

Humanitarian access and local organisations in Ukraine

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Key messages

- Since the separatist conflict began in eastern Ukraine, international humanitarian organisations and civil society groups have raised concerns over lack of access to people in need.
- In areas under government control, new regulations limit freedom of movement and restrict trade and economic contacts with non-government areas. Legal and bureaucratic impediments make it difficult for internally displaced people to access state benefits.
- In non-government areas the de facto authorities have introduced an accreditation system that has made it effectively impossible for international organisations to work. Assistance is largely in the hands of local civil society groups, drawing on their comparative advantage as small cells of individual volunteers.
- At the time of the study, relations between international and local organisations were evolving, from cohabitation to collaboration, coordination and formal contractual relations. While a necessary response to funding and staffing constraints, this evolution risks undermining the flexibility and reactivity of local organisations and their ability to maintain access to populations in need.

Since the separatist conflict in Ukraine began three years ago, some 10,000 people have been killed, 2,000 of them civilians, and more than a million displaced. Nearly four million are in need of humanitarian aid.¹ International humanitarian organisations and Ukrainian civil society groups alike have raised

concerns over lack of access to people in need, and the challenges people affected by the crisis have faced in accessing support, both in government-controlled and non-government areas. This HPG Policy Brief analyses the level and quality of access for humanitarian actors – particularly local groups – in Ukraine, the challenges to securing that access, the strategies that have been used to open up access and how access has varied over time.

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This HPG Policy Brief is part of a two-year research programme on humanitarian access during conflict. In addition to a larger Working Paper on Ukraine, the research has also looked at local organisations and access in the Syria conflict. A final HPG Report summarises the key findings. See <https://www.odi.org/our-work/programmes/humanitarian-policy-group>.

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Photo: A woman on the frontline of the crisis in Nikishina, Ukraine, 2015.

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¹ 'Ukraine Humanitarian Needs Overview 2017', <https://reliefweb.int/report/ukraine/ukraine-humanitarian-needs-overview-2017-enuk>.

This case study is part of a two-year project entitled ‘Holding the keys: who gets access in times of conflict?’. Much thinking and research has been done on how international humanitarian actors gain access, the role of security in enabling or blocking humanitarian access and the utility of humanitarian principles in gaining and maintaining access. However, even as the role of local actors is increasingly recognised as part of the overall humanitarian effort in conflicts, little is known about their level of access and the impact of what may be different operational principles and approaches on other actors within the same operational environment. This work constitutes one step in filling this gap.

The access challenge in Ukraine

Ukraine is an atypical humanitarian context in several ways. Unlike most crisis contexts, it is a middle-income country with a developed economy and decent living standards. It is also facing its first humanitarian crisis in modern times, and unlike states for which this is a more common occurrence the country had no experience of dealing with the large-scale deployment of international humanitarian organisations. At the start of the response laws and systems were exposed as inadequate and humanitarian organisations faced multiple bureaucratic, logistical and legal hurdles to setting up operations.

Despite these initial legal and bureaucratic obstacles, international humanitarian actors by and large succeeded in setting up operations in areas under the control of the Ukrainian government. However, very few established or maintained access in areas of eastern Ukraine in the hands of pro-Russian separatist forces: at the time of the research only two international agencies were operational at scale, the Czech NGO People in Need (PIN) and the International Committee of the Red Cross (ICRC), and PIN has subsequently had to withdraw. According to the Humanitarian Response Plan 2018, as of November 2017 four international organisations had received official permission to be present in the Luhansk part of the non-government-controlled area, while only one international organisation was officially ‘accredited’ in the Donetsk part of the non-government-controlled area.²

Insecurity is a major impediment to access. Low-intensity but unpredictable shelling around the contact

line between government and separatist forces, landmines and unexploded ordnance make security management difficult for humanitarian organisations, and have a direct impact on the safety and freedom of movement of civilians, and their ability to access basic goods and services. Bureaucratic hurdles are another obstacle. Government regulations restrict trade and economic contacts with non-government areas, and internally displaced people (IDPs) face legal and bureaucratic impediments to accessing the state benefits they are entitled to as Ukrainian citizens. Movement across the contact line separating the two sides is tightly controlled. In non-government areas, an accreditation process introduced in July 2015 has made formal negotiated access all but impossible for most aid organisations. The de facto authorities also placed restrictions on the activities humanitarian organisations could undertake, in particular needs assessments and protection programmes.

For international organisations, differing approaches to access, principles and operational matters also had severe consequences for their ability to deliver assistance in eastern Ukraine. The most striking difference was in their reaction to the de facto authorities’ accreditation requirements. UN agencies publicly refused to participate, and at the request of the UN Office for the Coordination of Humanitarian Affairs (OCHA) NGOs initially followed the UN’s line and allowed the UN to negotiate on their behalf. Subsequently, NGOs agreed to comply with the accreditation request, but in the vast majority of cases requests for accreditation were denied.

Differences between international organisations over accreditation reflected a wider failure within the international aid community to coordinate approaches to access negotiations more broadly. While some organisations based their negotiations on strong red lines, for instance on monitoring, assessments, targeting and accountability, the willingness of others to allow the dumping of assistance made it more difficult to persuade the de facto authorities to accept such conditions. Likewise, agreement by one agency not to carry out psychosocial work, and instead concentrate on ‘hard’ activities, left those NGOs trying to negotiate access for protection and psychosocial support – namely the ICRC and PIN – exposed. The lack of agreement between international organisations on where their red lines in negotiations should be drawn meant that they undermined each other’s ability to secure access and allowed the de facto authorities

2 OCHA, ‘Humanitarian Response Plan, January–December 2018, Ukraine’, 2017.

to pick and choose between them, with severe consequences for access overall.

Local actors and the access challenge in Ukraine

Given the limited international operational presence in non-government areas, assistance was largely in the hands of local groups, including charitable and civil society organisations, private philanthropic organisations, church groups and networks of individual volunteers and activists. These organisations delivered food and non-food items, provided access to medical care, psychosocial support and legal aid, registered IDPs and supported emergency evacuations of civilians from towns and villages under shelling. Many operated opportunistically, using social media and networks of trusted volunteers to identify needs, raise funds and deliver cash, drugs and food.

Access was, however, fragile, and local organisations faced many of the same physical and bureaucratic constraints and restrictions as their international counterparts. Maintaining operations largely meant reducing visibility and operating on a very small scale, covertly and through established networks. Rather than negotiating access, many volunteer groups active in eastern Ukraine simply took it, using their comparative advantage as small cells of individual volunteers working within larger networks, their reactivity and their flexibility, both in legal terms and in terms of the level of risk they were prepared to face. While a pragmatic response to access challenges, this very localised and ad hoc approach to assistance also meant that these groups were able to reach only a small minority of people in need, and their reliance on volunteers and peer-to-peer funding meant that they were inherently unsustainable.

While local actors were highly critical of the way their international counterparts operated, questioning their motivations, ways of working and adherence to their own principles, the study also found a growing recognition among volunteer groups of their own limitations and lack of sustainability. As a result, at the time of the study interactions between these two sets of actors were evolving, from what might be regarded as cohabitation towards collaboration, coordination and formal, contractual partnerships. The relationship between local actors themselves also appeared to be moving from one of collaboration among loose networks of volunteer cells to more

competitive relations over contracts and partnerships with international organisations. While functionally necessary, there was a sense that closer and more formal relations were undermining the features of local actors that made them attractive partners to the international sector, reducing the flexibility and reactivity that enabled them to maintain access and respond where international actors could not.

Policy implications

Partnering and supporting local actors is never straightforward. In a difficult context such as Ukraine, international support for local humanitarian assistance risks increasing the visibility and exposure of local organisations, while closer links with Western aid actors may affect the way these organisations are perceived by authorities with their own political objectives. Conversely, it has been difficult for international organisations and donors in Ukraine to judge the neutrality of those able to access non-government areas given that one strategy for access used by some local actors involves working closely with networks including the Orthodox Church (Moscow Patriarchate) that support the de facto authorities.

More extensive or closer partnerships between local and international humanitarian actors can also change local actors. Incentive structures, processes and accountability requirements to donors have compelled local groups to alter how they work; from being flexible and reactive to fast-changing realities on the ground, local volunteer groups have become more bureaucratic, bound by projects as opposed to needs and more institutionalised. The larger policy question this raises is the extent to which closer partnerships between international and local actors undermine or destroy the very attributes that enable local organisations to act where their international counterparts cannot or will not.

Our work in Ukraine, and studies in other contexts, also highlights how difficult it can be to identify where the power or authority to grant or influence access lies. In this context, there was no agreement as to whether ultimate authority over access in non-government areas resided with the Russian authorities, the de facto power or some combination of the two, making it extremely difficult to develop an appropriate negotiation strategy. In contexts with multiple armed factions, such as Syria, deciding who gives or refuses access can be an even greater challenge. Negotiating

humanitarian access requires in-depth context analysis of conflict dynamics, armed groups and the wider political economy. In fast-moving environments this can be very difficult to achieve.

The Ukraine case highlights once again that access is also about people's ability to access basic needs and services – and the vital need for advocacy around the wider policy environment preventing them from doing so. The Ukrainian government could change the lives of many of its citizens by making movement across the contact line easier; reopening economic relations and trade (including banking and money transfer services); changing its policy towards pensions and other social payments to people in non-government areas; and ensuring that IDPs can register easily and access state entitlements and wider support. Advocacy by humanitarian organisations with the government around these critical policy points is made more difficult by the multiple priorities of donors and the international community in Ukraine. In such a complex geopolitical context, over which relations with Russia loom large, humanitarian considerations appear to be secondary concerns, and are increasingly being used as bargaining chips in larger geopolitical negotiations (including around sanctions and broader trade issues). Here, as in other contexts, the double-hatted Resident and Humanitarian Coordinator position in Ukraine may further compromise the effectiveness of humanitarian advocacy.

Access is crucially linked to how an organisation operates on the ground – rather than its identity or the principles it claims to follow. This strong link between access negotiations and operational approaches puts into question the ability of UN agencies, and OCHA in particular, to negotiate access on behalf of organisations operating on the ground and directly delivering assistance. While not an alternative model but rather a reprioritisation, UN agencies and OCHA should consider taking on a more facilitative role – a role that they already play – for the delivery of humanitarian assistance at a more macro level, for instance by improving customs policies to facilitate incoming humanitarian cargoes; the agreement of principles with national governments; mediating agreements on red lines and access strategies between international and local actors; the deployment of civil–military coordinators and processes; and gathering analysis and information to support organisations negotiating access on the ground. This would leave the responsibility for negotiating access with operational actors – those directly implementing

and working more locally – coordinating with other humanitarian actors, with the mediation and facilitation of OCHA. The factors influencing the physical access of humanitarian actors in eastern Ukraine highlight that access is not about a process of negotiation prior to operations, but a more nuanced process of acceptance through the actual delivery of humanitarian assistance. Ultimately, access must be seen as a multi-phased process, whereby a pragmatic approach gradually allows a dialogue to develop based on principles, and designed to facilitate more sensitive activities such as protection.

Conclusion

As the international system increasingly adopts a discourse of localisation, it will be important to acknowledge the risks and the benefits, on both sides, involved in closer partnerships with local aid actors. Localisation also requires us to look more closely at the political context around the de facto power holders and what sort of governance system is being established. It brings aid closer to local, national and regional politics. In itself, localisation is not an access strategy: local actors do not necessarily have better access than international organisations, and the strategies they use to overcome access challenges imply significant compromises.

In many ways, access in Ukraine was as much of a challenge for local actors as it was for their international counterparts. They faced the same restrictions and constraints on physical access, whether as a result of security conditions or the policies of the de facto authorities. As such, differentiation along the lines of 'international' versus 'local' was not helpful in understanding which organisations got access and why. The more important difference was in the tactics these organisations adopted in response to the problems they faced. For local actors, this included reducing their visibility, working through covert networks and retaining the flexibility and reactivity to respond to needs as quickly and effectively as possible. Rightly or wrongly, international actors chose formal access negotiations, although approaches differed on accreditation and how far organisations should compromise on the types of activities they proposed for implementation. Local actors were able to act in ways that perhaps their international counterparts would find more difficult, because of concerns about ethics or humanitarian principles, but also for operational reasons, including the larger scale of their assistance activities and their relative inflexibility.