

International Development Committee
Humanitarian Access and Adherence to International Humanitarian Law

Written Evidence submitted by The Foreign Policy Centre, February 2025

Introduction

1. The Foreign Policy Centre (FPC) is an independent and non-partisan international affairs think tank based in the United Kingdom. The FPC publishes independent research and provides an open and accessible space for the exchange of ideas, knowledge and experience, so that the voices of experts and advocates can be heard and acted upon.
2. The FPC has a broad network, including academics, practitioners and experts, many of whom work on international humanitarian issues. For the purposes of this submission, in January 2025 the FPC engaged with Fred Carver (a Managing Director, Strategy for Humanity), Anna Chernova (FPC Senior Research Fellow), Fleur Just (Chief Executive Officer, Peaceful Change Institute), and Eleanor Nott (Senior Advisor and Co-Founder, David Nott Foundation) to gather their insights on issues relating to humanitarian access and adherence to international law. This submission is not intended to be a comprehensive analysis of these areas, but seeks to present relevant insights from the FPC network that can prompt further consideration of key issues. The views expressed in the submission are those of the authors as cited. Each contributor reviewed and approved citations before publication.
3. As conflict and violence rises globally, the international humanitarian system has come under intense pressure, and the bounds of international humanitarian law have been tested. Attacks on aid workers and healthcare systems are a central concern. Humanitarian organisations report a lack of legal, psychical, political and diplomatic protection, and many NGOs face great difficulty with the pressures of operating in complex legal contexts with little donor-support. While changes to, or the introduction of, new humanitarian law could be proposed as a solution, our contributors view the current law as sufficient, and that instead the focus must turn to ensuring implementation. As a valuable donor and partner in the humanitarian sector, the UK Government has an opportunity to underline support for the aid sector and ensure compliance with international humanitarian law in multilateral fora.

Recommendations for the UK Government

4. Protect local and national aid workers through close cooperation with partners in the donor community, which requires diplomatic resources.¹
5. Invest greater diplomatic resources into coordinating approaches and aid portfolios with European/EU partners to reduce risk of gaps and backsliding on key principles.²

¹ Anna Chernova, comments for FPC, January 2025.

² Ibid.

6. Ensure greater resourcing for British NGOs, civil society, academia, think tanks and media working in this area; also increasing their capacity to engage with the UK Government in meaningful consultations on shaping British aid and European cooperation.³
7. Support evidence collection of violations of international humanitarian law and maintain diplomatic and political pressure for accountability for violations.⁴
8. Promote adherence to existing international humanitarian law, including through multilateral fora of which the UK is a member.
9. Ensure that ODA provides legal, political/diplomatic, and physical protection for humanitarian organisations and workers.⁵
10. Engage with NGOs working in complex conflict environments to develop shared strategic approaches to manage risk on-the ground, therefore avoiding NGOs 'passing on risk' to national partners.
11. Provide adequate resourcing for community-focused diplomatic engagement, including by restoring diplomatic resources at regional levels, including in embassies.
12. Encourage UK Government funding opportunities for locally-based or smaller-scale NGOs as well as through large agencies. This could include through the promotion of sub-granting mechanisms.

What are the current trends in adherence to international humanitarian law in conflicts, particularly regarding the safe delivery of humanitarian assistance?

The humanitarian system is under increased pressure in today's global context

13. Anna Chernova, Senior Research Fellow at the FPC, explained that growing global conflict that is increasingly geopolitical and transnational in nature is a key threat for the humanitarian system, leading to increased pressure and making the delivery of aid more challenging.⁶ This point was also noted by Tim Molesworth and Phil Vernon, in an article published by the FPC in 2021: "the humanitarian consequences of conflict are severe, leading to vast, prolonged or repeated humanitarian aid programmes".⁷
14. Challenges are exacerbated in many circumstances, because the "humanitarian operations take place in some of the most restricted contexts, where authoritarian rule, extreme inequalities and extreme forms of discrimination (e.g. by sex, gender, race, sect, class, displacement/citizenship status) are either entrenched or weaponised by powerful actors".⁸ Indeed, it has been shared with the FPC that "longer-term development aid to fragile countries is even more clearly politically charged, as it inevitably interacts with government choices and policies there, and

³ Ibid.

⁴ Eleanor Nott, comments to FPC, January 2025

⁵ Ibid.

⁶ Anna Chernova, comments to FPC, January 2025

⁷ Tim Molesworth and Phil Vernon, 'The changing context for UK humanitarian and development activities in FCACs', Foreign Policy Centre (FPC), 06 December 2021, <https://fpc.org.uk/the-changing-context-for-uk-humanitarian-and-development-activities-in-fcacs/>

⁸ Anna Chernova, comments to FPC, January 2025

with politics itself”.⁹ Against this backdrop, the aid community, including humanitarian, human rights and peacebuilding agencies, have raised alarm around a strained international aid architecture unable to cope with unprecedented global levels of violence and displacement, while humanitarian appeals tend to be critically underfunded.¹⁰

15. A trend of “democratic backsliding,” and the reduction of civic space globally, is reported to have had a detrimental impact on humanitarian operations.¹¹ The localisation agenda, for example, “which aims to inter alia de-colonise the aid system architecture and ensure national civil society organisations are included in aid development and delivery”, will become limited.¹² Chernova stated that independent, principled humanitarian aid requires an enabling rights-based legal and practice environment, however “prolific anti-NGO” legislation means that the safe delivery of humanitarian assistance by impartial national actors is increasingly dangerous.¹³ Women’s rights and gender justice are under increasing threat and there has been a crackdown on LGBTQI+ communities. These shifts are also said to have impacted the delivery of humanitarian assistance.¹⁴
16. In this highly complex and challenging context, there has been a trend of underfunding, as well as the introduction of new donors and a privatisation of aid, which is said to have had a negative impact on the humanitarian sector.¹⁵ Chernova explained that, under the previous UK Government, private sector stakeholders were increasingly relied upon to deliver aid.¹⁶ While the share of UK funding going to private sector actors has increased, leading and especially smaller British NGOs have found themselves struggling to meet humanitarian needs in their areas of operation.¹⁷ The UK is also pushing Gulf countries and other emerging donors to step up aid funding. Chernova noted that these trends could have a negative impact, saying “a shift away from rights-based, independent and principled non-governmental delivery mechanisms toward private sector and a greater reliance on donors from states with a democratic deficit (e.g. Gulf donors) could have a detrimental impact on the ability of women’s rights and women-led independent organisations, including those working on LGBTQI+ issues to deliver principled and impartial assistance in conflict affected contexts”.¹⁷

⁹ Tim Molesworth and Phil Vernon, ‘The changing context for UK humanitarian and development activities in FCACs’, Foreign Policy Centre (FPC), 06 December 2021, <https://fpc.org.uk/the-changing-context-for-uk-humanitarian-and-development-activities-in-fcacs/>

¹⁰ Anna Chernova, comments to FPC, January 2025

¹¹ Ibid.

¹² Ibid.

¹³ Ibid.

¹⁴ Anna Chernova, comments to FPC, January 2025

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁷ Anna Chernova, comments to FPC, January 2025; and, Foreign, Commonwealth & Development Office, ‘News: Global humanitarian and development co-funding initiative: UK and Qatar joint statement’, GOV.UK, 18 February 2024, <https://www.gov.uk/government/news/global-humanitarian-and-development-co-funding-initiative-joint-statement-bythe-uk-and-qatar>

Despite humanitarian law, attacks on healthcare systems have increased

17. International humanitarian law has long been clear that the deliberate targeting of medical services is a violation and can amount to a war crime, and in 2016 the UN Security Council unanimously adopted UNSCR 2286 which condemned attacks against medical facilities and personnel in conflict situations.¹⁸ Eleanor Nott, Co-Founder of the David Nott Foundation, a UK registered charity that trains doctors in war zones across eastern Europe, the Middle East and North Africa, stated that the intensification of attacks on healthcare workers in multiple conflicts is “particularly troubling”.¹⁹
18. Despite clear international law, the 2024 Safeguarding Health in Conflict Coalition (SHCC) Report identified a 25% increase in violence from 2022 to 2023.²⁰ Attacks on health systems have not only legal implications, but also ramifications for global health. As a result of attacks “people lose access to medical care and progress made on challenges including fighting disease, improving maternal health and reducing child mortality is imperilled”.²¹ For example, during the Syrian conflict, particularly between 2012 and 2020, a lack of access to healthcare compelled civilians to leave their homes as they feared for their welfare and that of their families, contributing to refugee flows and regional instability.²²

What impact does lack of adherence have to both the physical access to humanitarian supplies and the safe operation of aid workers?

Lack of adherence has broad impacts and creates challenges for the UK Government

19. Nott shared that “attacks on healthcare are part of a wider traducing of international humanitarian law that has led to the CEO of International Rescue Committee speaking of ‘An Age of Impunity.’”²³
20. For example, the Syrian conflict revealed vulnerabilities in the international humanitarian system. The channelling of humanitarian assistance through the sovereign state resulted in manipulation of humanitarian aid and difficult choices for donor states including the UK.²⁵ In response, there have been attempts made to work around these dynamics through the UNSCR

¹⁸ Eleanor Nott, comments to FPC, January 2025; and United Nations, ‘Security Council Adopts Resolution 2286 (2016), Strongly Condemning Attacks against Medical Facilities, Personnel in Conflict Situations’, 7685th Meeting (AM), 03 May 2016, <https://press.un.org/en/2016/sc12347.doc.htm>

¹⁹ Eleanor Nott, comments to FPC, January 2025; and, David Nott Foundation <https://davidnottfoundation.com>

²⁰ Eleanor Nott, comments to FPC, January 2025; and, Physicians for Human Rights, 2023 Attacks on Health Care in War Zones Most Ever Documented: Safeguarding Health in Conflict Coalition (SHCC) Report’, Press Release, 22 May 2024, <https://phr.org/news/2023-attacks-on-health-care-in-war-zones-most-ever-documented-safeguarding-health-in-conflictcoalition-shcc-report/>

²¹ Eleanor Nott, comments to FPC, January 2025

²² Ibid.

²³ Eleanor Nott, comments to FPC, January 2025; and, David Miliband, ‘Welcome to the Age of Impunity’, Press Release, International Rescue Committee, 24 January 2020, <https://www.rescue.org/uk/press-release/welcome-age-impunity> ²⁵ Eleanor Nott, comments to FPC, January 2025

2165 cross-border mandate and alternative donor-pooled funds, for example the Aid Fund for Northern Syria (AFNS).²⁴

How has the level of risk for aid workers changed in recent years and where does responsibility for their protection lie? What protections are available and are they adequate?

Lessons from the Syrian context and the need for enhanced protection

21. Before the 2022 full-scale invasion of Ukraine, the conflict, which saw the highest number of attacks on healthcare was Syria.²⁵ The attack on healthcare workers in Syria highlights the risks aid workers face more broadly. Nott explained that healthcare workers did not receive adequate protections, sharing that “the use of bunker-busting munitions meant that even health facilities that moved underground for their protection were not safe.”²⁶
22. The Syrian context also highlighted the need to be alert to the subversion of instruments intended to protect humanitarian workers that results in their harm.²⁷ The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) tried to implement a deconfliction mechanism for health facilities in Syria. However, a New York Times investigation in 2019 reported that there had been ‘at least 69 attacks on no-strike sites since the Russian military intervention to help Mr. Assad began in October 2015, all but a few of them most likely committed by Russian or Syrian forces.’²⁸ Munzer Al Khalil, at that time head of the Idlib Health Directorate, was cited as saying that ‘many international donors would not support medical facilities unless they joined the U.N.’s deconfliction system’.²⁹ Al Khalil reflects: “We paid a price by sharing the coordinates of the medical facilities with the United Nations. And what we got lately, frankly, was more bombing of medical facilities, and more precise bombing, and more destructive than before.”^{30,31}

The delivery of aid in complex contexts creates additional risk and limits humanitarian access

23. Fleur Just, from the Peaceful Change Institute, highlighted challenges relating to access in conflict contexts that create risk for aid workers. This is particularly true in contexts where engagement with ‘non-state armed groups’ (NSAGs) are often unavoidable.³² Even in contexts where NSAGs are not officially proscribed, a range of risks remain from conflict sensitivity

²⁴ Ibid.

²⁵ Ibid.

²⁶ Eleanor Nott, comments to FPC, January 2025.

²⁷ Ibid.

²⁸ Evan Hill and Whitney Hurst, ‘The U.N. Tried to Save Hospitals in Syria. It Didn’t Work’, The New York Times, 29 December 2019, <https://www.nytimes.com/2019/12/29/world/middleeast/united-nations-syria-russia.html>

²⁹ Ibid.

³⁰ Eleanor Nott, comments to FPC, January 2025; and, Evan Hill and Whitney Hurst, The New York Times, 29 December

³¹, <https://www.nytimes.com/2019/12/29/world/middleeast/united-nations-syria-russia.html>

³² Fleur Just, comments to FPC, January 2025

perspectives in negotiating with such groups.³³ These include the theft or diversion of aid and the potential recognition/legitimisation of NSAGs leadership.³⁵

24. Against this backdrop, UK Government guidance for NGOs on the engagement of NSAGs is seen as both underdeveloped and unrealistic, leaving organisations in a difficult position when trying to deliver aid.³⁴ For example, when asked how to act in the situation of an aid convoy being stopped by an NSAG and a ‘fee’ or ‘tax’ being demanded, NGOs were instructed to refer to UK law which would not permit this, with the implication that that “the aid agency could be held liable for corruption if any materials were handed over in order to release the convoy”.³⁵ This advice was seen as very unrealistic in the context.³⁶
25. These points are said to be indicative of a broader trend whereby risk in the delivery of humanitarian aid is increasingly delegated from government onto international implementing agencies.³⁷ It has been observed that gradually, what had been a partnership approach between government and agencies to deliver complex programmes in fragile and conflict-affected countries has declined.³⁸
26. Now, contracts are seen as increasingly commercialised and with intensive insurance requirements. This means that unless partners from the UK Government have pre-existing knowledge of the challenges of implementing programmes in complex environments, there can be a sense of reduced support and an approach of ‘your contract, your responsibility’.³⁹ This trend has knock-on effects as NGOs eventually pass on their risk to national NGO partners; because there is a lack of engagement in problem solving around risks from the donor side, risks are often under-reported; and implementing partners lose flexibility to adapt programming in response to risk – increasing the risk of conflict insensitive implementation.⁴⁰
27. Alternatively, a coordinated conflict sensitivity approach could help humanitarian actors to develop principal risk-management approaches to their engagement with NSAGs in particular contexts.⁴¹ Actors could then work with their donors to agree upon an acceptable riskmanagement approach and identify what support they would need so this could be implemented.⁴⁴ There are examples of such conflict sensitivity facilities, including in the Democratic Republic of Congo, Yemen, Afghanistan, South Sudan and Libya (now unfunded).⁴²

³³ The Peaceful Change Initiative define conflict sensitivity as “a recognition that all aid activities interact with peace and conflict, in ways that are direct and indirect, predictable and unpredictable, and positive and negative” and as an “approach to delivering aid activities in a way that seeks to minimise the risk of contributing to conflict and maximises opportunities to contribute to sustainable peace.” ³⁵ Fleur Just, comments to FPC, January 2025

³⁴ Ibid.

³⁵ Fleur Just, comments to FPC, January 2025

³⁶ Ibid.

³⁷ Ibid.

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ Ibid.

⁴¹ Ibid.

⁴⁴ Ibid.

⁴² Ibid.; and Hesta Groenewald et al., ‘CSC Hub Report – Supporting CS through country-focused facilities: Lessons from Libya, South Sudan, Yemen and Lebanon’, Conflict Sensitivity Community Hub, October 2021,

They are viewed as cost effective instruments for collectively addressing a shared challenge around the delivery of humanitarian aid.⁴³

What is the FCDO's record of using its diplomatic levers to promote access to aid, protection of aid workers? How might its approach be improved?

The FCDO is a valued aid partner, however changes and funding cuts are of concern

28. The Foreign, Commonwealth and Development Office (FCDO) is viewed within the wider aid sector as a much valued, risk-based, and conflict sensitive donor.⁴⁴ The UK's efforts to "support open societies, working and thinking politically, and engaging the wealth of domestic intellectual capacities (NGOs, think tanks, academia, private sector, media, and others) in shaping and reviewing UK aid efforts is also greatly appreciated in the sector".⁴⁵
29. Chernova states that if the UK's soft power is one of its greatest diplomatic assets, then it is critical that community-focused diplomatic engagement is adequately resourced.⁴⁶ Under the previous Government, diplomatic resources were dramatically reduced, and cuts made to the civil service in London but also at regional levels, including in embassies, have been detrimental for aid effectiveness, particularly the localisation agenda (which *inter alia* aims to support community-based agency of conflict affected groups).⁴⁷ Humanitarian responses and soft power are interdependent. Providing essential services in times of crisis builds the UK's broader political legitimacy and therefore soft power and, at the same time, humanitarian aid can be enabled by a strong UK diplomatic presence. However in order to retain this powerful political legitimacy to speak up for those most marginalised, safely and in a conflict sensitive manner, resources are required.⁴⁸
30. Protecting national aid workers working for national and international organisations, as well and local authorities and other community responders is key; they are most often the first responders and too often at highest risk.⁴⁹ In order for the UK's diplomatic levers to be applied to protect these categories of individuals in a way that safely draws on their agency and enables their access to the communities, the FCDO must be resourced to engage them.⁵⁰ Chernova explained that, "To meaningfully engage a wide set of national stakeholders, especially national non-state humanitarian, development and peacebuilding efforts, the UK diplomats must have

<https://www.conflictsensitivityhub.net/index.php/csc-hub-report-supporting-cs-through-country-focused-facilitieslessons-from-libya-south-sudan-yemen-and-lebanon/>

⁴³ Fleur Just, comments to FPC, January 2025

⁴⁴ Anna Chernova, comments to FPC, January 2025

⁴⁵ Anna Chernova, comments to FPC, January 2025

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵⁴ Ibid.

the resources (staff, project funds, and support from regions and London) to sustain dialogues in a safe and consistent manner”.⁵⁴

31. There has also been a new focus on delivering large-scale contracts with a select number of large agencies, not all of which operate with or through national civil society, non-state capacities. Chernova explained that “a balance of overseas development aid (ODA) toward intergovernmental stakeholders (as opposed to non-governmental) is another challenge as these agencies are less able to think and work politically, due to the fact that they must operate with some degree of negotiated host state consent”.⁵¹ Inter-governmental, multilateral aid agencies tend to be state-centric. In a context of closing civic space, it is particularly important to consider how much aid flows to national civil society stakeholders and how those voices are reflected in UK’s diplomatic efforts to promote rule of law, aid access and protect aid workers (at the national, regional, UN/global levels).⁵²

How could UK ODA funding be made more relevant and accessible to support protection of workers, both local and international?

Physical, diplomatic and legal support is essential for the protection of workers

32. There are three levels of protection that should be provided to workers and can be done so through ODA funding: legal, political/diplomatic, and physical.⁵³
33. Dedicated financial support for the physical protection of health facilities in conflict should be added to ODA grants for healthcare-providing organisations in conflict. Measures could include advice on the construction of health facilities including location, materials and design.⁵⁴
34. On the legal side, record-keeping and evidence gathering is essential for future prosecution of perpetrators and should be supported through ODA funding. Organisations such as the Syrian Network for Human Rights (SNHR) and Commission for International Justice and Accountability (CIJA) have gathered millions of documents and testimony from victims and survivors. Healthcare workers have daily and first hand exposure to human rights violations against civilians in their communities and in their own places of work and can be trained to record evidence of atrocities.⁵⁵
35. Chernova highlighted that, at the diplomatic level, protecting local or national aid workers - particularly those working with unregistered or *de facto* criminalised organisations/movements - should be a priority. However, this will not be possible without close cooperation with partners in the donor community, which requires diplomatic resources.⁵⁶

⁵¹ Ibid.

⁵² Ibid.

⁵³ Eleanor Nott, comments to FPC, January 2025

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ Anna Chernova, comments to FPC, January 2025

What more could the Government do, with or without partners, to hold perpetrators of attacks and abuse against aid workers to account and encouraging adherence to international humanitarian law on these issues?

Existing humanitarian law is sufficient, instead focus should be on implementation

36. Eleanor Nott highlighted that the body of international humanitarian law is sufficient to protect humanitarian workers. Building political will and diplomatic coordination to bring perpetrators to justice is what is more difficult. The government should therefore focus on supporting the collection of evidence and maintaining diplomatic and political pressure for accountability.⁵⁷
37. These points were reiterated by Fred Carver, a Managing Director of Strategy for Humanity, who shared that challenges do not emerge as a result of gaps in international law, but rather in implementation. The UK Government should therefore focus on creative ways to apply existing international law and on how to make best use of the multilateral humanitarian system.⁵⁸ Furthermore, even if the development of new international humanitarian law was a priority, the current global political context is not conducive for the creation of new frameworks and agreements.⁵⁹
38. If unchallenged, violations of international humanitarian law in conflict have the potential to shift the parameters of what is acceptable under international law.⁶⁰ The UK and other countries supportive of the ‘rules based international order’ must therefore uphold the rights of humanitarian workers, for example.⁶¹ Beyond being the ‘right thing to do’, the promotion of, and adherence to, international humanitarian law benefits the UK strategically by strengthening its security and role in the international system.⁶²

This submission was prepared by Alice Copland, FPC Policy and Parliamentary Affairs manager, with support from FPC Director Susan Coughtrie. It was drafted with inputs from Fred Carver (a Managing Director, Strategy for Humanity, Anna Chernova (FPC Senior Research Fellow), Fleur Just (Chief Executive Officer, Peaceful Change Institute) and Eleanor Nott (Senior Advisor and Co-Founder, David Nott Foundation). The views expressed in the submission are those of the authors as cited.

⁵⁷ Eleanor Nott, comments to FPC, January 2025

⁵⁸ Fred Carver, comments to FPC, January 2025

⁵⁹ Fred Carver, comments to FPC, January 2025

⁶⁰ Ibid.

⁶¹ Ibid.

⁶² Ibid.