

Accountable Operations in areas subject to extreme operational constraints¹

A. Context where ‘Alternative Procedures’ should apply

It is well known that the humanitarian and security situation in several complex environments, e.g. Syria, is severe and continues to deteriorate. The context of generalised violence, a proliferation of parties involved in the conflict, and extreme restrictions to humanitarian access have impacted most significantly on the lives of individuals and communities, but have also challenged the standard operating approach of international aid agencies.

The majority of International NGOs (INGOs) working inside countries such as Syria operate using remote management methodologies. The direct management of staff and activities can be limited, with many interventions delivered through local humanitarian partners (LHPs).

In this context, traditional approaches for the assessment, oversight and/or monitoring of needs, inputs, outputs and outcomes across programming cannot always be applied. Despite these difficulties INGOs are entirely committed to the principles of accountability, due diligence and transparency whilst pursuing humanitarian objectives. The challenging and complex environment within which INGOs provide humanitarian assistance, which are subject to extreme operational constraints, requires alternatives to traditional standard procedures. These *Alternative Procedures* have been developed by INGO partners and are defined opposite (text box) along with the circumstances under which they will be applied, which are described below.

Alternative Procedures: A consolidated set of policies and practices developed by INGOs and anchored in their manual of procedures to enable them to retract or defer from the application of Standard Operating Procedures (SOPs), whilst ensuring the best possible programmatic and operational compliance, quality and financial accountability.

Agreement on alternative procedures is critical to ensuring that humanitarian needs can be met responsibly and diligently. Facing similar challenges, agencies operating in areas subject to extreme operational constraints, e.g. inside Syria, are harmonizing alternative procedures based on best practices and lessons learnt. The challenges described above may apply to an increasing number of humanitarian contexts around the globe. The Alternative Procedures should be valid in areas where it can be demonstrated, by referring to external independent sources, that the operational constraints described in point 2 below, apply. Common challenges, approaches and principles, in the case of Syria, can be summarized as follows.

1. Definition of exceptional circumstances: **Criteria to be applied**

Exceptional circumstances are found in besieged and hard to reach areas as defined by UNOCHA², but these are not the only areas where the operating environment obliges INGOs and their partners to deviate

¹ E.g. Besieged and hard to reach areas as defined by UNOCHA, and other areas in which extreme operational constraints can be invoked and demonstrated.

² **‘Besieged area’:** An area surrounded by armed actors with the sustained effect that humanitarian assistance cannot regularly enter, and civilians, the sick and wounded cannot regularly exit the area.

Hard-to-reach area’: An area that is not regularly accessible to humanitarian actors for the purposes of sustained humanitarian programming as a result of denial of access, including the need to negotiate access on an ad hoc basis, or due to restrictions such as an active conflict, multiple security checkpoints, or failure of the authorities to provide timely approval.

from standard operating procedures. To justify that the action is implemented under extreme operational constraints the following criteria should be used:

- The beneficiaries are at risk of detention or worse when receiving assistance. This may lead to the impossibility to use standard procedures with regards to the completion of distribution lists.
- The aid workers are at risk of detention or worse when delivering assistance. This may lead to the impossibility to i) comply with the standard procedures on procurement, ii) ensure an adequate segregation of duties at the level of the implementing partner, iii) identify the staff of ILHs, and iv) perform on-site quality controls.
- The suppliers and service providers are at risk of detention or worse when providing good or services that are intended to deliver humanitarian assistance. This may lead to the impossibility to i) comply with the standard procedures on procurement, and ii) provide purchase official documentation.
- The access to the area is systematically blocked due to deliberate and targeted action or policy of those in control of the area, meaning that it is neither predictable nor possible to gain access. This may lead to the lack of access to formal exchange rate markets and to the impossibility to i) comply with standard procedures on procurement and ii) perform on-site quality controls,

All these criteria do not always apply together in the same area. Depending on the criteria that are found on the ground, INGOs will apply specific alternative procedures (please refer to the table below). INGOs operate in exceptional circumstances only if people in need of life-saving goods or services cannot be reached in a different way. If the criteria do not apply, INGOs and partners will apply standard procedures.

2. Operating constraints in areas where exceptional rules apply

Case Study: Syria

In the case of Syria, legislation adopted since the start of the crisis by the Government of Syria (GoS) has criminalized essential humanitarian activities.³ Thereby, GoS considers receiving support from a foreign organisation as an illegal act and rules out any humanitarian activities outside their officially approved framework resulting in the marginalisation of certain sections of the population and the persecution of humanitarian workers. In fact, any individual involved in a humanitarian operation, including suppliers, is persecuted for supporting terrorism. In areas controlled by some opposition forces, and in areas controlled by designated terrorist groups, regulation of aid delivery is also being used as a means of control and influence over the population. Aid workers have reportedly been arrested, tortured and killed for having provided assistance to people in need without the consent of the party controlling the area. As a result, inside Syria, LHPs are, for the most part, providing assistance clandestinely.

Within this context, the need for Alternative Procedures is required to address the following specific areas of concern:

2.1 Identification of Individuals

- Securing the names of INGO/LHP staff, suppliers and beneficiaries is primarily a risk in governmental areas as they are often operating outside of the registration framework of the GoS. In besieged areas the perception of risk is particularly high given the fluidity of control, and potential frontline changes by different groups within the conflict resulting in perceived allegiances and subsequent retribution

(NB. Failure to access for other reasons (e.g. lack of capacity or will on the part of humanitarian actors) does not make an area hard-to-reach, but represents a programmatic gap)

³ Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, UN Human Rights Council, February 2015.

- According to reports from INGOs/LHPs, in some locations beneficiaries would rather refuse assistance than write their names down due to fear of being discovered as aid recipients of non-authorized humanitarian assistance. Obtaining signed beneficiary lists with complete personal data would put beneficiaries and aid workers at risk.
- Consequently, such factors prevent INGOs/LHPs to obtain complete and/or reliable distribution lists.

2.2 Original Documentation, Invoices and Receipts

- Individuals have reportedly been jailed for carrying purchase receipts and invoices when crossing checkpoints. As a result LHP staff members are unwilling to carry written documentation due to the risk of being arrested and detained for illegally providing assistance.
- In most cases only scanned copies of documentation are available after which the original documents are destroyed (in besieged areas, it is possible to hold and share electronic and hard copies of documents and, where network connections exist, these documents can be sent electronically. However, getting these documents – either in hard or scanned copy - out of the besieged areas may create risk and place LHPs in harm's way. Holding similar information that documents support to marginalised communities in government areas presents similar risks).
- With many materials and services sourced outside of besieged areas, suppliers do not want to give identifiable documentation for fear that the chain of paperwork will identify them and subject them to risk of arrest. Under Syrian law, suppliers are requested to notify the authorities of large scale transactions of humanitarian-use goods. In many cases, invoices are not stamped from the supplier nor is the supplier's legal information (registration number or address) detailed.

One LHP reported that it has had staff arrested six times in its three years of operation with another staff member currently detained by the GoS for nine months on the basis of invoices discovered on their laptop relating to stationery provided to a school in a besieged area.

2.3 Procurement Procedures

- The security situation often makes it impossible for INGOs/LHPs to approach multiple suppliers in the areas of intervention. Trust plays a crucial role in the relationship between the partner and the supplier specifically in the GoS held area. Partners prefer to procure from vendors close to their area of distribution. To procure from further away introduces the added danger of crossing checkpoints, putting both staff and materials at risk.
- Market conditions limit the number and variety of suppliers available – particularly in besieged and hard to reach areas. In those areas, markets are not functioning properly as the entry of supplies to these areas is severely restricted. In such cases, partners are limited in both their choice of items and vendors, and therefore it is highly likely that they cannot provide multiple competitive quotations. Also, frequent price fluctuations present a significant challenge to obtaining a fixed quotation that would remain valid over time.
- The criminalisation of aid provision means many suppliers are unable or unwilling to take risks by providing services to INGOs or LHPs. It is therefore extremely difficult to undertake a tender process with an adequately documented range of suppliers that would ensure minimum procurement standards. In particular, those areas considered besieged or hard-to-reach are suffering from a lack of many operational services, including banking systems, functional businesses and advertising opportunities in addition to electricity and internet. Such factors prevent INGO partners from advertising for open local or international tender.
- Suppliers often require full confidentiality and use pseudonyms.
- Due to the clandestine nature of operations, LHPs have evolved to adopt a network-like structure rather than a traditional NGO structure, which means it is not uncommon for logistics, finance and budget management roles to be handled by the same person. LHPs are thus unable to follow standard

procurement procedures by segregating duties. Where clandestine operations mean that a lot of functions are concentrated with one individual, to keep an operation small and flexible, alternative procedures have to be adopted on a permanent basis.

- Systems within some LHPs often include no documented threshold for purchase levels, no documented purchase requests (validated with segregation of duties), and no documented 'goods received' notes. As a consequence, alternative procedures are adopted on a permanent basis.

2.4 Capacity and Human Resources

- There is very high staff turnover within INGOs/LHPs in Syria, due to the volatile security situation, leading to limited accumulation of experience.
- The current - and historical - security context means individuals and organisations have developed a 'paperless' culture. The written documentation and archiving of procedures and practices that could help knowledge management in light of changes in staffing are rarely in place.
- For positions inside Syria, INGOs/LHPs cannot advertise openly and staff recruitment is often only possible by word of mouth due to security risks.
- Due to the clandestine nature of their operations, the LHPs cannot offer contracts, insurance, or package of benefits (maternity leave, etc.) to their staff and cannot either disclose their names.
- Most of the LHPs are not registered either in Syria or in other countries.

2.5 Money Transfers

- Since mid-2013, the Syrian government has banned all foreign currency transactions. While many traders still accept payments in USD, carrying cash in foreign currency, especially in government held areas, constitutes a significant risk for LHP staff.
- Sanctions by EU, US and other UN Member States mean there are currently few direct banking channels available for the transfer of funds for humanitarian aid into Syria. Also, transactions directed to neighbouring countries might face delays if it becomes clear that the final destination is Syria.
- Since INGOs in neighbouring countries are only mandated to cover the refugee response and not authorised by the Lebanese government to work remotely in Syria, transfers destined to Syria cannot officially be justified to the banks. Funds are hence often transferred through cooperative NGOs or businesses.
- The inability to make straight line transfers of funds to all areas in Syria means many transactions transit neighbouring countries. Transferring cash from the neighbour country to the targeted areas is susceptible to high commission fees (up to 10% of the total project budget) that cannot be officially documented.
- In most cases, the use of remittance and informal payment channels is necessary to support the flow of funds for humanitarian aid projects. Humanitarian use of 'Hawala' in Syria presents varying degrees of risk in terms of diversion, security and value for money.
- In high risk areas, the physical availability of cash - in contexts where checkpoints and tunnels can be closed for extended periods of time - is also a great challenge.

2.6 Field visits

- In certain contexts, it is impossible for international staff from INGOs to conduct monitoring field visits due to security constraints. When it is possible for INGO local staff to monitor directly, those staff often have limited capacities and experience, and it is generally not possible to send experts to implement quality controls.

B. Why Adopt and Agree on Alternative Procedures?

Robust and comprehensive alternative procedures (standardised and agency-wide endorsed) will:

- ensure a common understanding, definition and agreement among stakeholders (INGOs, LHP, and donors) on alternatives procedures;
- define criteria and circumstances under which alternatives procedures can apply;
- reduce life threatening risks to INGO/LHP personnel, suppliers and beneficiaries receiving assistance;
- increase efficiencies by agreeing upon standardised alternative procedures which will decrease the need for several bilateral INGO-donor relationships;
- clarify accepted parameters for remote management and establish clear expectations with regard to programme management and reporting, and support more realistic and responsible programming in line with the context;
- mitigate 'self-censorship' by agencies. At present, self-censorship results in concerns over the potential for poor audit results limiting humanitarian support by agencies;
- promote the use of alternative means of verification to uphold as much as possible the same principles (i.e. transparency, accountability, efficiency, effectiveness, due diligence, value for money) that are evident within the standard operating procedures.

C. Alternative methods of verification

In our case study in Syria, the response environment is clearly subject to extreme operational constraints. In a remotely monitored setting, an environment dominated by active conflict and marked by an economy of war, where all the criteria identified under A.1 apply, the alternative procedures are a way of ensuring transparency, accountability, efficiency and effectiveness of the response and to mitigate risks to its impact and success. As such, alternative methods of verification are needed, and are based on the following underlying principles:

- **Triangulation of information across different sources**

In order to verify the correct implementation of each step in the project cycle, INGOs should look for independent evidence in order to cross-check information received through LHPs reporting. Methods of cross-checking include consultation of key informants and local monitors as well as other partners working in the same area, and consultation of secondary sources (including websites, Facebook pages, news updates and reports from other agencies).

- **Qualitative monitoring methods**

Due to the inferior quality of official documents such as quotations and invoices, non-traditional evidence such as pictures and videos should be accepted as an additional verification source of project implementation. For instance, in case partners are not able to provide a formal invoice, they can collect a receipt from a vendor and back it up with pictures of the goods purchased that reflect the quality and quantity of goods procured. Also, where sufficient sampling of beneficiary feedback through post distribution monitoring surveys is not feasible, for example due to population movements, partners should focus on qualitative monitoring, for example through interviews with single beneficiaries or stakeholders.

- **Due diligence in partner selection**

A core component of a successful response is the ex-ante selection and the ex-post assessment of the LHPs. Usually, this should include an ex-ante thorough capacity assessment and the vetting of key personnel, an ex-ante and ex-post background/ reputational check, an ex-ante pilot project

with a limited budget and time frame and ex-ante and ex-post regular partnership evaluations. INGOs have specific procedures in place to tie partner capacity to levels and type of funding granted.

- **Capacity Building of Partners**

Taking into consideration that the LHPs are relatively new organisations operating in an extremely challenging environment, INGOs dedicate extensive resources to building operational capacity. Usually, the capacity assessment carried out in the beginning of the partnership is used as the basis for an individual capacity building plan per partner. The bulk of capacity building is covered by coaching of LHP staff by INGO staff, either directly or via skype. Usually INGOs have focal points that follow up with partners on a daily basis and accompany them through all steps of the project cycles, as well as dedicated technical teams. Specific capacity building measures cover technical and general skills as well as the development of a real "anti-fraud" culture and can be carried out either as live trainings or as web-based learning modules.

- **Use of alternative technology**

While direct physical presence in the field for INGOs in most locations is impossible, and movement and border restrictions obstruct direct contact with partner staff, the use of alternative technology is a crucial element of the remote monitoring approach. Together with LHPs, INGOs have developed innovative ways of communication and documentation. This can include for example mobile data collection, virtual field visits via skype, voice recording of beneficiary feedback and geo-tagging of photos documenting project activities.

The set of alternative procedures stems from the experience of INGOs and LHPs in working under exceptional circumstances during the past years of the conflict. INGOs commit to comply with alternative procedures and will provide reasonable assurance that an action is being implemented so as to achieve the intended operational results, while maintaining the most rigorous financial management practices as permitted within areas of extreme operational constraint.

The table below identifies possible alternative procedures (coupled with possible alternative sources and methods of verification) which all INGOs operating with ECHO funding will use or, where none of those would prove to be practicable in respect of a given issue in a given situation, replace by equivalent procedures and sources of verification (to be adequately identified, documented and communicated in advance to ECHO). Where appropriate, the table will be updated to incorporate any new alternative procedures the use of which would appear to be commendable to achieve the above-mentioned twofold purpose of sound operational and financial management of ECHO-funded actions.

- Upon endorsement of this document, the alternative procedures will immediately be used by INGOs as a framework when designing proposals for action to be submitted to ECHO.
- For previous actions, each INGO should specify which procedures were not in place and which alternative methods of verification were applied (at the latest when submitting the final report related to the actions concerned).

Topic	Criteria applying	Challenges and reasons for applying alternative procedures	Alternative procedure applied	Alternative methods of verification per alternative procedure
Exchange Rate	The access to the area is systematically blocked due to deliberate and targeted action or policy of those in control of the area, meaning that it is neither predictable nor possible to gain access and Humanitarian activities are considered as illegal.	When the assistance is considered illegal for one or more parties involved in the conflict, LHPs do not have access to the official currency markets. INGOs are therefore unable to use their standard approach to documenting the exchange rate when working cross-border in all areas of Syria. In addition, the official exchange rate is significantly disadvantageous to LHP, INGOs, and their donors.	LHP will exchange funds from USD to local currency using the informal market with money exchangers who do not provide receipts.	<p>Triangulation of information across different sources</p> <p>Websites and Facebook pages documenting the exchange rates in specific areas within the country are widely used as reference by humanitarian actors for the informal market exchange rate in different locations.</p> <p>https://www.facebook.com/dollar.damas/ is an example of a page documenting the rate in Damascus. For each location, different sources have to be used because the rate fluctuates depending on the area and the date.</p> <p>INGOs use these sites to calculate the reasonability of the rate presented by the ILHs and print and file the rate from this website for the day most closely corresponding to the expenditure. When the deviations exceed 10% LHP is required to submit a justification letter. INGOs to check the accuracy of the justification and to be approved by appropriate level of authority.</p> <p>In case of lack of any website publishing the exchange rate for specific area, INGO should confirm the exchange rate with key informant following the same above margin.</p>
Legal Beneficiary Names	Beneficiaries are at risk of detention or worse when receiving assistance	Beneficiary reluctance to share their legal identities is due to the nature of the conflict itself as well as the fact that the humanitarian action can be considered as contrary to the rules and intentions of one or more parties involved in the conflict. Documentation of the receipt of	Beneficiaries will not use their legal names when registering and signing for assistance. Partners will use pseudonyms or codes to refer to families.	<p>Use of alternative technology</p> <p>INGOs accept the use of pseudonyms and codes on beneficiary lists, as long as the LHP certifies that they have the actual identity and information of the beneficiaries and can link them to the code or pseudonym. As a minimum, INGOs request partners to use only one code for family in order to be able to trace the repeated reception of aid or services. The use of codes or pseudonyms has to be agreed with the INGO prior to the project and will be approved based on the assessment of the risk related to revealing beneficiary</p>

		humanitarian assistance could put beneficiaries at risk.		<p>identities. Prior to the project, the INGO and the LHP agree on the minimum information to be included in the beneficiary list in order to allow for meaningful data analysis, check and an overview of reach. The INGO will ensure efficient control in place for accurate coding, recording and complete beneficiary list mechanism.</p> <p>Triangulation of information across different sources</p> <p>In addition to the above the INGO will look for independent evidence in order to cross-check information received through LHPs distribution. Methods of cross-checking include consultation of key informants and local monitors as well as other partners working in the same area, and consultation of secondary sources (including demographic reports and websites, Facebook pages, news updates and reports from other agencies).</p>
Frequency of Beneficiary Lists for Distributions	<p>Beneficiaries are at risk of detention or worse when receiving assistance</p> <p>Aid workers are at risk of detention or worse when delivering assistance</p>	<p>The standard procedure amongst INGOs is for a beneficiary to sign for assistance each time it is received. However, INGOs are often implementing recurring distributions that repeatedly target the same beneficiaries in the same month. For example, a partner implements a cooked food program which serves more than 1,000 households multiple days per week. Each household receives food with a small cash value (e.g. 2.73 EUR on average) per day. Collecting signatures for each of these distributions is difficult given the reluctance of beneficiaries, the capacity of the</p>	<p>For recurring distributions to the same beneficiaries, INGOs propose to collect signatures from all beneficiaries against a monthly record of the distributions they received.</p>	<p>Identical alternative measures that in cell above apply.</p>

		partner and the resources available to administer the distributions.		
Single Source Procurement	Suppliers and service providers are at risk of detention or worse when providing good or services that are intended to deliver humanitarian assistance	The lack of suppliers available to work with humanitarian organisations often requires single sourcing for procurement.	INGOs propose to apply an internal dispensation system in line with their internal procedures for single source procurement undertaken within Syria.	Triangulation of information across different sources INGOs use methods of triangulation to confirm ex-ante the reasonability of the price on the basis of availability and quality, relying on regular market analysis, verbal quotations, sample quotations (for a limited quantity of items) or information from key informants. This confirmation will be documented in an internal waiver document or note to the file.
Procurement documentation	Suppliers and service providers are at risk of detention or worse when providing good or services that are intended to deliver humanitarian assistance	Some suppliers are unwilling to provide documentation including their legal identity, because to do so would provide evidence of their work contrary to the rules and intentions of parties to the conflict. The position from some parties to the conflict is that certain types of humanitarian action are illegal. INGOs are often unable to verify that the supplier identity information provided on supplier documentation corresponds in fact to the legal details of the supplier.	INGOs propose to use supplier documentation for goods purchased within these contexts that may not include the legal name, legal address, and registration of the supplier. The supplier documentation may include a pseudonym instead.	Use of alternative technology INGOs or their LHPs will implement a Goods Received Note signed by the supplier and the partner staff. Additionally INGOs or their LHPs will use project specific monitoring activities to document that goods were received by beneficiaries.
Segregation of Duties	Aid workers are at risk of detention or worse when delivering assistance	LHPs operating in high risk areas are organised in a network-like structure to reduce their visibility. Therefore, roles and responsibilities as well as chains of delegation are not always clear	INGOs or their LHPs propose to implement an internal waiver system in these cases. In the instance of reduced capacity of the LHP,	Due diligence in partner selection & Capacity Building of Partners A core component of a successful response is the ex-ante selection and the ex-post assessment of the LHPs. Usually, this should include an ex-ante thorough capacity assessment

		cut. Also, they are relatively new organisations and face high staff turnover due to detention, displacement and other issues related to the conflict. These partners have limited capacity to implement INGOs' procurement procedures as they relate to the segregation of duties. In addition, contact with the supplier may be restricted to one individual within the partner organisation. This is due to supplier concerns that wide exposure of their activities supporting humanitarian assistance in these areas could put them at risk.	alternative procedures should only be employed for a strictly limited period of time, and the LHP's capacity should be improved so that a way is found to achieve minimum segregation of duties (at least between finance and authoriser, or finance and procurement). In the instance where clandestine operations mean that functions are concentrated on one individual to keep an operation small and flexible due to security concerns, alternative procedures can be adopted on a permanent basis.	and the vetting of key personnel, an ex-ante and ex-post background/ reputational check, an ex-ante pilot project with a limited budget and time frame and ex-ante and ex-post regular partnership evaluations. INGOs have specific procedures in place to tie partner capacity to levels and type of funding granted. Triangulation of information across different sources INGOs will triangulate price, quality and availability with key informants. This confirmation will be documented in an internal waiver document or note to the file. INGOs will also provide tools to their LHPs to ensure documented internal sign-off of decisions. For example, LHPs will implement a Goods Received Note signed by the supplier and the partner staff.
Legal Names of Partner Staff	Aid workers are at risk of detention or worse when delivering assistance	LHP staff members inside Syria often do not use their legal names on partner documents. In these circumstances, LHP staff members use pseudonyms. INGOs' security assessments confirms that legal names may put partner staff at risk due to the nature of the conflict and the position from some parties to the conflict that certain types of humanitarian action is illegal.	INGOs propose the use of pseudonyms by partner staff.	Due diligence in partner selection See above Triangulation of information across different sources INGOs will still ensure that staffing levels represent the expected requirements given the project's size and complexity

Quality Control	<p>Suppliers and service providers are at risk of detention or worse when providing good or services that are intended to deliver humanitarian assistance</p>	<p><u>Medical supplies:</u></p> <p>According to ECHO procurement rules, procurement of pharmaceuticals under ECHO funding should be from an approved HPC or through a pre-qualification process, which cannot be satisfied in Syria. In besieged/HTR areas, INGOs and LHPs cannot reach supported health facilities through international procurement, either from an approved HPC or from neighbouring countries.</p> <p><u>Food:</u></p> <p>The food is largely sourced, stored, cooked and distributed within hard to access and besieged areas. An independent expert provider is unavailable to assess the quality of this food.</p>	<p><u>Medical supplies:</u></p> <p>INGO and partner staff procures medical equipment, supplies and pharmaceuticals locally in neighbouring country from local government/MOH-approved suppliers for areas that can be reached from neighbouring countries, and from locally available providers/pharmacies inside besieged areas.</p>	<p>Triangulation of information across</p> <p><u>Medical Supplies</u></p> <p>INGOs will confirm price, quality and availability with two key informants. INGOs use internal monitoring mechanisms to ensure delivery of goods. INGOs will use beneficiary exit interviews to monitor the quality of the medical supplies through the feedback of beneficiaries.</p> <p><u>Food:</u></p> <p>INGOs will use beneficiary exit interviews to monitor the quality of the food through the feedback of beneficiaries.</p>
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