>13</sup> Quoted from International Crisis Group (ICG) *Ending Starvation as a Weapon of War in Sudan*, p. 10, November 2002.

<sup>14</sup> United Nations General Assembly. September 2004. “Report of the Secretary-General on Safety and Security of Humanitarian Personnel and Protection of United Nations Personnel”. (A/59/332).

<sup>15</sup> *Ibid.* 5 September 2003. A/58/344.

<sup>16</sup> *Ibid.* 3 September 2004. A/59/33.

<sup>17</sup> Centre for Humanitarian Dialogue. 2005. *No Relief: Surveying the Effects of Gun Violence on Humanitarian and Development Personnel*, pp. 11–16; and 2004. *Putting the Guns in their Place: A Resource Pack for Two Years of Action by Humanitarian Agencies*, pp. 34–40.



## V. ACTORS IN SECURING HUMANITARIAN ACCESS

11. Since the adoption of United Nations General Assembly Resolution 46/182 (1991), which led to the creation of the United Nations Department of Humanitarian Affairs (now OCHA) and the appointment of the Emergency Relief Coordinator (ERC) in 1992, the overall responsibility for negotiating access has become centralized in line with efforts to strengthen the coordination of United Nations humanitarian assistance. One of the principal functions of the ERC is to advocate for humanitarian principles and – with IASC – to develop models for better coordination of access negotiations on the ground.<sup>18</sup>
12. The ERC's access to the United Nations Secretary-General, other parts of the United Nations Secretariat, such as the Department of Peacekeeping Operations (DPKO) and the Department of Political Affairs (DPA), and the United Nations Security Council can provide critical leverage in the political fora. Senior staff from OCHA and its field coordination offices backstop the ERC. In close consultation with the Humanitarian Coordinator (HC) and members of the United Nations country team (UNCT), they are actively involved in carrying out access negotiations on behalf of the operational agencies.
13. Some agencies also have particular mandates for assisting and protecting specific beneficiary groups such as the United Nations Children's Fund (UNICEF) with respect to children, The Office of the United Nations High Commissioner for Refugees (UNHCR) for refugees and the International Committee of the Red Cross (ICRC) for victims of war. These agencies lead access negotiations in relation to their protection mandates.
14. The principal United Nations actors in access negotiations at the field level include the Special Representative of the Secretary-General (SRSG), the HC, the Resident Coordinator (RC) and members of the UNCT. In consultation with the UNCT, the HC carries out strategic access negotiations to establish broad agreements and principles with government and opposition factions.
15. Once the principle of humanitarian access has been established, members of the UNCT, under the overall leadership of the HC, are normally responsible for detailed negotiations in their respective sectors. For example, UNHCR arranges access to refugees, UNICEF access to children and WFP access for food aid deliveries. Sometimes a lead agency will be designated to ensure that access negotiations are coherent and to act on behalf of other humanitarian agencies. UNHCR played this role during the 1990s Balkans crisis. Other agencies may still take the lead in sectoral negotiations.
16. In addition to the United Nations actors, NGOs and ICRC are important players. Cooperating NGOs play a vital role for WFP and other United Nations agencies in gaining and maintaining access for their operations. The ICRC works on the basis of consent from the host government and the need to gain access for its own humanitarian supplies and for access to prisoners of war, detention centres, hospitals and other facilities on both sides of the conflict. It promotes "active neutrality" and does not negotiate on behalf of other agencies.

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<sup>18</sup> The ERC chairs IASC, which is an inter-agency coordination mechanism in which WFP plays an active role. IASC is not a decision-making body, but provides guidance to its wide-ranging group of member agencies.



17. Representatives of WFP partner governments may be helpful in facilitating WFP access to food-insecure populations. Moreover, main actors in civil society (e.g. national Red Cross societies and religious networks) and local mediators may also have a role to play.
18. In view of the need for a coordinated, structured and consistent approach to humanitarian access, the Secretary-General's 2001 Report on the Protection of Civilians in Armed Conflicts (S/2001/331) requested IASC to "develop a manual for access negotiations and strategies, including benchmarks for the engagement and disengagement of aid agencies, demands of conditionality, clearance procedures, needs assessment and other principles". An IASC informal working group developed a guidance document *Humanitarian Negotiations with Armed Groups: A Manual for Practitioners* (2005) for use by United Nations personnel.<sup>19</sup>

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## VI. WFP'S ROLE IN SECURING HUMANITARIAN ACCESS

19. WFP seeks to ensure that affected populations in emergencies have access to the food they need to sustain their lives and livelihoods. Its assistance is provided on the basis of need and at the request of the host government or the Secretary-General. WFP works primarily with government – but also with community-based institutions, local authorities and United Nations and NGO partners – to ensure that all affected populations have access to the food assistance required for their survival and well-being.
20. Throughout access negotiations, and together with the other members of the UNCT, WFP advises the HC on the overall humanitarian needs, WFP's specific operational requirements and options for obtaining access to affected civilians.
21. WFP often has to negotiate to establish transport operations across national borders or cross-line operations in open conflict environments. IASC has recently designated WFP as lead agency for the Logistics Cluster within the United Nations emergency response framework, and the various implications of this for WFP are currently being discussed internally. Any negotiations conducted by WFP are carried out within the framework of existing United Nations institutional security policies and procedures, in close coordination and consultation with relevant parties and actors. WFP also ensures that all parties concerned – both State and non-State entities – are informed of its activities.
22. When food insecurity is a major element of a crisis, WFP may play a more central role in negotiating and securing access on behalf of the UNCT, in close collaboration with UNICEF and/or UNHCR. These negotiations may include access for more than the provision of food assistance in order to allow other United Nations agencies and NGOs to provide complementary humanitarian assistance.

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<sup>19</sup> This group was chaired by OCHA and comprised the Office of the United Nations Commissioner for Human Rights (UNHCHR), UNHCR, UNICEF, the United Nations Development Programme (UNDP) and WFP.



### Box 2: WFP's Lead Role

In Sierra Leone, WFP chaired the Committee on Food Aid, which was formed in 1997. WFP played an important role in advocacy and in developing a common strategy for access negotiations for the assessment, delivery and monitoring of humanitarian assistance.<sup>20</sup> Similarly, after the RC had made initial contacts during the civil strife in Guinea-Bissau in 1998, WFP took over most of the negotiations with the government and rebel groups because these centred on the issues of logistics and food aid delivery. On behalf of OLS, WFP played a lead role in obtaining flight clearances for relief deliveries and the deployment of staff. WFP was also heavily engaged in negotiating for “corridors of tranquillity” to allow the passage of relief supplies for war-affected populations in the Sudan between 1996 and 1999.<sup>21</sup>

23. Within WFP, the WFP Representative/Country Director (CD) is responsible for negotiating access at the country level. The Representative/CD is sometimes part of an inter-agency negotiating team (e.g. in Afghanistan and for OLS led by the ERC, his/her representative in country or the RC/HC). In some cases, the WFP Representative/CD may take the lead on behalf of the UNCT. A range of WFP staff members – from security officers, food monitors and programme officers to logistics officers, convoy leaders, drivers, pilots and barge captains – are frequently involved in negotiating the operational aspects of access. They may need to engage in ad hoc dealings with such counterparts as local government officials, other local authorities, military commanders, armed groups and bandits. International or national-level negotiations are informed by the realities of field operations as reported by WFP staff on the ground.

## VII. SPECIFIC WFP CONCERNS IN HUMANITARIAN ACCESS

24. While working within the institutional arrangements of the UN, WFP as a food agency has specific concerns that must be taken into consideration and highlighted in inter-agency consultations on access. These include the following:
- i) Regular, timely and continuous access because:
    - food is life-saving, perishable and easily marketable;
    - food assistance deliveries must take place regularly, whereas non-food items are often delivered on an ad-hoc or one-off basis; and
    - timing of food distributions is crucial, especially in order to hit lean seasons and for programmes aimed at enhancing self-sufficiency by distributing food in support of agricultural activities.

<sup>20</sup> IASC. 2002. *Growing the Sheltering Tree: Protecting Rights through Humanitarian Action*, p. 39. Geneva.

<sup>21</sup> Ibid. See also Hyder, M. Nurturing the Humanitarian Space, forthcoming in *Humanitarian Diplomacy*.



- ii) Logistics requirements (adequate and secure storage and ample planning for transport arrangements) because:
  - food has limited shelf-life and must be transported immediately;
  - food is bulky, is of high value and is normally costlier to transport than non-food-items;
  - food access requires greater planning and delivery time than access for other goods; it also depends on the availability of sufficient transport; and
  - before distribution, food usually requires stockpiling and, therefore, secure and adequately covered storage facilities.
- iii) Additional security concerns because:
  - food represents power and leverage; it is a very sensitive, often political form of aid and can be used as a “weapon of war” and/or affect power dynamics in recipient areas/communities:
  - in some cases, food deliveries and distributions are subject to greater insecurity.

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## VIII. PARAMETERS FOR A WFP APPROACH TO ACCESS

25. It is not possible to standardize a WFP approach to access. Each access challenge is situation-specific and must balance civilian needs with staff and beneficiary safety. Nevertheless, WFP’s experience in a vast array of situations where access has been problematic provides a toolkit of broad policy approaches and sound practices regarding humanitarian access.

### A. Situation Analysis

26. Conflict-related emergencies require a thorough situation analysis of the political, military, social and economic aspects of the crisis. Investing time at the outset to understand the possible multiple levels and nature of the crisis can help WFP decide on appropriate situation-specific approaches. While humanitarian access negotiations should be separate from political negotiations, they cannot take place in a political vacuum and must be politically informed.
27. The situation analysis should include: (i) determining whether there is full and unimpeded or partial access to vulnerable populations; (ii) an understanding of the factors behind access constraints and their underlying causes, such as race, gender, social discrimination and logistics; (iii) identifying the players who are responsible for facilitating/impeding access, mapping the characteristics of these actors and identifying which could be possible partners in access negotiations, including their motivations, needs and interests; (iv) an understanding of how other humanitarian agencies are dealing with access constraints in ongoing negotiations; (v) analysing the risks/security considerations for all staff; and (vi) determining options for establishing or increasing access. Situation analysis is an integral part of WFP early warning systems, contingency planning and preparation of EMOPs and protracted relief and recovery operations (PRROs).



28. It is also important to understand the warring parties' perceptions of international aid in general and of WFP's assistance in particular, and to gauge whether competing parties view the United Nations and WFP as neutral and impartial or as supporting one party over another.

## **B. Security Awareness and Management**

29. Security awareness for all staff and improved security management are organizational priorities. WFP operates under the policy guidance of the United Nations Department of Safety and Security (UNDSS). As a member of the Security Management Team at the country level, WFP can play a key role in ensuring compliance to minimum operating security standards (MOSS), in providing advice on security phases and staff movements and in establishing the procedures for external and internal travel clearance which help facilitate access by United Nations personnel.

## **C. International Law, Humanitarian Principles and Minimum Operational Requirements**

30. WFP humanitarian operations in emergencies are guided by: (i) international law, particularly IHL, IHRL and IRL; (ii) WFP humanitarian principles and policies relating to the organization and programming of food aid operations; and (iii) standard operating procedures and security requirements. Together, these frameworks determine minimum standards and possible compromises for WFP in access negotiations. Minimum standards for WFP include access for independent assessment when security permits, monitoring and evaluation, adherence to WFP's basic policy principles such as WFP's "Gender Policy – Enhanced Commitments to Women to Ensure Food Security", in which women are seen as the main food entitlement holders as well as the main recipients and collectors of food rations. Other WFP basic policies include the prohibition of payment for access and the banning of arms or armed personnel in WFP-marked vehicles. Possible compromises include acceptance of an access agreement to deliver food in dire situations without effective access for assessment and monitoring, or the use of military/peacekeeping escorts for humanitarian convoys in exceptional circumstances to avert unacceptable human suffering.<sup>22</sup>

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<sup>22</sup> IASC identifies other non-binding guidelines and criteria – such as the safety of humanitarian personnel staff, sovereignty and sustainability – for the exceptional use of military escorts in humanitarian operations. See IASC, "Use of Military or Armed Escorts for Humanitarian Convoys: Discussion Paper and Non-Binding Guidelines", 14 September 2001.



### Box 3: Using an IHL-Based Code of Conduct

**Case 1:** When WFP began to expand its activities in the isolated communities and conflict-affected areas of Nepal in 2002, it developed a code of conduct as a confidence building measure in the field. The code explained the mission and objectives of WFP in Nepal and clarified that: (i) all WFP equipment supplies and resources would be used solely for its stated programme objectives; (ii) diversion of resources would be grounds for cessation of WFP support to the district; (iii) armed or uniformed personnel would not be allowed to travel in WFP vehicles; and (iv) WFP would not allow its staff hiring process to be influenced by political considerations or ethnic/religious biases. WFP published the code in English and Nepali, laminated it and placed it in all of its vehicles. The UNCT used WFP's code of conduct as a starting point for developing a set of United Nations principles and basic operating guidelines.<sup>23</sup>

**Case 2:** In Sierra Leone, WFP chaired the Committee on Food Aid, which included OCHA, NGOs, government counterparts, donors and ICRC. In 1997, the committee developed a Code of Conduct for Humanitarian Assistance in Sierra Leone, based on international law and humanitarian principles. The code was designed as a tool for promoting humanitarian access, and provided a framework for coordinating humanitarian assistance and the security of staff and assets. It spelled out the delineation of rights and responsibilities for different actors: aid recipients, parties to the conflict (government and rebel soldiers) and humanitarian organizations.<sup>24</sup> Adoption of the code was followed by a dissemination campaign using a variety of popular media to convey the principles and key messages in a way that was easily understood by and acceptable to various groups in the conflict.

## D. Coordination

⇒ *Within the United Nations Humanitarian Community*

31. WFP's work is conducted in accordance with United Nations institutional arrangements. In emergencies, particularly in situations of armed conflict, the ERC at the global level and the HC at the country level have the primary responsibility for negotiating with governments and non-State entities to obtain unimpeded access to populations requiring humanitarian assistance and to ensure security guarantees for humanitarian workers.
32. Throughout access negotiations, and with other members of the UNCT, WFP advises the HC on overall humanitarian needs, WFP's operational requirements and options for gaining access to affected civilians. In cases where food insecurity is a major symptom of the crisis, WFP can play an enhanced role in advocacy and access negotiations – either through or on behalf of the HC and the UNCT. WFP's operational knowledge, which is a by-product of its logistics network and field presence, is often critical to access negotiations.

<sup>23</sup> Joergensen, E. "Finding the Balance in Nepal", forthcoming in *Humanitarian Diplomacy*.

<sup>24</sup> Code of Conduct for Humanitarian Agencies in Sierra Leone, 1997; and IASC, *Growing the Sheltering Tree*, 2002, pp. 39 and 83.



⇒ *With United Nations Political Actors and Peacekeeping Forces Within Integrated Missions*

33. Coordination among humanitarian and political actors and peacekeeping forces is critical, both within United Nations integrated missions and where no such mission is in place. The distinction between political and humanitarian actors needs to be consciously maintained in order to minimize the risk of reduced humanitarian space for WFP and other humanitarian agencies. In this context, it is necessary to: (i) underscore at all times the principles of humanity, neutrality and impartiality; (ii) maintain humanitarian operational independence from political actors and peacekeeping forces – especially in politically sensitive areas such as demobilization and reintegration of combatants – so that the humanitarian character of food aid is not compromised; and (iii) ensure political and humanitarian negotiations are coordinated and do not undermine each other's objectives.<sup>25</sup>

## **E. Civil–Military Relations**

34. Military forces possess logistical capacity that is not always available to humanitarian personnel and can therefore be useful to WFP. Cooperation and coordination with military forces should be based on facilitating, securing and sustaining – not hindering – humanitarian access and perceptions of neutrality. WFP adheres to the principles and guidelines on civilian (humanitarian) and military relations elaborated by IASC.<sup>26</sup> WFP works in coordination with the OCHA Civil-Military Coordination Section.

## **F. Advocacy**

35. When access to food-insecure populations is blocked, WFP advocates for humanitarian access. Advocacy activities can be low profile, such as the sensitization of interlocutors by WFP field staff, or high-profile public statements, press releases or condemnations by WFP representatives or senior Headquarters' officials. The advocacy strategy adopted is informed by country-level analysis of which approaches are most likely to maintain and/or increase access.

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<sup>25</sup> As part of the overall United Nations reform process, an overall framework for the implementation of United Nations integrated missions is being discussed within the United Nations and with specialized agencies and NGOs.

<sup>26</sup> IASC Principles on Military-Civilian Relations, 1995; Guidelines on the Use of Military and Civil Defence Assets to Support United Nations Activities in Complex Emergencies, March 2003; and Civil-Military Relationship in Complex Emergencies, June 2004.





#### **Box 4: Various Types of Advocacy**

**Case 1: Use of the media** As a response to restrictions on WFP efforts to deliver food aid in Myanmar, in particular to the Rohingya minority group in North Rakhine State, the WFP Executive Director issued a statement in Bangkok in August. He said: “Current agricultural and marketing policies and restrictions on the movement of people make it very difficult for many of those at risk to merely subsist.” In the Democratic Republic of Congo in January 2000, WFP appealed through a press release for safe and unhindered access to all populations in need, and emphasized the implications of access restrictions on the civilian population.

**Case 2: Joint statements** In 1999 in Somalia, WFP and CARE signed an agreement jointly refusing to meet the 20 percent taxation on food aid delivery demanded by the Rahanwein Resistance Army or the Somali National Front. This agreement was adopted in addition to the ground rules on United Nations operations developed by the United Nations Coordination Unit.

**Case 3: Dialogue with interlocutor** At the height of the emergency in Rwanda in 1998-1999, WFP was in constant dialogue with local and national authorities over conditions in camps and was one of the first agencies to press for improved access to and facilities for IDPs. The dialogue enabled WFP to secure information and respond swiftly to the needs of beleaguered populations.

### **G. Partnerships and Alternative Approaches to Access**

36. In cases where United Nations security regulations or WFP’s capacity inhibit access, WFP needs to explore and develop innovative partnerships with, for example, ICRC, international and national NGOs and key actors in the private sector and civil society, in order to ensure that food reaches those in need. It is essential that WFP assures itself that any partners it invites into access negotiations are perceived as neutral. Partners engaged in food distributions on behalf of WFP should have the necessary agreements in place with local authorities. As the examples below (see Box 5) demonstrate, WFP regularly relies on partnerships with NGOs not only to undertake distributions but also to achieve and maintain access to needy populations when WFP itself cannot be present.



### Box 5: Multiple Partnerships

**Case 1: Partnerships with local and international NGOs.** As NGOs often have more flexible security policies, they can be present where the United Nations cannot. Over the past 15 years, in many areas of West Africa that were deemed insecure by United Nations security structures, WFP relied on its NGO partners and ICRC to distribute food rations to needy populations and to assume much of WFP's own monitoring responsibilities. In insecure situations with high food insecurity, WFP must sometimes sacrifice its standard on-site verification monitoring in order to ensure that hungry populations are reached.

**Case 2: Partnerships with local communities.** Following the eruption of volcano Nyragongo in Goma, WFP agreed to a division of responsibilities by which WFP provided commodities, local authorities established and maintained lists of beneficiaries, and local political opposition groups in civil society took responsibility for monitoring. WFP monitored the overall system. This delicate balance worked well by building accountability through checks and balances in a deeply distrustful community.

## H. Learning and Training

37. WFP invests in debriefing both national and international staff who have extensive experience with humanitarian access in order to consolidate lessons and practices and feed into approaches in other regions and countries. The joint WFP/UNU/Tufts University book on humanitarian diplomacy is a recent example of this. In order to capture field experiences of access and other humanitarian issues, WFP has also offered brief sabbaticals to staff to write up their experiences.
38. Recognizing that access negotiations take place at all levels, WFP's emergency response training and ongoing research work on the protection concerns of its beneficiaries have components that cover humanitarian access.



## ACRONYMS USED IN THE DOCUMENT

DPA	Department of Political Affairs (United Nations)
DPKO	Department of Peacekeeping Operations (United Nations)
DPRK	Democratic People's Republic of Korea
EMOP	emergency operation
ERC	Emergency Relief Coordinator
FAO	Food and Agriculture Organization of the United Nations
HC	Humanitarian Coordinator
IASC	Inter-Agency Standing Committee
ICRC	International Committee of the Red Cross
IDP	internally displaced person
IHL	international humanitarian law
IHRL	international human rights law
IRL	international refugee law
MOSS	minimum operating security standards
NGO	non-governmental organization
OCHA	Office for the Coordination of Humanitarian Affairs
OLS	Operation Lifeline Sudan
PDP	Policy, Strategy and Programme Support Division
PDPT	Emergencies and Transition Unit
PRRO	protracted relief and recovery operation
RC	Resident Coordinator
SLA	Sudanese Liberation Army
SRSG	Special Representative of the Secretary-General
UNCT	United Nations Country Team
UNDP	United Nations Development Programme
UNDSS	United Nations Department of Safety and Security
UNHCHR	Office of the United Nations High Commissioner for Human Rights
UNHCR	Office of the United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNU	United Nations University

