

Engineered Chaos

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

June 2021



List of Abbreviations

AA	Ansar Allah
AV	Audio Visual
CCCM	Camp Coordination and Camp Management
CRA	Civil Registration Authority
CSO	Civil Society Organisations
DRC	Danish Refugee Council
FGD	Focus Group Discussions
H2R	Hard-to-Reach
HAWG	Humanitarian Access Working Group
HC	Humanitarian Coordinator
HCT	Humanitarian Country Team
IASC	Inter-Agency Standing Committee
IDP	Internally Displaced Person
ICLA	Information, Counselling, and Legal Assistance
IRG	Internationally Recognised Government
MoE	Ministry of Education
MoFA	Ministry of Foreign Affairs
Mol	Ministry of Interior
MoPIC	Ministry of Planning and International Cooperation
MoPHP	Ministry of Public Health and Population
MoSAL	Ministry of Social Affairs and Labor
MoWE	Ministry of Water and Environment
M&E	Monitoring and Evaluation
NAMCHA	National Authority for the Management and Coordination of Humanitarian Affairs
NGO	Non-Governmental Organisations
NRC	Norwegian Refugee Council
NSAG	Non-state Armed Group
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
OPAG	Operational Policy and Advocacy Group
PA	Principal Agreements
RRM	Rapid Response Mechanism
SIS	Security and Intelligence Services
SOM	Senior Officials' Meeting
STC	Southern Transitional Council
SA	Sub Agreement
SCMCHA	Supreme Council for the Management and Coordination of Humanitarian Affairs
TMG	Technical Monitoring Group
UN	United Nations
WASH	Water, Sanitation, and Hygiene promotion

Introduction

Principled humanitarian access is the cornerstone of humanitarian programming. Field teams' ability to provide assistance and services, including protection, is determined by their organisations' capacity to establish and maintain it, and the issue is explicitly addressed in international legal frameworks such as the Geneva Conventions and their additional protocols. Such access is, however, by no means guaranteed during complex emergencies and responses.

More than 50 per cent of the Norwegian Refugee Council (NRC)'s programming worldwide is in hard-to-reach (H2R) areas. These are defined as areas with "high" to "extreme" challenges linked to conflict, environmental considerations, and political and bureaucratic obstacles. More than half of NRC's country offices cited the latter as having the most impact on humanitarian access and programming, according to its latest internal survey.

Most of the literature on humanitarian access focuses on conflict and conflict-related constraints, but NRC prioritised understanding the impact of bureaucratic impediments and political interference in 2020. This case study is the first in a series to examine the issue.

NRC has had a presence in Yemen since 2012 and despite the continued conflict and increasingly difficult and precarious access, it reached 729,000 people in H2R areas in 2020, accounting for 65 per cent of all those reached during the year.

The team provides a multi-sector response that covers food security and livelihoods; water, sanitation and hygiene (WASH); education; information, counselling and legal assistance (ICLA); camp coordination and camp management (CCCM) and shelter and settlements. Protection is foundational and cuts across its work in all these sectors.

Access deteriorated steadily in Yemen in 2019. Of the 2,380 access incidents reported during the year, 90 per cent were the product of bureaucratic obstacles¹. Movement restrictions imposed on humanitarians increased five-fold compared with 2018². The Humanitarian Coordinator (HC), representatives of international NGOs and donors began issuing escalating letters to the defacto authorities in Sana'a in October 2019 over the alarming access environment in areas under their control.

They also convened a Senior Officials' Meeting (SOM) in February 2020 at which the continued shrinking of humanitarian space in areas under the control of the de facto authorities was discussed, and the defacto authorities subsequently lifted a key barrier to activities by scrapping a two per cent levy on new humanitarian projects. This positive step, however, did not lead to longer-term change, and after a brief lull access constraints increased again across the country.

Following on from two further SOM's held in November 2020 and June 2021 where the international community reconvened to take stock of the access environment in Yemen, and ahead of further high-level donor engagements, NRC has tried to capture the scope and impact of bureaucratic and political access restrictions since 2018 to inform common strategies, approaches and advocacy on humanitarian access.

Agreed definitions capture the dual nature of humanitarian organisations' access and populations' access to assistance and services, but this report analyses only organisations' difficulties in obtaining access to communities in Yemen between mid-2019 and October 2020. Nor does it capture the further deterioration during the remainder of 2020 and early 2021³.

More than 50 per cent of the Norwegian Refugee Council's programming worldwide is in hard to reach areas (H2R).

1 OCHA Yemen Humanitarian Access Snapshot, 2019 Yearly Overview, April 2020, https://reliefweb.int/sites/reliefweb.int/files/resources/Access_annual_snapshot_V2.pdf

2 This increase is partly due to improved reporting during that period

1. Methodology

NRC's global and Yemen access teams undertook desk research to compile reports covering the evolving humanitarian access restraints in Yemen over the 18-month period. Focus group discussions (FGDs) and key informant interviews were also conducted with more than 20 aid workers and donors in Yemen. The interviews were conducted on a not-for-attribution basis, and names of individuals or organisations have been withheld. NRC consulted:

- representatives of international NGOs, both national and international staff
- representatives of United Nations (UN) agencies
- representatives of Yemeni civil society organisations (CSOs)

This report focuses primarily on access constraints faced by international NGOs, but local NGOs and CSOs were also consulted to enrich the perspectives and findings. NRC hopes local NGOs will benefit from any gains in access achieved, particularly given that it and international organisations look for opportunities to support local stakeholders and enter into partnership with them

Definitions

Humanitarian Access³

NRC's definition of humanitarian access is centred on ensuring that assistance and protection is able to reach the people who need it most, and all areas where there is need. This includes:

- Crises affected people's ability to access good quality and impartial assistance and protection from NRC and other organisations.
- NRC and other organisations ability to access people with good quality impartial assistance and protection.

Access Restrictions

The UN Office for the Coordination of Humanitarian Affairs (OCHA) defines three categories and nine sub-categories of access restrictions. This report focuses on the following indicators:

- Impediments to entering the country (bureaucratic and administrative)
- Restrictions of movement within the country (impediments to freedom of movement and/or administrative restrictions)
- Interference in the implementation of humanitarian activities

³ These are the broad categories of access restrictions. This report only covers the impediments to entering the country and restrictions of movement.

2. Humanitarian access in Yemen: overview and compounding factors

Yemen is one of just four countries with “extreme” access constraints, and the number of people in need living in H2R areas grew from five million to 19 million between April 2019 and August 2020. Movement restrictions and Covid-19 measures made access that was already severely constrained even more so⁴.

Two hundred of Yemen’s 333 districts were designated as H2R areas as of June 2020, and bureaucratic access constraints heightened the needs of 17.8 million people across the country. This figure represents 78 per cent of Yemen’s population in need at that time⁵.

Fragmented administrative and security structures add to the challenges organisations face in securing access, and complicate the administrative processes they have to engage in significantly. They also have to maintain relations with a range of authorities, often duplicated across territory controlled by Yemen’s internationally recognised government (IRG) or that controlled by de facto authorities including Ansar Allah (AA), also commonly known as the Houthi movement, and the Southern Transitional Council (STC).

The following key stakeholders act as gatekeepers for humanitarian action:

Yemen is one of just four countries presenting “extreme” access constraints according to the ACAPS Humanitarian Access overview.

Administrative bodies	
Humanitarian coordinating bodies	
IRG/STC-controlled areas	- Ministry of Planning and International Cooperation (MoPIC) - Executive unit for internally displaced people (IDPs), nationally constituted as a central authority with sub-national representatives
AA-controlled areas	- Supreme Council for the Management and Coordination of Humanitarian Affairs (SCMCHA), formerly the National Authority for the Management and Coordination of Humanitarian Affairs (NAMCHA) (also sub-national representatives)
Security services:	
IRG/STC-controlled areas	- Political security - National security
AA-controlled areas	- Security and intelligence services (SIS)
Line ministries and departments	
<ul style="list-style-type: none"> - Ministry of Interior (MoI) - Ministry of Foreign Affairs (MoFA) - Ministry of Water and Environment (MoWE) - Ministry of Education (MoE) - Ministry of Public Health and Population (MoPHP) - Ministry of Social Affairs and Labor (MoSAL) - Civil Registration Authority (CRA) 	

4 Source: ACAPS Humanitarian Access Overview, December 2020, https://www.acaps.org/sites/acaps/files/products/files/20201214_acaps_humanitarian_access_overview_december_2020_0.pdf

5 Source: UN OCHA Humanitarian Response Plan, June 2020

3. Restrictions and interference in programming

Sub Agreements

Issue: Beyond the Principal Agreements (PAs) that international NGOs need to operate in Yemen, they must also obtain sub-agreements (SAs) for specific programming. Every key informant interviewed for this report cited SA difficulties and delays as the most frequent and disruptive restriction they face.

It took an average of nearly three months to have a project approved in IRG-controlled areas in 2020, and more than four months in AA-controlled areas. In some cases, delays are much longer. Approval for one SA for a vital health intervention in northern Yemen took more than a year.

Data and example: As of October 2020, there were:

- 39 organisations with SAs pending approval from AA officials for programming valued at \$84.2 million and intended for more than two million beneficiaries
- 18 organisations with SAs pending approval from IRG officials for programming valued at \$55.2 million and intended for almost 1.7 million beneficiaries

Impact: Slow SA approval processes have a significant impact on project duration and ultimately affect programme quality. Over the last 18 months, NRC's office in Yemen needed and obtained no-cost extensions for 60 per cent of grants that were due to close by October 2020.

These had launched so far beyond their initial starting date that neither had funds been fully expended nor objectives met.

One donor reported that partners had requested extensions for 70 per cent of its grants, all of them as a result of delays that could be directly attributed to bureaucratic processes during the project cycle.

In the 18 months to October 2020, NRC Yemen lost an average of 49 per cent of its planned programming time on the grants it implemented as a result of bureaucratic delays. It estimates that it spends more than \$32,000 a month on liaison activities with authorities, which include negotiations, representation, reporting and other activities to fulfil bureaucratic and administrative requirements. Area managers estimate that their thematic leads dedicate between 10 and 20 per cent of their time to liaison, and security and liaison staff between 40 and 100 per cent.

In five particularly egregious cases - three in AA-controlled areas and two in IRG-controlled areas - more than 70 per cent of the original grant period was lost to bureaucratic delays. In such cases, activities are fast-tracked as a result, and the increased time pressure puts organisations on the backfoot in terms of coordinating implementation. This in turn can lead to further compromises that they would otherwise seek to avoid or resist.

The financial and operational impact of access restrictions can be quantified to a degree. The total amounts of funding delayed in the five aforementioned cases is shown in the table below. This measure does not, however, adequately capture how delays distort the intended use of funds, compress the intended timeframe or reduce organisations' ability to optimise their use of assets and other resources to implement quality programming.

Over the last 18 months, NRC's office in Yemen needed and obtained no-cost extensions for 60 per cent of grants that were due to close by October 2020.

CCs	Authority	Value	Beneficiaries
CSOs, capacity building	AA	\$1.9 million	300 direct; additional once partners are selected
Shelter, WASH, CCCM	IRG	\$1.3 million	4,080
WASH	AA	£1.1 million	120,860
RRM	AA	\$860,000	140,000
Education	IRG	\$470,000	2,400

As indicated in the above table, just this small sample of SAs access restrictions have delayed more than USD3.78 million dollars from reaching people targeted in AA-controlled areas, and more than USD1.8 million dollars in IRG and STC-controlled areas.

Beyond programming delays, SA negotiations alter service delivery. The principles of humanity and impartiality should guide organisations in deciding how limited resources are prioritised, but their ability to target based on those most in need is constantly challenged. One organisation consulted in this research mentioned the obstruction of its efforts to deliver aid to the Muhamasheen (a historically marginalised group) and displaced people fleeing the Horn of Africa. Demands for beneficiary lists and their manipulation can also significantly reduce the little space that exists for independent targeting.

Organisations also struggle to implement programming focused on women, particularly in northern Yemen. Apart from the difficulty of navigating directives that require women be accompanied by a mahram or escort, AA officials often reject programming that targets women or pursues gender-specific outcomes.

Politics also sometimes plays a role. One organisation's senior staffer said authorities had alleged that a cash-for-work programme was aiding followers of the Islah party, which is loosely affiliated with IRG and the coalition. To sustain its intervention, it had to push back and reiterate that its service delivery was based on need only, which cost it time, effort and political capital.

Authorities across Yemen value projects with infrastructure outputs over qualitative programming. Organisations working on WASH find it much easier to obtain approval to build or restore facilities than to distribute dignity kits. Every key informant said protection activities, including ICLA and mental health support interventions, were extremely difficult to get approved in AA-controlled areas.

This means organisations have to drop certain types of activity or embed projects unlikely to be approved into broader programming. This can be a good practice to gain acceptance from communities, but it is not always the ideal strategy and often diminishes the impact and visibility of interventions while still requiring extensive negotiation and delaying multisector SA approvals.

AA officials are also reticent to approve monitoring and evaluation (M&E), conflating it with spying, to the point that they have prohibited the widely used KoBo assessment tool. Officials have also insisted that certain questions in M&E assessments be altered or removed, making it more difficult for organisations to assess safety and target protection interventions. M&E activities are a frequent impasse in SA negotiations, leading organisations to withhold details of their M&E plans until an SA has been approved, though this tends only leads to rejection at later stages.

Rationale and analysis: Some local officials play key roles in the management of local organisations, giving them control over humanitarian deliveries. In one such case, the official in question stated that the governorate did not need organisations other than his own, effectively ensuring this control.

Oversight, control and rent-seeking are authorities' core motivations for delaying and changing SAs. Interference in recruitment is nothing new, but reports from AA-controlled areas about pressure to employ SCMCHA staff are rife.

Mitigation: In some cases, delays can be mitigated. IRG officials are generally willing to allow projects to launch under "gentlemen's agreements" while SA approval is still pending. These do not provide blanket approval, however, and often limit activities to assessments or soft components while restricting recruitment and procurement. Some organisations refuse to begin delivering until formal approval is given in order to uphold internal compliance rules and to avoid risks to their relationships with authorities.

SCMCHA occasionally authorises activities in AA-controlled areas under pending SAs, but these tend only to be for projects already ongoing or emergency responses. As Yemen's Covid-19 outbreak began, AA officials in Amran governorate allowed an organisation to distribute hygiene kits and carry out other vital WASH activities to limit transmission despite unresolved SA negotiations.

Identifying and using local leverage with different authorities as illustrated above has also worked for initiating and sustaining programming in new locations or sectors, though this requires perseverance. For NRC, relationships and leverage with local officials and institutions was essential in both gaining access for direct implementation in Bakil Al Mir, a highly militarised frontline location, and for ICLA programming. For the latter, working with the Civil Registration Authority as the technical government counterpart was also a key component. It has repeatedly supported ICLA negotiations when other authorities block plans.

Organisations build in as much time as possible for bureaucratic proceedings when planning their programming cycles, but delays often end up being much longer than expected. One senior manager said their organisation had never had to cancel a programme because of delays, but that it had expended significant resources mediating between authorities and donors to adapt programming and obtain no-cost extensions.

In other cases, organisations have withdrawn pending SAs because the approval process took so long that funds were redirected. No-cost extensions can mitigate such delays, but their effect is limited. Across the grants NRC received no-cost extensions for in the 18 months to October 2020, the time lost was only reduced from 49 to 45 per cent.

Directives

Issue: Once organisations manage to get an SA approved, they may still face obstructive directives. These ad hoc regulations can stall projects overnight. IRG, STC and AA authorities have all issued directives in official communiqués via WhatsApp, or verbally to individual organisations. Directives are used to enforce a desired outcome, and they are also intricately linked to SA and travel permit processes as a tool for authorities to achieve their wider objectives of delaying or blocking programmes, changing their design or controlling resources. This issue is particularly pervasive in AA-controlled areas.

To complicate things further, directives issued at the central level are often contradicted by those put out by local administrations. SCMCHA officials in two governorates issued repeated directives for organisations to share procurement documentation over the 18 months covered by this report, while those in two neighbouring two governorates tended to respect the established centralised process for issuing tenders and receiving bids. The fact that many directives are verbal and often issued to just one or a handful of organisations to test the waters generates inconsistency and confusion, sets unfavourable precedents and makes it difficult to formulate joint positions.

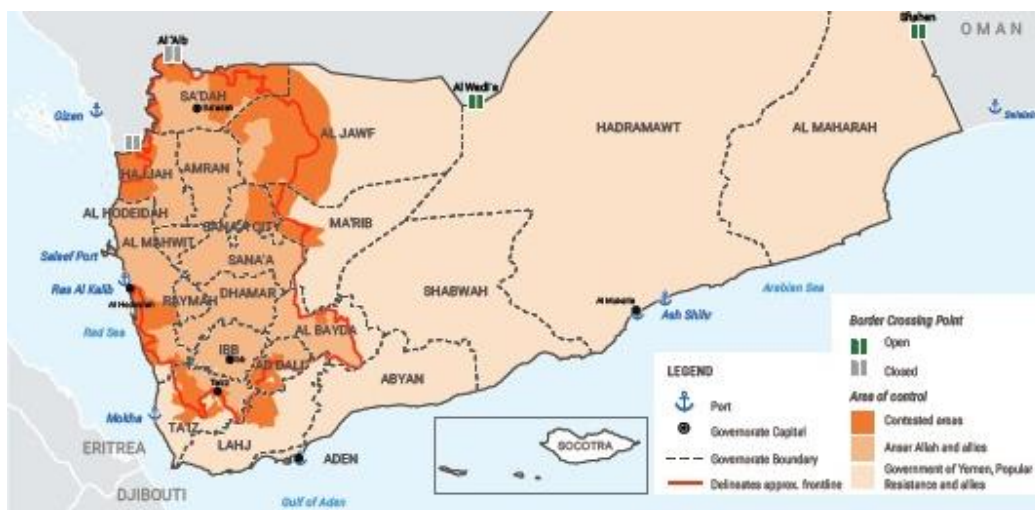
Data and example: Authorities issued 439 new directives between January 2019 and October 2020, though given that those issued verbally are not always reported the true figure is likely to be much higher.

Directives in Hajjah and Hodeidah governorates limited the staff of international organisations to spending only two days a month in the field. SCMCHA also issued a directive demanding approval authority over procurement for a shelter intervention, having previously accepted an observer role in protracted SA negotiations with organisations and donors. This delayed vital aid to 750 households, or 4,500 people. Directives to share beneficiary lists are unrelenting.

Impact: Directives have a huge impact on organisations' independence. One said they had derailed SA approval and ongoing projects by introducing new requirements once negotiations or programming were ongoing, leading to changes in design or commitments regarding implementation.

The issue of directives tends to be less acute in southern Yemen, but shifting alliances and unpredictable conditions can still strain relations between organisations and authorities. Local authorities have issued parallel directives and established parallel bureaucratic processes, which can slow implementation and drag organisations into

SCMCHA issued a directive demanding approval authority over procurement for a shelter intervention, delaying vital aid to 750 households, or 4,500 people.



local political dynamics. This is increasingly the case on the Red Sea coast, where several security stakeholders operate in parallel.

Military factions aligned with the powerful commander Tareq Saleh made various attempts in 2020 to control organisations' movements and broader operations, separate from any coordination dictated or endorsed by Aden. The organisations' independence and existing official relationships were threatened as a result, and compliance would have led to the widespread sharing of organisational information, which in turn could have compromised staff security.

Mitigation: To mitigate the issue of double taxation, the Logistics Cluster worked closely with partners in 2019 and 2020 to trace supply chains that avoided internal crossings from port to final shipping destination. These efforts, however, can be undermined by a change in frontlines.

Though negotiations between humanitarian actors and the Coalition led to the loosening of restrictions on humanitarian imports through Hodeidah, the Coalition and IRG have continued delaying shipments with intrusive cargo inspections. It remains difficult to import dual-usage items such as radios and audio visual (AV) material, or security equipment such as helmets or trauma kits, compromising aid workers' safety in the field and limiting their logistical capabilities.

The Cost of Directives

NRC identified 910 households, or about 6,000 people in Abs district as targets for an emergency cash response in January 2020, but SCMCHA-Hajjah issued a directive demanding that it turn over its beneficiary list, citing an internal directive from central authorities. When NRC refused, SCMCHA-Hajjah refused to issue access permits, delaying the intervention by more than 10 weeks.

Rationale and analysis: Directives cause friction and gaps in trust between authorities and organisations, and occasionally between organisations themselves, by engineering a state of "organised chaos". Officials play organisations off against each other to gain leverage over the response.

Directives, if complied with, can support control over territory, which allows authorities to engage in rent-seeking to further entrench their positions. STC issued a directive in June 2020 requiring organisations to redirect social security taxes from an IRG-controlled bank to one under its control in an attempt to strengthen its position by ensuring a steady income stream.

Directives have been less problematic in southern Yemen, but their frequency ebbs and flows with conflict dynamics. Since STC and its allies broke away from IRG, local control has splintered, and some areas are controlled by neither. Local administrations may issue directives whose main purpose is to cement their authority or to align procedures with areas under coalition forces' control.

Mitigation: Organisations in Yemen have been working through a taskforce established as a sub-group of the Humanitarian Access Working Group (HAWG) to develop a common position on directives and establish a shared and more timely response to them. The challenges presented, however, require more transparency and resources to address.



Photo:NRC/Mohammed Al-Sarabi. People lined up in front of an NRC constructed water point in Qutabah, Abs fetching water.

4. Restrictions on movement of humanitarian staff and goods

Travel Permits

Issue: Humanitarian organisations are required to apply for travel permits to authorise their movement within Yemen, to project sites for programme implementation and for monitoring and evaluation of aid projects. Humanitarian travel permits are a particular issue in AA-controlled areas, where they are required for both international and national staff to visit project locations. That said, authority in AA-controlled areas is fairly consolidated and little fighting takes place away from active fronts. Conflict in southern Yemen is more widespread and unpredictable, making it more difficult to plan travel, and because authority is splintered permits from various parties may be required. To cross the Al Dubaab checkpoint in Taiz governorate, for example, organisations may need permits from STC, IRG and the coalition’s humanitarian notification system.

Data and example: In-country movement restrictions accounted for nearly 50 per cent of the access incidents OCHA documented in September and October 2020⁶.

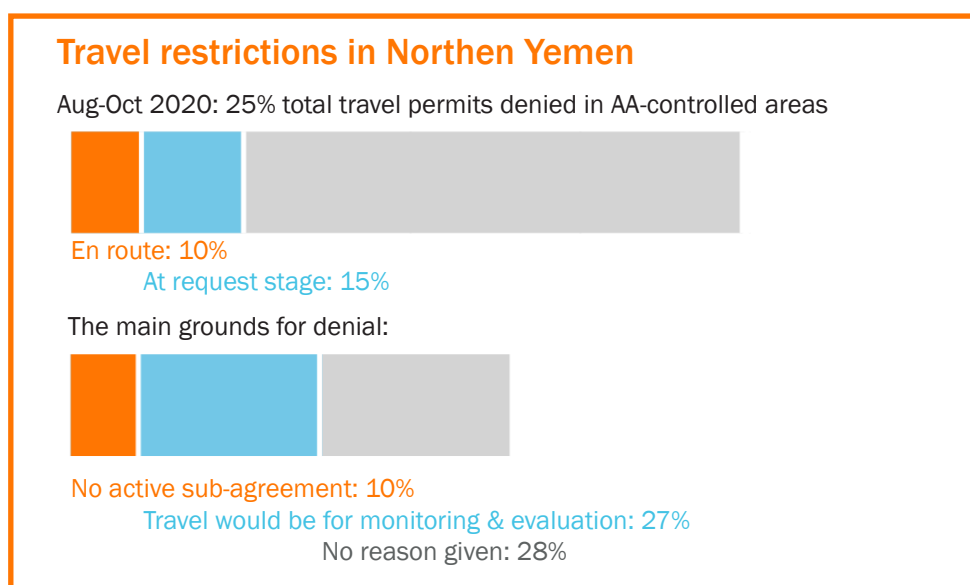


Figure 1: Travel restrictions in northern Yemen (tracking was not available in the south)

In the AA-controlled districts of Abs, Bakil Al Mir, Haradh and Al Durayhimi, organisations are not only restricted from visiting active conflict areas, but also areas far from the frontlines, where security conditions are favourable to aid delivery and humanitarian needs are high. Access also remains highly restricted in districts surrounding the port of Hodeidah, long after the Stockholm Accords reduced conflict and the military justifications for refusing travel permits.

In the south, where there is no official process for obtaining travel permits, organisations adopt different approaches. For some movements organisations are required to take part in deconfliction (i.e. notifying the Saudi-led Coalition about convoy movements via OCHA), but they are also required to obtain travel permits from local authorities. This is one example of a dual approval system. Layered approval systems are cumbersome and increase the risk of movement being denied.

⁶ Source: UN OCHA Humanitarian Access Snapshot, September-October 2020, November 2020, https://reliefweb.int/sites/reliefweb.int/files/resources/Yemen_Access%20Snapshot_Sep-Oct%202020.pdf

Impact: In-country travel is vital at every step of the programme cycle, from assessment to evaluation. As such, permit delays and rejections have a significant impact, particularly for time-sensitive programming such as emergency responses. AA delayed granting travel permits for Abs for over a month in 2019 despite the district hosting the highest concentration of IDPs in Yemen at the time. It also held up permits for Al Zurrah district because of delays in signing a rapid response mechanism (RRM) sub-agreement extension, compromising the 72-hour objective of the joint RRM response to new displacement.

Reduced oversight, and in particular reduced evaluation capacity as a result of monitoring and evaluation (M&E) staff being impeded, means organisations struggle to assess whether their programmes are achieving their outcomes. This is a significant concern, especially given a recent Danish Refugee Council (DRC) study based on FGDs with marginalised communities which found that 99 per cent of respondents said the aid they had received was inadequate for their needs. Seventy-five per cent said aid organisations were unable to determine their needs or respond accordingly.

The choice of respondents - H2R groups such as women, elderly people and the Muhamasheen skews the results, but they still indicate how M&E restrictions prevent organisations from assessing needs and providing appropriate support. This in turn aggravates disparities in outcomes⁷.

Organisations' inability to conduct proper oversight also limits their collective ability to evaluate the quality of their programming. Without a comprehensive view of the humanitarian situation in Yemen or the ability to establish one, they are forced to rely on information sources that are outdated, incomplete, difficult to triangulate and potentially unreliable.

Rationale and analysis: Motivations for delaying or refusing travel permits vary between incidents and authorities, but ongoing conflict is often cited as a reason. This is sometimes a genuine concern, but authorities have on many occasions denied permits for areas which are not active conflict zones. Permits in the south are largely used to control territory in the face of various stakeholders, including humanitarians.

Authorities are particularly controlling of vital RRM activities, because these give them leeway in resource allocation and opportunities to consolidate their sway over populations. RRM negotiations also allow officials to squeeze organisations by applying new restrictions, knowing that humanitarian imperatives compel them to provide emergency aid.

Changing demands suggest there are other reasons for blocking that we may never understand. National security authorities placed new demands on one organisations' cash intervention in Hodeidah, for example, and withheld travel permits until negotiations achieved a breakthrough. This delaying vital cash assistance for 600 households, or about 2,400 people, for a month.

Mitigation: Access coordination has played an important role in tracking and providing evidence for advocacy. This has included mapping movement requirements to help organisations streamline permit applications through using common tactics and presenting standard operating procedures to authorities such as SCMCHA.

Remote programming is a primary operational measure. Such approaches are common practice to prevent delays in AA-controlled areas, particularly for M&E activities, initiating programmes and gathering baselines. One organisation reported that SCMCHA took two months to approve their M&E proposal, and to avoid further delay it conducted its assessment remotely via phone and text message.

Visas and residencies

Issue: An increasing number of humanitarian organisations had visa applications rejected during the 18 months covered by this report, particularly for higher visibility roles in areas such as advocacy and media, and those that might involve direct relations with parties to the conflict, such as security and liaison roles. Technical roles, such as sector specialists, had a higher approval rate. Anecdotal evidence also suggests some nationalities face more difficulty, but in the absence of written

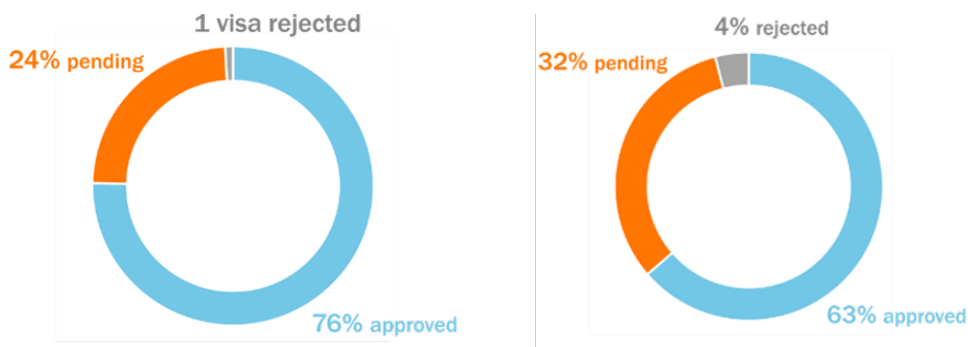
7 Source: For Us but not for Us, Danish Refugee Council, 2020.

directives and consistent reporting it is unclear how much this really is a factor.

Delays in issuing humanitarian visas are not unique to Yemen, but they combine with other forms of obstructions in the country to severely limit organisations' capacity. They are the first barrier they encounter, and the length and outcome of visa and residency application processes can depend on the intended location and type of position covered by the incoming staff member.

Data and example: More than half of the visa applications pending as of the end of October 2020 had been lodged in the first quarter of the year. Rejected applications in the north included those for protection, communications and security positions. AA's security services verbally rejected visas and subsequent residency for an international security advisor that NRC had requested various times in 2018 and 2019.

As of October 2020, visa approvals across 19 organisations for the year were as follows:



Visa approval rates in southern areas

Visa approval rates in northern areas

Impact: Delays in issuing visas and residence permits can seriously disrupt operations, because they prevent organisations from deploying much needed staff to the field. The problem is particularly acute for emergency and senior roles, when waiting three or four months for a visa is simply not an option. The closure of ports and airports further complicates the situation.

Authorities often block or reject visas for international roles on the basis that recruitments should be done from within Yemen. NRC and other organisations are committed to the localisation agenda, but there are only a limited number of locally qualified people with the required technical skills, experience and perspectives for key technical, emergency and senior roles. Even once access to the country is secured, as illustrated above internal movement restrictions make it all the more difficult for organisations to oversee their own programming effectively.

Rationale and analysis: National authorities reject and delay visas for a variety of reasons. Almost 40 per cent of rejections in Sana'a were the result of authorities insisting the position be filled by a national⁸. This is not new to Yemen, where there is a deeply ingrained fear that international staff may be spying. Lack of administrative clarity in the south, conflict between and within IRG and STC, new and changing processes, the absence of key signatories and service interruptions since the onset of Covid-19 have all caused delays in granting visas.

Mitigation: Some organisations have opted to nationalise staff positions and provide roving or remote support, including Aden-based support for Sana'a staff. Others have deprioritised sector support functions such as coordination and cluster support positions.

⁸ This is likely to be underreported because international NGOs do not always report rejections when appealing for a reversal

Customs Clearance

Issue: Humanitarian imports ought to be exempt from taxes, but in reality a number may be levied. There is also a risk of double taxation if the only supply route to an area controlled by one authority begins at a port controlled by another. Import restrictions imposed by the Saudi-led coalition have a significant impact too. It blocked all imports via the AA-controlled port of Hodeidah except for food until early 2020. Any other goods had to be shipped via Aden, where they would be double-taxed en route to northern Yemen.

Data and example: In IRG controlled areas, tax exemptions for humanitarian cargo require a \$10 payment for processing the documents. Acquiring these tax exemptions is a very lengthy process especially for those shipments destined for programmes in the North. One agency reported that they have had tax exemption applications stuck for more than a year. The practice has been that these shipments are released by the Custom Authority on a bond, which states that exemption approvals will be provided to the relevant government line ministries when received, and if the exemption applications are not approved, they will have to pay full tax on those shipments. For shipments that move from South to North Yemen, a \$200 tax must be paid to the SCMCHA. Between April and May 2019, it took an average of 36 days for humanitarian cargo to clear internal borders.

Impact: Demands for payment undermine exemptions and violate the PAs that international NGOs sign with the authorities to be able to operate in Yemen. This in turn significantly delays the delivery of assistance, affecting everything from community acceptance to donor compliance. Perishable goods may also spoil, leading to extra costs and negative media coverage for the organisations concerned.

Rationale and analysis: Political positioning and a desire to control resources are the primary rationale for all parties to impose import restrictions. The coalition's blockade of northern Yemen, for example, is not the only obstacle to delivering assistance. AA officials also obstruct humanitarian work, mindful that an increased flow of basic goods could undermine its narrative of coalition besiegement and erode its legitimacy among people living in the areas in controls.

Mitigation: The logistics cluster worked closely with its partners to mitigate double taxation in 2019 and 2020 by identifying supply chains that avoided internal border crossings, but such efforts are easily undermined by the shifting frontlines of the conflict.

Negotiations with the coalition led to a loosening of restrictions on humanitarian imports through Hodeidah, but it and IRG continued to delay shipments with intrusive inspections. It remains difficult to import dual-use items such as radios, audio visual material, security equipment such as helmets and trauma kits, which compromises aid workers' safety in the field and limits their logistical capabilities.

In AA controlled areas, authorities demand a \$200 payment for a humanitarian tax exemption. For shipments that move from South to North Yemen, a \$200 tax must be paid to the SCMCHA.

5. Conclusions

According to NRC's internal global access assessment, some of the most significant obstacles to access are bureaucratic as state authorities seek to control the flow of services into areas controlled by non-state armed groups (NSAGs). They allege security considerations to conceal their politicisation of aid. This is also true within NSAG-controlled territories, where de facto authorities block or delay aid in an attempt to control service delivery. As this paper shows, Yemen is no exception.

This compromises humanitarian organisations' independence, which in turn affects their ability to engage in needs-based responses and build acceptance among communities. The mitigation measures organisations have put in place, many of them ad-hoc, make it possible to continue to provide assistance in Yemen, but a lack of coordination and shared approaches makes them less strategic. They yield "quick wins" but tend not to address the overarching constraints. The humanitarian imperative is often invoked when making these compromises, but a "do no harm" approach is not always applied and could lead to longer term damage to safe and sustainable access.

Improved coordination and a more consolidated approach toward local and national authorities has the potential to improve access in the short and long term. Making sure that the humanitarian community speaks with one voice, and formulating and adhering to joint positions, would mean negotiations could be led by OCHA and/or the HC. This in turn would mitigate the risk of individual organisations receiving an adverse reaction when speaking out. Coordination can be further enhanced by a collective commitment to a renewed action plan on access benchmarks led by the Technical Monitoring Group (TMG) that prioritises issues, and assigns clear tasks and responsibilities for all stakeholders. Internal processes that support such an approach would also be essential to its effectiveness.

These are important steps that could be taken toward more efficient and principled aid delivery in Yemen, but there is another key concern to address. The politicisation of access intrinsically links the humanitarian response to the political process, which leads the various parties to the conflict to impede access as part of their political power play.

The scale of bureaucratic impediments has made the humanitarian response less effective, which has also come at a major cost for the donor community. It has led to discussion among donors about whether to withdraw funding to avoid doing harm. This might seem a rational consequence if negotiations do not yield results, but any leverage gained would by no means outweigh the impact on vulnerable communities. Even temporary suspensions make it difficult to regain community acceptance when the response is resumed, and they can be a considerable setback for access.

This paper does not shy away from questioning efforts thus far, including raising the issue of quality of access. The recommendations illustrate that there is more work to do and that we have other options at our disposal, which should be exhausted before considering drastic measures such as withdrawal. The question of how effective it is to tie humanitarian asks to political processes is also worth reflecting on.

Such a constricted role makes it difficult, if not impossible, for organisations to build trust and acceptance among their target communities. If they are unable to pursue activities that lead to greater outcomes than the sum of their outputs, they cannot create conditions that help communities to build resilience or achieve durable solutions. Limited impact, in turn, can result in reduced donor engagement and a loss of interest at the global level in addressing growing humanitarian needs.

These issues do not affect Yemen uniquely. Bureaucratic impediments and political interference are a common feature of humanitarian responses in many parts of the world. Their scope and impacts vary, but they are invariably tied to other compounding factors, such as the fragmentation of authority and conflict. As the international community learns how to maintain and ideally expand humanitarian space in Yemen, its experience also has the potential to support principled action elsewhere.

6. Recommendations

High level advocacy and diplomacy

To the donor governments and humanitarian leadership

- Conduct regular and consistent high-level humanitarian access diplomacy that steers away from political representation, and is led by donors and senior humanitarian representatives. This is vital and should take place at least quarterly and target decision-makers. All efforts should be made for this to take place in-country, with virtual meetings a last resort. This includes enhancing the coordination of future high-level engagements both in terms of identifying key interlocutors/blockers and to ensure coherent messaging and asks.
- Sustain engagement, because it achieves results. Getting sensitive sectoral programming or reaching highly restricted locations is based on perseverance and building trust. High-level engagement should take the same approach and invest for the long term, with objectives to match.
- Review and maintain the evidence base needed to support high-level engagement and prioritise evidence for operational support. This should account for the limited resources and fluid situation that have the potential to impede data credibility. Be innovative in how data is used for advocacy, being aware that being overly confrontational with Yemeni authorities will rarely yield results, and of the need to manage risks and backlash for organisations on the ground.
- Develop an action plan on access benchmarks led by the TMG to clearly prioritise issues, identify actions and responsibilities for different stakeholders (UN, INGOs, donors), and to monitor their implementation. This would allow consistent review and reassessment of the long term objectives of high level diplomacy, and ensure that all engagement remains coordinated and targeted.

Good donorship and humanitarian financing

To donor governments

- Fund access and liaison staff at all levels, including field, area and country offices, for oversight and the implementation of access strategies. Principled access costs money, and this should include resourcing an international NGO co-chair for the Aden HAWG and funding the national HAWG position 100 per cent.
- Increase the funding of multi-year grants to reduce the impact of SA approval delays on recipient organisations. This would limit budgeting adjustments and explore how funding cycles might be used to mitigate the impact of delays.
- Allow flexibility in adjusting target locations as a contingency. Moving funding around between governorates in areas under the control of the same party can be a last resort to take advantage of sub-national windows for access. This is particularly applicable in AA-controlled areas to enable organisations to target based on need and not to withdraw entirely because of pockets of inaccessible locations.
- Support organisations with clear guidance on acceptable legal contracts with authorities, such as PAs and SAs, to ensure that the versions signed do not contradict principles and donor agreements.
- Work with partners to identify what else donors can do to present a grant agreement that authorities will accept more readily, particularly in terms of how

the budget is presented and terminology for sensitive activities is used.

- Reinforce donor partnerships to coordinate closely with the humanitarian community, develop common positions and streamline engagement with authorities to prevent backlash on individual organisations and the undermining of the broader access environment.
- Include bureaucratic impediments in Yemen in the G7 Famine Compact, the High-Level Task Force on Famine and implementation of UN Security Council resolution 2417 on conflict and hunger, which seeks to promote and address obstructions to humanitarian access. Use the data and analysis collected by HAWG and operational agencies to build an evidence base for work on conflict and hunger.

Relationship building

To national authorities

- Rescind directives and remove implicit threats that impede coordination among humanitarian organisations. This would improve the efficiency of humanitarian responses by avoiding duplication in communication with authorities and being less time consuming for their staff.
- Facilitate access to high-level decision makers, and ensure those same people are kept abreast of issues that humanitarian organisations face in trying to secure unhindered access.
- Create relationships, communication channels and systems between line ministries and SCMCHA/MoPIC to smooth the processing of administrative requirements and facilitate troubleshooting when humanitarian organisations request it.

To international organisations

- Prioritise the development and implementation of common positions or internal red lines on the most impactful and recurring directives such as those on information sharing, beneficiary selection and interference with tenders. This would mean having clear immediate responses, and will also buy time to understand new directives and develop relevant common positions. This will enable stronger positions to be developed as compliance will be more limited.
- Be firm, and consistent. Authorities respond to consistent messaging from organisations, and the application of humanitarian principles relies on it. Given their different mandates and priorities, consistency across agencies is vital. Wavering between positions undermines negotiations and authorities' respect in a country where pride is important.
- Explain organisational mandates and humanitarian principles to authorities, led by the HAWG chairs, OCHA and other coordination forum representatives. Build internal capacity to do so. This could be particularly important for military and/or new authorities which have little experience in collaborating with humanitarian organisations.
- Identify the target audience for direct or indirect engagement at all levels, including those outside Yemen. Stakeholder analysis is sensitive but can still be done informally and through trusted channels while accessing external material and specialists to further support the findings. This would also help to identify where local leverage can best be used for advocacy.
- Develop a framework for engagement with stakeholders at the national and sub-national level that decentralises decision making within and across organisations, giving field/area offices a greater role. This could be achieved by putting proper channels in place that delineate thresholds for the escalation of issues when necessary ensuring oversight and that sub national initiatives are coordinated with country-level initiatives.
- Invest in building the capacities of national staff and hire them for senior roles, particularly in liaison and access, to establish and maintain relationships. This would be particularly useful when negotiations begin from distant starting

points. Organisations also need to put systems in place that protect national staff who are exposed and constantly talking to authorities, and their families. Risks to the organisation and staff members can be managed by having clear internal processes including red lines and duties of care.

- Prioritise training and space for discussion on humanitarian principles and the basics of access. This should emphasise an “if in doubt, report” approach. Organisations should adapt HR induction packages, include refresher sessions and designate “champions” in each office to facilitate discussions that include the most junior staff on the application of principles and operational dilemmas.

Humanitarian leadership and access coordination

To international organisations and agencies

- Share evidence from HAWG and the Humanitarian Country Team (HCT) with the Inter-Agency Standing Committee (IASC) results group on bureaucratic impediments to elevate concerns through the Operational Policy and Advocacy Group (OPAG).
- Use the available mechanisms and meetings, both informal and formal, to share information transparently at a senior level to avoid setting precedents and stand by common positioning. Where there is fear of backlash from the authorities, organisations should use informal coordination spaces.
- Keep humanitarian access as a standing agenda item at HCT and regional coordination groups.
- Encourage the establishment of area-based coordination mechanisms and the increasing of informal coordination. Decentralised coordination is essential to decision making, engagement and troubleshooting at the local level. This would also strengthen the mechanisms by which decisions made at the HCT and capital level are disseminated to ensure compliance.
- Develop an action plan in the TMG including assigning responsibilities to key stakeholders to carry out actions to address which directives require a common position (including defining those that have a red line versus those that may be layered, accountability for implementation; and preventing ongoing negotiations and other positions from being undermined).

Programming

To international organisations

- Put a remote management plan in place that is operational, and which identifies remote approaches for each activity that can be adapted to each situation. This would enable organisations and their staff to take quick decisions to apply remote management only for specific activities and/or locations that are absolutely necessary as intermittent access shifts. Any such plan would have to have clear decision-making channels and be disseminated to all key staff.
- Preposition supplies and well trained and equipped staff to implement remote programming, on the basis that preparedness means having a more localised response. To the same end, establish connections with partners and community Strengthen assessment and M&E activities where possible. This should include reviewing remote approaches to better manage risks, including improved triangulation by increasing the breadth and depth of key informant interviews when household surveys are not possible. Do not, however, let this replace access for these activities. Marry rapid assessments with emergency access and ensure better use of in-house data from other programme monitoring that can be further triangulated and verified as necessary.
- Be accountable when your organisational performance dips, or best efforts to remove impediments are not upheld, thereby reducing the opportunity for authorities to apportion blame. This should include taking on relevant technical advice from authorities, streamlining the SA approval process wherever possible on the organisations’ side, and admitting to inconsistencies in holding internal positions, so they are rolled back and not hidden or used against organisations.

- Ensure programme activities are streamlined wherever possible, incorporating those that authorities receive poorly with those that meet little resistance when such adjustments are possible.
- Carry out a programme criticality assessment and an introspective evaluation of the types of operations carried out. Are interventions and modalities seen as relevant and effective in the eyes of authorities and do decision-making processes take this into consideration?
- Leverage specific technical relationships that might exist between organisations and authorities to support and advocate for access and unhindered implementation where divisions within authorities might exist. A strong relationship with one technical line ministry, for example, could play a supportive role across other sectors.

Annex 1

The figure below shows the improvements in sub-agreement approval rates in correlation to high-level events. This highlights the need for high-level engagement and attention because it achieves results. Lessons learned have highlighted the lack of understanding of how to reach key gatekeepers and influencers, especially in the AA hierarchy but also in the Saudi-led coalition, as well as absenteeism and turnover in IRG, which results in lost or poorly targeted advocacy and negotiations.

