Workshop Report

Navigating Technical Arrangements in Humanitarian Responses to Food Crises

23-24 September 2025

Co-organised by the Oxford Institute for Ethics, Law and Armed Conflict (ELAC) and the Global Network Against Food Crises (GNAFC), and coordinated by the World Food Programme (WFP)

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1. Introduction

The present Report provides an account of discussions during a Workshop on technical arrangements applicable to humanitarian operations responding to food crises co-organised by the Oxford Institute for Ethics, Law and Armed Conflict (ELAC) and the Global Network Against Food Crises (GNAFC) and coordinated by the World Food Programme (WFP).

The Workshop was held online under the Chatham House Rule on 23-24 September 2025 and brought together operational practitioners from humanitarian organisations and State representatives. The Programme is attached as Annex 1 and the list of participants as Annex 2.

Global food insecurity remains a pernicious issue. According to the 2025 Global Report on Food Crises, more than 295 million people across 53 countries and territories experienced acute food insecurity in 2024, an increase of nearly 14 million compared with the previous year. Conflict is the leading driver of acute food insecurity, and the primary cause of food crises in 11 out of the 13 current hunger hotspots.

In recent years important progress has been made at policy level in highlighting the impact of conflict on food security, and in identifying measures to prevent, mitigate, and respond, including by the unanimous adoption of UN Security Council Resolution 2417 in 2018. The legal framework has been strengthened by the amendment of the Statute of the International Criminal Court to include the war crime of starvation of civilians in situations of non-international armed conflicts. Operationally, humanitarian organisations, continue to endeavour to provide life-saving responses.

There is greater familiarity with the rules of international humanitarian law (IHL) regulating humanitarian relief operations. Certain aspects of IHL and its implementation in practice have received considerable attention, others far less so, including the entitlement of parties to armed conflicts to impose technical arrangements. These are operational requirements and restrictions that regulate the passage and distribution of relief consignments. Such arrangements can significantly impact the ability of humanitarian organisations to reach populations in need, sometimes delaying or obstructing the delivery of life-saving food assistance.

The purpose of the Workshop was to discuss technical arrangements imposed in recent conflicts and their effect on humanitarian operations, to share experiences and identify lessons learned and good practices. The discussions were structured around three principal types of arrangements:

- technical arrangements relating to goods and equipment;
- technical arrangements relating to passage and distribution; and
- technical arrangements relating to modalities of delivery and diversion.

Although a significant focus of the discussions were technical arrangements that impacted WFP operations, and WFP's approaches to them, many of the points raised are of more general relevance, recognising that other humanitarian actors might respond to them in different ways.

This Report presents the discussions. Inevitably they focused on the most problematic contexts and issues. Not all the problems identified in this Report occur in all contexts. In addition to points relating to the specific technical arrangements discussed, several considerations of cross-cutting and overarching relevance were also identified.

2. The Rules of IHL Regulating Humanitarian Relief Operations

The Workshop was not intended to be a legal discussion. Nonetheless, a shared understanding of the key elements of the law is necessary to situate technical arrangements within the framework of the rules of IHL regulating humanitarian relief operations.

2.1 The key elements of the rules

The basic rules of IHL regulating humanitarian relief operations are the same in both international and non-international armed conflicts.[1] They apply to goods essential to the survival of the civilian population, including food and water.

The starting point, often overlooked in operational debates, is that primary responsibility for meeting basic needs lies with the party with control over civilians. This can be a State – including an occupying power – or a non-State armed group.

The rules on humanitarian relief operations come into play in situations when this party is unable or unwilling to meet civilians' basic needs. IHL foresees two successive steps. First, in such circumstances, organisations may offer to conduct impartial humanitarian relief operations to respond to such needs. The consent of the State where the operations will be conducted is required but may not be arbitrarily withheld. Questions on this first step, received much attention in relation to the conflict in Syria, including whose consent is required in situations of non-international armed conflict, and what amounts to arbitrary withholding of consent.

In practice, however, most operational problems arise at the second stage, once consent to conduct operations has been obtained. From that point, all parties to the conflict: States, non-State armed groups present in the areas humanitarian operations will be conducted or must transit through, as well as neighbouring States are under an obligation to allow and facilitate the rapid and unimpeded passage of humanitarian relief. This obligation covers both initial entry into the territory and subsequent movement within it.

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[1] For a detailed analysis, *see* Dapo Akande and Emanuela-Chiara Gillard*, Oxford Guidance on the Law Relating to Humanitarian Relief Operations in Situations of Armed Conflict*, (2016).

Although it is central to the rules regulating relief operations, IHL only provides basic guidance on how to discharge this obligation. Relief items consignments may not be diverted from their intended destination; passage should be as rapid as circumstances permit, and unimpeded in the sense that parties should refrain from harassment and avoid unnecessary administrative requirements. Restrictions may be imposed on the activities and the freedom of movement of humanitarian relief personnel only in case of imperative military necessity, and even then, only temporarily.

In parallel, as a quid pro quo of this obligation to allow and facilitate rapid and unimpeded passage of relief operations, IHL allows parties to adopt technical arrangements, also known as measures of control, regulating the passage of the relief operations. These can include searches of the consignments to ensure they are exclusively humanitarian; or prescribing their passage at particular times or along specific routes, to avoid interference with military operations and to protect relief personnel and civilians; or measures to minimise the risk of diversion.

Which technical arrangements, if any, belligerents and third states will impose depend on their specific concerns. Also, the same concern may be addressed differently in different theatres: if it relates to the nature of incoming goods, it may be addressed by pre-clearance arrangements or searches. If the concern is diversion, the arrangements may depend on the juncture when the diversion arises – is it looting from humanitarian organisations' warehouses? Or from convoys the way from the warehouses to distribution sites? Or at the distributions? The measures to minimise the risks of diversion are different.

IHL foresees the possibility for belligerents to adopt such technical arrangements, and they can play an important role in building confidence between belligerents and humanitarian actors, and allaying concerns about agreeing to relief operations in the first place. There may be instances however, when prima facie justifiable technical arrangements are implemented in a manner that effectively makes it impossible for humanitarian assistance to be delivered in an impartial manner.

Although IHL sets the underlying framework, which measures can be adopted to address belligerents' concerns without undermining the capacity of humanitarian actors to deliver in a principled manner, is a matter of negotiation between belligerents and humanitarian actors.

2.2 "Technical arrangements" vs. "bureaucratic and administrative impediments"

IHL does not define 'technical arrangements'. The following working description was adopted for the purpose of the Workshop:

> TA are operational requirements and restrictions imposed by belligerents, and at times neighbouring States, on the passage and distribution of relief consignments. They directly affect the movement and delivery of consignments as opposed to

bureaucratic requirements that tend to adversely affect humanitarian organisations in more administrative ways.

A distinction was thus drawn between "technical arrangements" and "bureaucratic requirements". This is not a legal categorisation. Its value is diagnostic and practical: inter alia it helps identify the interlocutor with whom negotiations should be conducted.

Participants noted that in practice it is often difficult to draw such a clear distinction between technical arrangements and administrative or bureaucratic requirements, as the two frequently intersect. The same negotiation is likely to cover both specific conditions of movement and delivery such as routes, inspections, distribution arrangements, and 'upstream' administrative requirements including visas, registration of organisations, permissions to import goods, and staffing and banking issues.

Belligerents' 'institutional structures' can also contribute to the blurring of the two categories of measures. Responsibility for setting and enforcing conditions can lie with multiple entities within State, with uneven chains of command, including central ministries, regional offices, local administrations and tribal structures, security and intelligence services. The same is also the case within non-State armed groups, where chains of command may be extremely diffuse.

This fragmentation can lead to contradictory instructions and shifting points of control. As a result, an "administrative" formality at capital level (e.g., an import licence, a travel permit) can translate into a field-level halt at a checkpoint. Conversely, a checkpoint practice may trigger new paperwork upstream. This complexity underlines the need for multi-level negotiation and for translating high-level agreements into clear operational protocols recognised at field level.

Participants also noted that while documents elaborated by the humanitarian community refer to 'bureaucratic and administrative impediments', some bureaucratic requirements in fact serve legitimate purposes, such as ensuring the quality of medicines.[2] Bureaucratic requirements are not synonymous with obstruction, and neither are technical arrangements. Nor are they necessarily violations of IHL.

Nonetheless, some recurring operational dynamics were noted as underling reasons why measures that may appear legitimate on their face can significantly impede operations when considered cumulatively or in particular contexts.

The first example was the "frog in the boiling water" effect, whereby each additional request, such as an extra form, a new seal check on a truck, a narrower list of approved items, although acceptable and understandably individually, when taken cumulatively can accumulate into onerous burdens over time. A second example was the

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2 The expression Bureaucratic and Administrative Impediments is used in IASC documents. See, for example, *IASC Guidance Understanding and Addressing Bureaucratic and Administrative Impediments to Humanitarian Action: Framework for a System-wide Approach* (2022).

instrumentalisation of apparently plausible controls for political or military ends rather than for the stated security or other justifiable concerns.

3   Operational Insights into Technical Arrangements

This section of the Report presents operational insights from the discussions in the sessions of the Workshop that looked at three types of technical arrangements:

- those relating to the types of goods and equipment
- those relating to passage of consignments
- those relating to delivery and distribution.

Although addressed in separate sessions in the Workshop and in the present Report to facilitate analysis, in practice these different types of technical arrangements are often addressed together during access negotiations.

3.1   Technical Arrangements Relating to the Types of Goods and Equipment

Participants identified several key types of technical arrangements relating to humanitarian goods and equipment necessary for humanitarian action that have been imposed in recent conflicts.

These included restrictions on the types of goods and equipment that belligerents considered 'humanitarian'; searches of relief consignments and attempts to charge humanitarian actors for costs related to searches; challenges posed by the number of actors that play a role in granting authorisations for passage of consignments; and verification mechanisms as assurance measures.

<u>Types of goods and equipment</u>

One first challenge relates to the types of goods and equipment that some belligerents considered 'humanitarian'. Although they are required to allow and facilitate the rapid and unimpeded passage of relief goods and equipment, at times belligerents adopt a narrow approach and impose restrictions on entry and movement of particular goods and equipment.

The restrictions vary but have included

- purely humanitarian items such as medical supplies, and hygienic products intended for deployed humanitarian personnel;

- goods considered 'dual use' – in the sense that that in addition to humanitarian purposes, if looted, they could be used for military purpose. These frequently include telecommunication equipment, building materials, water pipes, fuel, spare parts for the vehicles used by humanitarian organisations, and PPE for staff;

- culturally sensitive goods such as drugs and materials related to sexual and reproductive health.

These restrictions become particularly problematic when they relate to life-saving commodities. Participants cited repeated refusals or systematic delays in allowing the passage of anaesthetics and other medical supplies on the basis that they could be used to treat wounded enemy. At times agencies have responded to these types of restrictions by adapting commodity lists to what they manage to negotiate in the short term. It was noted, however, that there is a tendency for 'temporary arrangements' to become permanent.

Searches have sometimes resulted in seizures of items such as personal protective equipment, satellite phones and vehicles, with limited avenues for review of such practices.

Predictably, organisations conducting demining operations face particular problems. The import of specialised equipment such as metal detectors protective equipment is complicated. In addition, they frequently need explosives to detonate unexploded ordinance. These goods require export and import licences and specific storage arrangements. Obtaining all these authorisations can be extremely time consuming, often resulting in substantive delays in operations.

Searches

Searches are a type of technical arrangement that is specifically mentioned in IHL treaties. In practice searches can take the form of regular and irregular inspections conducted by different entities associated with parties to the conflict, including customs, law enforcement, military, and members of non-State armed groups.

Participants agreed that search protocols agreed with relevant authorities can play an important role in preventing the misuse of searches and improve predictability of search practices. Nevertheless, in practice, the mere fact that a search protocol has been agreed does not necessarily preclude different armed actors from carrying out searches in their designated areas of responsibility. At times local military actors request additional checks, impose extraneous demands and require informal payments, exposing convoys to cumulative delays and thus heightened risks of diversion. The problem is magnified when transport of commodities is outsourced to commercial contractors who lack the skills to negotiate at checkpoints; in such cases, standard operating procedures and non-escort alternatives are more difficult to maintain in practice.

Requests to cover the costs of searches

There has been a recent instance when a belligerent attempted to make the opening of a border crossing dependent on humanitarian organisations covering the costs of searches. These included screening and other relevant equipment, staff salaries and related costs for stationing them at the borders.

On this particular occasion, negotiations made it possible to avoid covering these costs.

<u>Responsibility for authorising the passage of goods and equipment</u>

Frequently multiple authorities within parties to the conflict have responsibility for, or a role in, authorising the entry or passage of goods and equipment. They include customs, military and intelligence services. All of these entities can exercise authority over searches and passage of consignments.

While civilian chains of command can be comparatively more flexible than military ones in handling authorisation requests, the overall fragmentation between capitals and regions, as well as across agencies, often leads to conflicting instructions and shifting decision points. Effective negotiation therefore requires early, multi-level engagement, and translation of high-level agreements into operational protocols recognised at checkpoints.

To manage this complexity, participants identified several internal measures that humanitarian organisations could adopt as part of a strategy for developing and managing a functional relationship with these actors, in particular during the planning phase of negotiating access. These measures include:

- establishing an integrated planning and negotiation team that brings together internal expertise on a range of issues, including security and access specialists, logistics/supply-chain managers, and the country lead, for route planning and engagements with parties to the conflict;
- reviewing the supply chain movements and mapping relevant stakeholders to adjust internal operational policies and procedures where required to address legitimate concerns of parties to the conflict; and
- relying, where appropriate, on the humanitarian cluster system in the country to identify operational procedures that are already accepted by the relevant authorities and function in practice.

<u>Verification mechanisms</u>

Some participants highlighted the value of more formal verification arrangements as confidence-building measures to highlight the transparency of humanitarian operations, compared to approaches established by informal "organic" processes.

A number of such conflict-specific initiatives were mentioned, including the UN monitoring mechanism established by the Security Council for Syria,[3] the UN Verification and Inspection Mechanism for Yemen, and the Black Sea Grain Initiative.

These arrangements were a way of ensuring standardisation of searches and consistency of approaches to classifying permissible goods and equipment. The mere existence of

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[3] See, for example, UN, *Report of the Secretary-General, Review of United Nations humanitarian cross-line and cross-border operations*, S/2020/40, 14 May 2020.

these verification systems can serve as a mitigating measure to counter narratives claiming that humanitarian channels are being misused to smuggle arms and other prohibited items.

Some participants sounded a note of caution about creating such mechanisms in contexts with ongoing functioning operations as it could undermine systems that were functioning properly.

3.2 Technical Arrangements Relating to Passage and Distribution

This session of the Workshop examined technical arrangements imposed on the movement of humanitarian goods, equipment and personnel, with a focus on routes, the use of armed escorts, and humanitarian notifications.

Planning of routes and distribution plans by humanitarian actors

Participants explained that planning for movements begins weeks in advance with a multifunctional analysis of routes and distribution plans. Security, road conditions, logistics capacity, protection risks and conflict sensitivity are all assessed together to test feasibility, identify negotiation opportunities, and anticipate effects of technical arrangement on the delivery.

The findings of these analyses are shared with the Resident/Humanitarian Coordinator to inform internal decision-making, and with relevant government authorities to prepare the ground for formal clearance and, where needed, to make adjustments to the proposed movements.

In addition to organisations' internal decisions on times and routes, at times belligerents prescribe the routes that humanitarian convoys may take and the times for such movements. Participants did not discuss this dimension.

Movement of personnel

Humanitarian personnel are an essential part of humanitarian operations. In some contexts, permits for staff movements have been more difficult to obtain than clearance for commodities, resulting in the movement of consignments without the personnel required to supervise distribution or monitoring.

Participants suggested addressing staff authorisations as part of the same access package as goods and equipment, with clear escalation pathways where delays arise.

Armed escorts

Decisions to use armed escorts for movement of relief consignments and for their distribution were described as among the most complex organisations must take. Inter-Agency Standing Committee policies clearly state that resort to armed escorts should be

a measure of 'last resort', nonetheless it is left to individual agencies to determine whether armed escorts must be used in a particular context.[4]

A key external factor affecting the use of armed escorts is the position of belligerents. These vary: in some contexts, armed escorts are a non-negotiable precondition, while in many others they are not a requirement. In many contexts armed escorts are now simply a government requirement rather than a decision by humanitarian organisations. One in five operations of one international organization use armed escorts – with a 50-50 split between contexts where these are 'imposed' or 'chosen'.

In contexts when armed escorts are not imposed by belligerents, factors that affect humanitarian organisations' decision of whether to use them include the contents of the convoys, with escorts more likely to be used for unaccompanied convoys operated by private contractors without humanitarian staff present, especially when carrying high-value commodities or cash, or transiting through contested areas. Donor pressure to deliver in particular contexts was also identified as a factor that 'pushed' humanitarian organisations to resort to armed escorts.

Against this background, participants described internal practices that their organisations take in deciding whether to resort to armed escorts. Some organisations have established interdisciplinary teams composed of security, access and operational management experts to conduct internal security analysis that helps them to decide on the need for armed escorts and negotiations positions. Some organisations utilise evidence-based data collection methods, including local monthly updates and global surveys, to assess the need and possible consequences of using armed escorts.

Other participants highlighted the desirability for the humanitarian community in a particular context to adopt common positions. it was pointed out that unilateral approaches by one organisation can set a precedent vis à vis belligerents that demand the use of armed escorts that other humanitarian actors operating in that context would have difficulty pushing back against. It was further noted that such unilateral approaches can also pose security risks, rendering actors that do not use armed escorts 'soft targets'.

Interagency discussion on the topic could also allow alternatives to be explored. These could include entering arrangements with local authorities or tribal structures to permit movements without escorts along specific routes. Such arrangements can have their downsides including their narrow geographical scope, limited to only specific areas under the concerned local actors' territorial control. Other options to consider include the use of UN peacekeepers as armed escorts or to secure the areas through which convoys transit.

The financial and political economy consequences of use of armed escorts were also highlighted. In several contexts, states and non-State armed groups require humanitarian organisations to pay for the armed escorts, and such financial incentives for local actors

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[4] *IASC Non-Binding Guidelines on the Use of Armed Escorts for Humanitarian Convoys* (2013).

make it difficult to move away from their use. In addition, armed escorts may be political drivers for parties to the conflict, especially for non-State armed groups that might perceive them as a legitimising opportunity for their status as de facto authorities.

Participants also noted that in some contexts, belligerents imposed the presence and services of specific private security contractors or escort providers (military or police) at distribution sites to protect staff, as well as requirements to use State security equipment where agencies are barred from importing their own armoured vehicles or radios. These dynamics feed war economies and can entrench dependency.

<u>Humanitarian notifications</u>

In principle, humanitarian notifications can protect humanitarian operations by giving authorities advance information of routes and times and identifying points of contact for liaising during operations. Participants noted that nonetheless there was a risk that belligerents would misuse notification, systems essentially turning them into an authorisation requirement for every movement.

In some contexts, in addition to details of planned movements belligerents have also requested detailed information of humanitarian staff accompanying convoys, including nationality, ethnicity, and in some instances religious affiliation and contractual status. Some of this information is unnecessary for deconfliction purposes and has at time led to staff being prevented from travelling with convoys. This, in turn, has increased the risks of diversion and of allegations thereof.

3.3   Technical Arrangements Relating to Delivery

This session focused on the delivery and distribution of aid, and mitigating measures. Participants emphasised that delivery is the stage of operations where political and security conditions, and operational constraints converge most visibly, and where technical arrangements often have the most direct impact on people in need.

<u>Interference with delivery</u>

Participants identified several ways in which belligerents attempt to interfere with delivery of assistance. These include needs assessments conducted by belligerents which denied the existence of humanitarian needs in areas controlled by non-State armed groups; or instances where a party adopted extremely onerous and time-consuming bureaucratic requirements to authorise movements to areas under opposition control. While not expressly preventing operations in such areas, this was the effect of these measures by drawing out the process. This was particularly problematic for NGOs whose funding tends to be for shorter term projects. Knowing that they are unlikely to receive the necessary authorisations in time, some simply do not even attempt to run programmes in the areas, despite needs.

These practices are clearly problematic and undermine the capacity of humanitarian actors to respond in accordance with the humanitarian principles of impartiality and independence. They are not, however, 'technical arrangements' as understood in IHL.

<u>Pre- and post-distribution diversion and mitigating measures</u>

IHL specifically mentions measures to prevent diversion as some of the possible technical arrangements that belligerents can impose. While the specific arrangement referred to - distribution of assistance under the local supervision of a Protecting Power – has fallen into desuetude, humanitarian actors have elaborated numerous other arrangements to minimise risks of diversion. Which approach is most appropriate depends on the juncture when the diversion occurs: is it looting from warehouses; diversion of convoys en route to distributions; diversion at distributions or post-distribution?

Participants identified several pre- and post-distribution practices carried out predominantly by local civilian and armed actors. Local community leaders can act as gatekeepers of delivered assistance by influencing or controlling the registration and beneficiary lists in ways humanitarians cannot fully verify at the individual level.

During distributions, local armed actors may disguise themselves to receive assistance directly, send or prioritise their families outside agreed vulnerability criteria. After distributions, they have confiscated goods from civilians or levied 'taxes' on particular commodities as they move through local markets. These practices are diverse, adaptive and, in many settings, embedded in local political economies.

Humanitarian actors' prevention and mitigation measures mirror this complexity. For example, the measures adopted by WFP include warehouse management systems that track what enters and leaves warehouses; supply chain management tools and incident reporting mechanisms; systems to determine who will receive assistance and to verify their identity before and at distributions; complaints and feedback mechanisms, such as help desks, hotlines, combined with outreach activities, monitoring visits and post-distribution monitoring to detect possible diversion practices; market monitoring, including in areas where they do not carry out distributions, to see whether any the products they had provided are for sale; reports from partners, who inform WPF if they see anything out of the ordinary. WFP and many other organisations also have risk management divisions and anti-fraud/anti-corruption focal points or teams, who help prevent and mitigate diversion, and mandatory staff training these topics.

Participants noted that at times resources spent on measures to prevent diversions exceed the value of the aid provided.

While these measures can help identify problematic practices and support corrective action, participants cautioned that in some contexts they proved to be inefficient in understanding diversion strategies practices by local actors. In exceptional circumstances, humanitarian organisations have been obliged to suspend or halt deliveries to specific areas until parties agree to adequate safeguards or credible third-party monitoring.

Listing the assurance and risk-mitigation measures that have been adopted and explaining them clearly to the authorities concerned about diversion, can help shift negotiations from accusation to design of improved measures. An important factor is the presence of staff during the distributions and to carry out post-distribution monitoring. Limited field presence and undermine the credibility of the measures.

Participants also noted the importance of understanding the root causes of diversion in each context to identify efficient ways to overcome them. This is particularly relevant for post-distribution diversion where civilian voluntarily share assistance they have received; or where local authorities 're-distribute' it within communities in accordance with local perceptions of what is fair and equitable.

4 Cross-Cutting Issues

In addition to points relating to specific technical arrangements the discussions also brought out a number of cross-cutting and interconnected issues and considerations.

4.1 Impact of technical arrangements

Participants discussed whether the motive that underlies the imposition of technical arrangements is significant. Some noted that it can be difficult to establish what the motive is, while the impact of technical arrangements on humanitarian action can be quantified.

Having information on the effects of technical arrangements can provide a more objective framework for engagement with parties to the conflict in addressing key operative questions such as whether a measure of control facilitates or frustrates rapid and unimpeded passage, or, more specifically, introduces delay, cost, or protection risks. Framing negotiations around these questions allows belligerents to calibrate technical arrangements to the risk at hand and to review such arrangements as conditions evolve.

Objective information on the adverse impact of technical arrangements is also important when negotiations to find ways to address the concerns of the party that is imposing the technical arrangements have been unsuccessful. If the severity of the impact can be shown in an objective manner, this can be helpful in 'changing gear' and asking third states for assistance to overcome the impasse.

4.2 An interdependent humanitarian community

The humanitarian community is interdependent. Decisions by one organisation, such as agreeing to searches or accepting and paying for armed escorts, sets precedents that will be difficult for other organisations operating in the same context to push back against.

Because mandates, legal status, risk appetite and 'negotiating power' differ across organisations, approaches that are acceptable or 'non refusable' for one actor may be unworkable for another. A concession that unlocks movement for one agency can narrow negotiating space for the rest of the humanitarian community if authorities perceive 'humanitarians' as a single entity or take advantage of the poor precedent set by one organisation.

Moreover, the negative effects of precedents can reverberate across contexts, as increasingly well-informed belligerents are aware of the practices adopted in other settings, or organisations replicate them, unaware of the fact that they were less than ideal practices.

Another concern is the fact the humanitarian community can be perceived by local actors as a single entity. This can undermine efforts to build trust, as it takes inappropriate action by a single staff member to bring the entirety of the community into disrepute. A participant noted that 'confidence building is a 'two-way street'. In addition to seeking to promote compliance by belligerents with their own obligations it is essential that humanitarian organisations and their staff uphold theirs – particularly in times of heightened tensions.

4.3 The status of humanitarian organisations – invoking privileges and immunities

The status of humanitarian organisations and, in particular, whether they benefit from privileges and immunities, can be relevant to how particular technical arrangements apply to them. For example, as a matter of law, UN agencies can argue that searches of their consignments violate their privileges. However, as a matter of policy, invoking this privilege could have negative repercussions on NGOs operating in the same context that do not benefit from such rights.

In view of this, and also in the interest of building confidence with belligerents, it may be preferable to accept searches as routine activities, ideally pursuant to an agreed protocol, rather than to invoke privileges. The choice must be conflict-sensitive, however: where searches are used in bad faith to delay or harass, declining to invoke privileges can entrench obstruction and should be avoided.

Similar considerations also apply to staff movement. UN entities may be reluctant to invoke immunities if doing so would create a divide between their personnel and the wider humanitarian workforce that Humanitarian/Resident Coordinators represent in country, and that in practice are frequently UN agencies' implementing partners, without whom it would be impossible to deliver.

In view of this, UN leadership in countries should seek to develop common positions that protect all members of the humanitarian community, particularly in contexts where it is NGOs that conduct a large part of 'last mile' delivery and, consequently, engagement at check points.

4.4 The status of humanitarian organisations – a greater margin of manoeuvre for NGOs

The approaches that UN agencies can adopt are sometimes shaped by the reality that they are part of an intergovernmental organisation. This can have consequences for the broader legal framework regulating their operations. For example, in relation to cross-border operations into Syria, this meant that operations by UN agencies required the consent of the State as otherwise they would violate state sovereignty. As private actors, NGOs were not subject to similar restrictions under international law.

Moreover, in theory UN humanitarian agencies should be able to operate in accordance with humanitarian principles, and in particular the principles of impartiality, independence and neutrality. In practice, however, they are 'affiliated' with an inter-governmental body where considerations of state sovereignty loom large and where that body's political objectives can bleed into humanitarian action. These considerations can impact UN humanitarian agencies' capacity to engage in negotiations of technical arrangements. For example, they may be precluded from entering into operational agreements with non-State entities that exercise effective control if this are perceived as giving them legitimacy. Recently this has been an issue vis à vis the occupied territories of Ukraine, for example. They may also be more susceptible to prohibitions from host states to engage with non-State armed groups.

The movement of UN staff can also be impeded by politics, including positions taken by some Member States on engagement with sanctioned actors. These restrictions go beyond what sanctions actually prohibit, and can limit what UN agencies will authorise even when security assessments would permit staff travel.

Unlike UN agencies, NGOs are not part of an inter-governmental organization, so not directly subject to such political pressures from Member States. However, in practice the restrictions may be 'imposed upon' them in circumstances where they are operating as UN agencies' implementing partners.

4.5 The importance of conflict sensitivity

Conflict sensitivity is essential to the planning and implementation of humanitarian operations. This requires an understanding of the various parties to the conflict and other stakeholders who can influence the capacity to deliver, and also of broader regional dynamics.

Local knowledge is also essential for the planning and implementation of humanitarian operations. For example, negotiators should include people with relevant language skills and professional backgrounds, and local humanitarian organisations should be involved in planning of operations and delivery.

4.6 The influence of humanitarian organisations' internal security arrangements

Within the UN system, humanitarian organisations' operational choices are significantly affected by institutional security governance decisions. UNDSS guidance and Security Management Team (SMT) decisions in practice frequently limit humanitarian access possibilities ("liability always wins").

Targeted engagement by humanitarian organisations at the lowest possible effective levels, including security cells, Humanitarian Access Working Groups, and, where appropriate, the Inter-Agency Security Management Network, was identified as the most reliable entry point way to recalibrate negotiation positions.

4.7 Understanding belligerents

Whether technical arrangements are imposed and how onerous they are can depend on the 'institutional' character of the party imposing them. Non-State armed groups can be transactional, especially when dialogue occurs with senior leadership. State authorities tend to impose more layers of bureaucratic and institutional requirements. However, once non-State armed groups begin to administer territory, they also often increase bureaucratic demands, including by appointing 'humanitarian coordinators' and raising issues such as visa validity and import-export controls.

Both States and non-State actors may insert "filters" between decision-makers and humanitarian organisations, such as line ministries, technical focal points and coordination bodies, that can slow or block access to those who can authorise change. Humanitarian organisations should find ways to liaise directly with the authorities that are imposing the controls/restrictive measures. This can foster more accurate understanding of the concerns and direct negotiation of appropriate measures to address them.

Participants reported different levels of relational dynamics with the range of State authorities with which they must engage to negotiate and implement technical requirements. Customs apply regulatory frameworks that can be adjusted to facilitate movement and clarify search procedures; the military relies on more centralised processes that require targeted engagement to identify technical adjustments; while intelligence services generally offer little scope for productive dialogue and limited leverage over the regulations they enforce.

The extent of belligerents' actual control over territory and the effectiveness of chains of command are also relevant. Participants noted that fragmented territorial, decentralised command structures and limited personnel led to three recurrent outcomes: bottlenecks in transmitting agreements reached at the level of higher command or headquarter to the local levels; divergent interpretations of technical agreements by the capital and the local commands; and refusal by local authorities to act without explicit orders from headquarters.

Participants also noted that at times some of these misalignments can also be an opportunity: where central strictures are slow to move, field interlocutors may be more open to pragmatic arrangements if they are presented in technically sound terms and backed by credible assurances.

Belligerents and affiliated actors sometimes misuse technical arrangements. Participants described searches conducted in ways designed to degrade commodities, such as puncturing sealed cargoes containing pesticides at Black Sea ports, thereby compromising shelf life. In Ethiopia, authorities cited malfunctioning scanners to delay convoys, forcing agencies to time movements to the few days when the scanners were 'operational'. At the same time, not all delays are intentional; some reflect limited capacity or competence. Distinguishing instrumentalisation from lack of capacity is important, as they warrant different responses.

5   Behavioural and Political Dynamics

Technical arrangements do not operate in a vacuum. The behaviour of humanitarian organisations and their counterparts, and the political context in which negotiations occur, can play a role in whether technical arrangements facilitate or frustrate delivery. In politicised environments, humanitarian actors are frequently judged collectively. As mentioned before, a single breach, for example an attempt by one organisation to move prohibited items, can prompt tightened controls that affect the entire community and response. Sustaining a unified operational posture is therefore both a matter of principle and a practical requirement for risk management.

5.1   Behavioural drivers and confidence building measures

The trust of relevant authorities, including customs, military and intelligence services, is built through regular, and structured engagement rather than by episodic crisis management. Such sustained engagement helps humanitarian actors to understand the concerns and motivations that may underlie impediments, the levels of political investment in facilitating (or hindering) access, and the capacities and constraints of particular entities.

It also important at a more granular level to identify early indicators of impediments that can be factored into route planning and convoy composition, clarify what authorities consider 'dual-use' items in particular contexts. These understandings may be helpful in identifying practical substitutions for goods and equipment that address the same humanitarian needs without triggering the most restrictive controls.

While the intent of a party imposing a technical arrangement is not relevant per se, understanding probable motives can improve negotiation strategies. Many access issues have both administrative and political dimensions. It can be helpful to separate these,

resolving procedural bottlenecks with the entities that are responsible for them, and addressing restrictions rooted in political positions and sensitivities, such as those linked with sovereignty concerns or engagement with sanctioned actors, through appropriate diplomatic channels.

Within humanitarian organisations, an evidence-led culture strengthens credibility: disciplined adherence to agreed protocols; prompt accountability when errors occur; routine logging of delays, denials, re-inspections and costs; and consistent messaging between headquarters, regional and country teams.

5.2 Political dynamics and diplomatic opportunities

Access negotiations, including in relation to technical arrangements, are rarely isolated from wider politics. For example, in many settings, engagement with non-State armed groups may be perceived as providing legitimacy or as evidence of lack of neutrality. Where these risks are acute, it may be preferable to engage at headquarters level or in a third country to maintain necessary distance while addressing operational requirements. Participants also noted that external triggers, such as sustained UN advocacy, political pressure from third States, or the declaration of famine in local areas, can alter authorities' cost–benefit calculations and open space for movement of assistance.

Mis- and dis-information concerning humanitarian actors and operations generally or diversion more specifically can undermine access and also public support for humanitarian operations. Allegations of systematic impropriety by humanitarian actors can harden into justification for the imposition of restrictive measures. The detailed recordkeeping mentioned above can also play an important role in countering such narratives.

Diplomatic outreach to parties to the conflict by third states, including donors, can play an important role in reinforcing confidence-building measures and curbing practices that severely impede humanitarian response.

Systematic documentation and, where feasible, monetisation of costs related to navigating technical arrangements, as well as information on their effects on the capacity to deliver assist donors to use diplomatic leverage with parties to ease or remove measures.

To maximise their influence and support, States and institutional donors should align and coordinate their policies positions at field and headquarters levels and ensure coherence in their roles on UN governing boards and multilateral fora. Mixed signals, such as support for principled access in the field coupled with restrictive policy stances in capitals, can erode negotiating space and weaken the collective position.

6   Conclusion

Parties to armed conflict are entitled to adopt technical arrangements regulating the passage of relief consignments. The Workshop discussions confirmed that technical arrangements are not inherently problematic, and that can operate as practical confidence-building measures to assist parties to comply with their obligation to allow and facilitate rapid and unimpeded passage of relief consignments. But, when inconsistently applied or instrumentalised, technical arrangements can impede timely and impartial delivery.

Discrete measures such as searches, prescribed routes or notification requirements, may accumulate into systemic obstruction. Recording the effects of such measures on humanitarian aid, can provide a valuable tool for calibrating arrangements to risk while protecting impartial and timely delivery. In addition, three factors are key to progress: consistent inter-agency positions, multi-level engagement with belligerents that links headquarters positions to field operations, and coherent donor diplomacy.

Several types of good practice can be discerned across contexts. Agreeing protocols for searches and for the classification of humanitarian items, including dual use goods, can increase predictability in technical arrangements. The use of armed escorts should be an exceptional measure with realistic exit paths. Notification requirements must not become a form of authorisation of movements and must not pose protection risks for staff. Local engagement is often decisive for the implementation of humanitarian operations, but capital-level agreements on technical arrangements must be translated into clear instructions at checkpoints and local command posts. Decisions on whether to accept specific technical arrangements should be guided by their operational impact and the precedents they set.

Finally, the discussions at the Workshop tended to focus on the most severe and intractable situations. While understandable, this overshadowed the reality that in many contexts it has been possible to find ways to balance belligerents' concerns with the imperative to deliver. This is thanks to policies and practices that humanitarian organisations may simply consider part of doing 'business as usual'. Nonetheless there is value in compiling such practices - to share as examples with the humanitarian community and with third states including donors. They may not be familiar with the details of these practices and greater awareness could be valuable for their humanitarian diplomacy.

Annex 1 – Agenda

Navigating Technical Arrangements in Humanitarian Responses to Food Crises

Technical workshop co-organised by the Oxford Institute for Ethics, Law and Armed Conflict at the Blavatnik School of Government (University of Oxford) and the Global Network Against Food Crises, and coordinated by World Food Programme's Humanitarian Diplomacy Service

23–24 September 2025
3–6 p.m. CET / 9 a.m.–12 p.m. EST

Indicative Agenda

Objective: To understand/unpack the challenges humanitarian agencies are facing with a specific subset of technical arrangements (TAs), particularly as they relate to food security.

Day 1:

Welcome and Introductions (30 min)

Session One: Setting the Scene (60 min)

- **Proposed working definition**: For the purpose of this discussion, "technical arrangements" are operational requirements and restrictions imposed by belligerents on the passage and distribution of relief consignments. They directly affect the movement and delivery of consignments, as opposed to bureaucratic requirements and impediments that tend to adversely affect humanitarian organizations in more administrative ways.

- **Reminder of key steps in the rules of IHL regulating relief operations**; **interplay between TAs and humanitarian principles**.

Break (15 min)

Session 2: TAs Relating to Goods and Equipment (60 min)

Examples for elaboration and discussion:

- Searches of consignments and specifics of doing so (who conducts, who bears the costs)
- Restrictions on entry of specific items, notably telecommunications equipment.
- Restrictions on which goods are considered "humanitarian," most commonly seen with regards to medical supplies; building and/or shelter supplies; etc.

Day 1 Wrap-up (15 min)

Day 2

Welcome Back and Recap (15 min)

Session 3: TAs Relating to Passage and Distribution (60 min)

Examples of issues for elaboration and discussion:

- Requirements to use specific routes/times.
- Requirements to use humanitarian notification systems and level of detail humanitarians are required to provide.

Break (15 min)

Session 4: TAs Relating to Delivery (60 min)

Examples of issues for elaboration and discussion:

- Restrictions on delivery modalities, such as the use of cash or voucher assistance
- Restrictions on where humanitarians can/not provide aid, or to whom
- Measures to minimize diversion

Session 5: Wrap-up & Next Steps (30 min)