

### **NGO Statement on the Middle East and North Africa**

Dear Chair,

This statement is delivered on behalf of a wide range of NGOs. It has been prepared in close consultation with the NGO community, representing a diverse set of views.

Fundamental protection and humanitarian principles are violated on a daily basis across the Middle East and North Africa (MENA). Millions in this region are facing food insecurity, loss of homes, mine and other unexploded ordinance related risks and contamination, threats to their lives and livelihoods. The intentional shelling of hospitals, arbitrary detention of refugees and lack of safeguards for frontline humanitarian workers is pervasive. Syria is the deadliest place for aid workers for the third year running while the report *Humanitarian Outcomes* also highlighted the steep increase in violence and risk national humanitarian workers face, as agencies grapple with access constraints<sup>1</sup>. Meanwhile some governments in the region promote and reinforce negative perceptions of humanitarian agencies and treat them with disdain and/or suspicion. Further, although people fleeing war and persecution have the right to protection and to quality asylum, they are regularly denied this. The majority of the internally displaced in Yemen, Iraq, Libya and Syria live without access to justice or restitution from the effects of displacement.

The three internationally recognized durable solutions to displacement, voluntary repatriation, resettlement and local integration, are not available to the majority of the displaced populations in the region. Return is often discussed as the preferred option by donors, hosting communities and governments, and sometimes even international humanitarian agencies, whereas the voices of the displaced themselves are rarely present or fully considered in these discussions.

The failure to reach peaceful settlements to conflicts in the region have directly impacted both the funding of humanitarian responses and also the length and complexity of the needs of affected populations and the attendant ability of agencies to address them.

Waivers for humanitarian agencies working in countries under sanctions and related exceptions to anti-terror legislation have not been working well enough. Several agencies in the last year have had their operations impacted by the inability to bring money into Syria, Yemen, Libya and Iraq or make payments in a timely manner to staff and suppliers, or indeed procure medical and other supplies required to effectively support those most in need.

Humanitarian access is the number one challenge faced by humanitarian actors in Libya, Iraq, Yemen and Syria. Humanitarian actors currently have limited acceptance. The suspicion towards the international community, the absence of humanitarian culture, and the drive to control and benefit from international assistance require further engagement and awareness-raising with the authorities. This limited acceptance notably translates into bureaucratic impediments that hinder humanitarian operations. Lack of access and the security situation in these countries limits NGOs' ability to conduct high-level needs analyses, and severely hampers the opportunities for humanitarian agencies to establish operations in remote areas, with many UN agencies relying on NGOs to establish a presence that they have not.

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<sup>1</sup> [Humanitarian Outcomes. 2019. Aid Worker Security Report 2019—Updated.](#)

## **Iraq:**

On 2 December 2019, all NGO access was suspended due to 'administrative changes' by the Government of Iraq, with the Department of NGOs taking on the responsibility for issuing access letters. Despite ongoing, high-level advocacy, the department has yet to issue any such letter. This is having a severe direct impact on millions of vulnerable families; according to a survey of NGOs conducted by the United Nations at the end of December:

- 90% of respondents reported that the lack of national access authorization procedures has directly affected their operations;
- 2.4 million people in need have been affected by the restrictions on humanitarian movements.

In an already volatile operating environment – with ongoing protests since the beginning of October, uncertainty about the future of the government, as well as a precarious security environment, there is growing concern about the ability of NGOs to continue to operate in a rapidly narrowing humanitarian space. This not only puts the Humanitarian Response Plan 2020 – totaling a cost of 520 million USD and targeting 1.7 million people – at risk, but also severely impacts vital early recovery work.

In addition, the rush to consolidate and close Internally Displaced People (IDP) camps in the second half of 2019 caused coerced, forced or unsafe returns, resulting in secondary displacement for already vulnerable IDPs, a significant number of whom are now living in critical conditions in out of camp settings.

IDPs who fled areas previously controlled by the Islamic State group (IS) in Iraq are required to undergo a 'security clearance' procedure to return to their areas of origin and obtain, renew, and update legal identity and civil documentation. The 'security clearance' is often extremely localized and is intrinsically linked to a family's relationship to the local community in his/her area of origin. Denial of documentation on the basis of perceived affiliation amount to a form of collective punishment, a practice which violates Iraq's constitution and its obligations under international law.

Until the Government of Iraq establishes a more widely accepted security clearance and documentation system, already vulnerable groups will be unable to return home and will face further marginalization, resulting in increased degrees of complex humanitarian needs, the adoption of negative coping mechanisms and the potential re-emergence of extremism.

Along with security concerns, many IDPs are unable to return due to substantial damage to their homes sustained during the recent conflict. Although a Government compensation scheme for war-damaged property is in place, in practice the vast majority of IDPs who have applied for compensation have not had their claims processed, and even those who have been deemed eligible have not received any of the funding due to them. Denied access to safe housing, many already vulnerable IDPs are forced into long-term or secondary displacement, unable to return home.

## **Yemen**

The Humanitarian Response in the north of Yemen is currently at great risk. Millions of people who depend on humanitarian aid and protection could possibly lose it due the fact that the authorities have increasingly asked for agencies to ignore the principles of 'do no harm,' impartiality and independence as well as demanding two percent of the funds from each new project and ownership of all capital items purchased with donor money for NGOs to carry out their work in the country. In the region controlled by the internationally recognized government, while better than in the north, humanitarians are regularly faced with conditions asking them to compromise the principles of independence and neutrality. More than three-quarters of the population of the country is in need of assistance and the lack of peaceful settlement combined with quotidian infringements on humanitarians' ability to work means too many people do not get the help they need, and even more

will require it in 2020. Due to lack of access and the security situation, humanitarian agencies cannot conduct high-level needs analyses. Further, many lifesaving programmes which UN agencies implement through the more expansive field presence of international and national NGOs are set to be severely curtailed.

In 2019, the IOM Displacement Tracking Matrix (DTM) estimated that over 130,000 migrants arrived in Yemen from the Horn of Africa *en route* to seeking employment in the Gulf countries.

Migrants moving through Yemen face increasingly severe protection risks including abduction and detention; physical abuse; lack of food and water; as well as sexual and gender-based violence. They also face risks which are complex to address, notably association with armed forces, conflict-related physical harm, trafficking, and forced labour. Most migrants indicate that they only became aware of the conflict in Yemen either immediately before departure from Djibouti or upon arrival in Yemen. DRC Data shows that 21% of women and 27% of girls experience protection violations including sexual and gender-based violence, detention and assault. Minors constitute approximately 11% of the migration flow and the vast majority of those are unaccompanied.

### **Syria, Lebanon, Turkey, Jordan**

The majority of individuals and communities affected by the war in Syria – whether inside or outside the country – live in limbo, with chronic unemployment and the inability to remedy it. There are governing authority and self-imposed restrictions on movement for persons of concern who are trying to avoid arbitrary detention and violence. Although no peace agreement has been reached, and little rebuilding has taken place in communities and towns most affected by the war, the focus of the discussion on supporting the displaced is about ‘return’ or ‘return related activities’. This is often without critically examining the length of time that has passed since they were displaced or the fact that while active conflict may have decreased in some areas of the country, the protection risks remain and there is an ongoing conflict in other parts of the country. Indeed, almost 1 million people have been displaced inside Syria since December 2019, 2019 due to the ongoing humanitarian crisis in Idlib with many experiencing their second or third forced displacement. They are experiencing the most extreme elements of any humanitarian crisis, difficulty accessing basic needs, daily fear of death, experiencing bombings while in hospitals, loss of livelihoods, extreme cold and hunger.

In addition, ordinary people from Syria on average have now been living in displacement for over 5 years. The lack of progress toward addressing the long-term needs while also addressing the immediate humanitarian needs is stunting the growth, dreams and progress of millions of people in and from Syria, including 2.5 million children<sup>2</sup>.

Turkey said that it cannot continue to host the over 3,5<sup>3</sup> million refugees it hosts, while those who have been granted temporary protection increasingly fear it will be withdrawn. Lebanon has evicted many refugees from their homes and stopped them from working both formally and informally; where in Jordan, approximately 90<sup>4</sup>% of refugees from Syria live below the poverty line. Ignoring the arbitrary and varied nature of protection risks in the country, including arrest and detention, torture, forced conscription and the inordinate difficulty of finding housing or livelihoods in much of the country destroyed by the conflict, several governments in Europe have deemed parts of Syria safe for return and are beginning to withdraw temporary protections offered. Neither neighboring countries, nor those further afield are offering protection to those who are currently being newly forced to flee their homes; and even as more countries formally agree to become resettlement countries, less than one percent<sup>5</sup> of those who require resettlement received it in 2019.

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<sup>2</sup> [UNICEF](#) web page on the Syrian Crisis.

<sup>3</sup> UNHCR Operational Data portal, refugee situations

<sup>4</sup> [UNHCR Syria Emergency](#)

<sup>5</sup> UNHCR [Briefing](#) on the global resettlement needs met in 2018, February 2019

## Libya

Since April 2019, at least 287 civilians have been killed and 369 have been injured<sup>6</sup>. Another 150,000 have been displaced from Tripoli alone. Meanwhile, 61 attacks on healthcare facilities have been reported<sup>7</sup>, and an unknown number of migrants (5,000 being the most commonly used number, making 5% of the total number of migrants and refugees living in Libya) remain stuck in the country's commonly labelled "Detention Centres" (DCs). Some of these DCs are overseen by the Ministry of Interior of the Government of National Alliance, an active party to the conflict. Other centres are operationally run by non-state armed groups. Conditions across DCs are known to be equally dire, with the detained population victim of routine human rights violations, including forced labour, extortion, and torture. In Tripoli, some of these centres are in the vicinity of the active conflict, or are being used as weapon storage, making them vulnerable to targeted attacks.

Yet, accurate numbers are unknown. The limited access granted to NGOs, combined with the absence of a systematic registration process, means that it is extremely difficult to keep track of the numbers. This is reflected in the lack of a system that tracks those who are intercepted at sea, we cannot know the fate of the migrants who have been brought back by the Libyan Coast Guard. Those who are intercepted at sea are still disembarked and sent to one of the DCs that are under the sight of the Ministry of Interior (commonly called "official DCs"). These facilities are often overcrowded, exposing migrants to dire conditions such as poor daily intake of nutrients, unsanitary conditions, and increased risk of tuberculosis. As violence intensifies, this remains one of the highest risks for those trapped in detention. Just in the month of January 2020, a total of 1,040 people was intercepted<sup>8</sup>; a number 10 times higher than at the beginning of the conflict in April 2019 (130 people intercepted<sup>9</sup>).

As humanitarian actors, we have witnessed first-hand the increasingly desperate situation in which the escalating violence in Libya has left migrants and refugees. These groups frequently are trapped in Libya, due to a lack of options to safely reach Europe, and, in many cases, the inability to return home. The situation is equally dire for those in urban areas, who fear arrest, further harm, and detention.

Since the beginning of January, releases from the Gathering and Departure Facility (GDF), and other DCs under the oversight of the Ministry of Interior, have been facilitated by UNHCR and other mandated agencies. Around 200 detained people have been relocated into urban settings, with assistance in the form of cash and Non-Food Items provided by NGOs, and screening and registration of people identified as Persons of Concerns (PoC). While NGOs continue to firmly oppose the arbitrary detention system and criminalization of migrants and refugees in Libya, and to condemn the daily human rights violations in DCs, early reports conducted by NGOs and other sources in January and February 2020 provide indications of an alarming protection environment for individuals recently released from the GDF, with significant immediate needs unmet. The most vulnerable released people are in urgent need of physical protection following release, in the form of cash assistance and safe shelter, among other basic needs that are not being adequately addressed.

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<sup>6</sup> OHCHR, The airstrikes on the Daman building complex, including the Tajoura Detention Centre, 2 July 2019, [Report](#), January 2020

<sup>7</sup> OCHA, [Humanitarian Needs Overview](#), Libya, January 2020

<sup>8</sup> UNHCR [Monthly update](#), January 2020

<sup>9</sup> *ibid*

Over 300,000 IDPs<sup>10</sup> have been recorded in Libya since the beginning of the conflict – 94% of whom were displaced due to the degradation of the security situation<sup>11</sup>. While the frontlines of the conflict are currently in the Tripoli region, with thousands people displaced within Tripoli, its repercussions have been felt throughout the country. The escalation in inter-communal violence in multiple areas in 2019 further triggered displacement across the country. Benghazi, which is reported to be the top municipality for both displacement and return, has also witnessed a degrading security situation since the summer of 2019, with frequent reports of increasing criminality and open fighting across the city, between multiple State and non-state actors. The security situation in the South of Libya is equally challenging, although the lack of presence of humanitarian actors and sources of information essentially limits the risks analysis of NGOs, and as such further impedes the establishment of humanitarian operations there.

Humanitarian presence has been historically focused around Tripoli, while large areas in the rest of Libya remain underfunded and uncovered by humanitarian actors, despite hosting the highest concentration of needs.<sup>12</sup> The security situation across the country, although not the main reason for the lack of NGOs presence, limits NGOs' ability to conduct high-level needs analyses, and severely hampers the opportunities for NGOs to establish operations in remote areas, in an overall context of limited available funding.

Given the considerable challenges and constraints on humanitarians, we would like to highlight the need for all humanitarian actors to support a principled humanitarian response, which requires meaningful engagement with all humanitarian actors, NGO and civil society. Unfortunately, in the MENA region, the localization agenda has too often resulted in transferred risks to national actors, without their meaningful engagement and the centering of their voices and needs in the Response. This can be illustrated by the discussion on return across the region. Far too often UNHCR, diplomatic missions and NGOs are discussing programming for return because of the political situations in Europe and host countries and not because the needs of the displaced themselves. The same is true on the dialogues on the Global Compacts for Safe, Orderly, and Regular Migration and on Refugees. A principled response will require upholding the rights and principles found in the Guiding Principles on Internal Displacement as those outlined in the Refugee Convention and this will require that all parties, donors, humanitarian actors, and parties to conflicts demonstrate their commitment to them.

Therefore, NGOs recommend the following:

1. UNHCR should push for stronger coordination between humanitarian agencies, and dissuade competition over aid resources. It should promote genuine collaboration and timely information sharing between the UN and NGOs, particularly on coordination, preparedness, and risk analysis. This should particularly ensure that people are not made more vulnerable by being relocated in urban settings without sound alternatives.
2. UNHCR should demonstrate its strengthened commitment to localization, inclusion and solutions by working with others to mitigate push factors in host countries and look for context specific, innovative support to displacement-affected populations, helping them to move on with their lives, including through legal residency. Humanitarian response should follow a vulnerability-based, not a status-based approach. UNHCR and all humanitarian

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<sup>10</sup> UNHCR Operational Portal, Refugee situations

<sup>11</sup> IOM Displacement Tracking Matrix December 2019

<sup>12</sup> REACH Multi Sector Needs Assessment 2018 and 2019

agencies must urgently consider how to better support the positive aspects of localization without continuing the negative consequences such as transferring risk.

3. UNHCR should work with NGOs, Civil Society and each Member State in the region to develop a Durable Solutions policy on displacement that is context specific and consistent international guidance, national law, and international human rights and refugee law. It should support governments in ensuring that all three options are given equal priority by sharing the economic, social, and political responsibilities that arise with displacement, including working to provide large scale opportunities for access to livelihoods that are available to the displaced and hosting communities as well as protection from harassment, discrimination, arbitrary detention and forced eviction.
4. UNHCR should build on the Global Refugee Forum commitments and provide technical support on nexus programming to interested countries.
5. Donor governments must recognize that responsibility-sharing goes beyond resettlement and aid budgets. Responsibility-sharing requires support for positive policy and practice toward the displaced and recognition of the specific social and economic challenges host countries face.
6. Donor governments must work with all parties to find peaceful solutions to the conflicts in this region. Without peace, governments risk prolonging the suffering of millions, while over burdening humanitarian agencies.
7. States should demonstrate their support for humanitarian principles by enabling unimpeded access to persons of concern and use their good offices to influence others to do likewise. They should highlight their commitment to 'do no harm' and ensure constructive dialogue with and communication about humanitarian agencies.
8. Where compensation mechanisms exist for people affected by conflict, States should be supported by their peers to implement a streamlined process and quickly resolve any backlog.

Thank you, Chair.