

# BUREAUCRATIC ACCESS IMPEDIMENTS

TO HUMANITARIAN OPERATIONS IN SOUTH SUDAN



SURVEY REPORT

JUNE 2017



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## EXECUTIVE

## SUMMARY

Based on data from a recent survey, this report concludes that bureaucratic access impediments (BAI)—administrative restrictions which affect humanitarian organizations' ability to reach people in need—are negatively impacting the humanitarian response in South Sudan and will continue to hinder operations if they are not addressed by all stakeholders and duty bearers.

The report, based on a survey carried out with members of the humanitarian community, outlines a lack of respect for humanitarian actors by South Sudanese authorities on all sides of the conflict, including bureaucratic targeting and procedural abuse of humanitarian actors and their staff. Government legislation and actions, especially taxation laws, have raised the cost of humanitarian operations in South Sudan, in contradiction to commitments made by the Government. In addition, other parties to the conflict have raised the cost of humanitarian operations, and illegally exacted humanitarian funding in areas under their control, including through attempting to introduce double-taxation of humanitarian staff salaries and imposing fees for various actions. The report also highlights that BAI may be a stepping stone to further grave violations against humanitarian workers and assets (e.g. commandeering, arrests, violence, etc.).

The report notes that, while frequently undertaken under duress, acceptance of certain BAI by humanitarian actors over time has led, in some cases, to their normalization. Such practices include paying small bribes to authorities, overpaying for services provided by officials, and allowing interference in humanitarian activities, including in internal administrative procedures. This acceptance has largely been driven by fears of violence or other negative consequences if the organization does not comply, based on past experience of humanitarian actors being threatened with harm, detention, or even expulsion when engaging with administrative and security organs of the parties to the conflict. These practices are also, however, a result of humanitarian principles not being upheld consistently by all humanitarian organizations.

In addition, the report notes that there are gaps in the South Sudanese legislative framework, which make it difficult for humanitarian actors to fully understand and comply with administrative requirements. Humanitarian actors also report experiencing inconsistencies in the implementation of the laws by ministries and authorities.

Finally, the report notes that administrative decisions by

authorities restricting movement of humanitarian actors continue to impede the effective delivery of humanitarian assistance to affected communities.

## Key findings of the survey

- BAI are negatively impacting humanitarian operations in South Sudan by delaying and increasing the cost of humanitarian assistance.
- Restriction or denial of movement were perceived to have the greatest impact on response, despite being encountered less frequently than other impediments.
- Delayed implementation was considered a key determinant of impact.
- A significant number of BAI were accompanied by violence.
- Restrictions on freedom of movement and operational interference were reported in both government-held and SPLA-in Opposition (iO)-held territories.
- Armed actors had the most negative impact on humanitarian activities.
- Less than half of BAI cases were resolved with a positive outcome.
- Concern for staff safety and fear of negative outcomes were key determinants of action taken in response to BAI by humanitarian organizations.
- Various response strategies had been adopted, but were seen to be imperfect.
- Most BAI were not reported and, when they were, they were reported more consistently to humanitarian organizations' own headquarters.



## CONCLUSIONS &

# RECOMMENDATIONS

Based on the findings of the survey, the following have been identified as key conclusions and recommendations for consideration by humanitarian actors and parties to the conflict.

1. **Urgent engagement is required at all levels, with both authorities and communities, to demand that these practices be stopped and that parties to the conflict uphold their obligations and commitments towards facilitating unimpeded humanitarian access.** BAI are a consistent feature of the operating environment in South Sudan, limiting the ability of humanitarians to provide life-saving assistance at a time of rising humanitarian needs. The primary responsibility for eliminating BAI lies with the parties to the conflict—under their general obligations to facilitate humanitarian assistance—and particularly the Government of the Republic of South Sudan.
2. **Efforts must be made at all levels of the humanitarian operation to improve compliance with humanitarian principles, including in leadership, management and support. Simultaneously, communication with authorities and the general public on humanitarian principles, and why these are indispensable and non-negotiable in relief operations, is crucial.** The highly complex and dangerous context and the constant pressure on humanitarians make it tempting for humanitarian organizations to forego humanitarian principles in favour of the path of least resistance. This has potentially damaging and irreversible impacts for the entire humanitarian operation.
3. **Humanitarian organizations should be encouraged to confidentially report all BAI to help inform collective advocacy and build the evidence-base needed for effective engagement with the authorities.** Some humanitarian organizations report some BAI. However, there is a general trend of under-reporting and instances of tacit acceptance, which may undermine collective engagement to address the issues.
4. **The Humanitarian Country Team should work together to ensure that humanitarian organizations facing BAI do not feel that they are alone in the endeavour, and know that they will receive the support and backing of the collective.** There have been several instances of effective engagement by individual organizations to counteract BAI. However, engagement on these issues is only likely to be optimally effective when the humanitarian community takes a united stand.
5. **The Humanitarian Country Team should identify entry points to encourage the Ministry of Finance to review the Financial Act 2017/2018, and to push for a humanitarian exemption to all forms of taxation. Support should also be sought from the World Bank, International Monetary Fund and African Development Bank.** Lack of clarity regarding existing fees, and disproportionate increases/new fees, have been a major challenge in the first quarter of 2017.

The primary responsibility for eliminating issues related to BAI lies with the parties to the conflict—under their general obligations to facilitate humanitarian assistance—and particularly the Government of the Republic of South Sudan.



Logistics Cluster

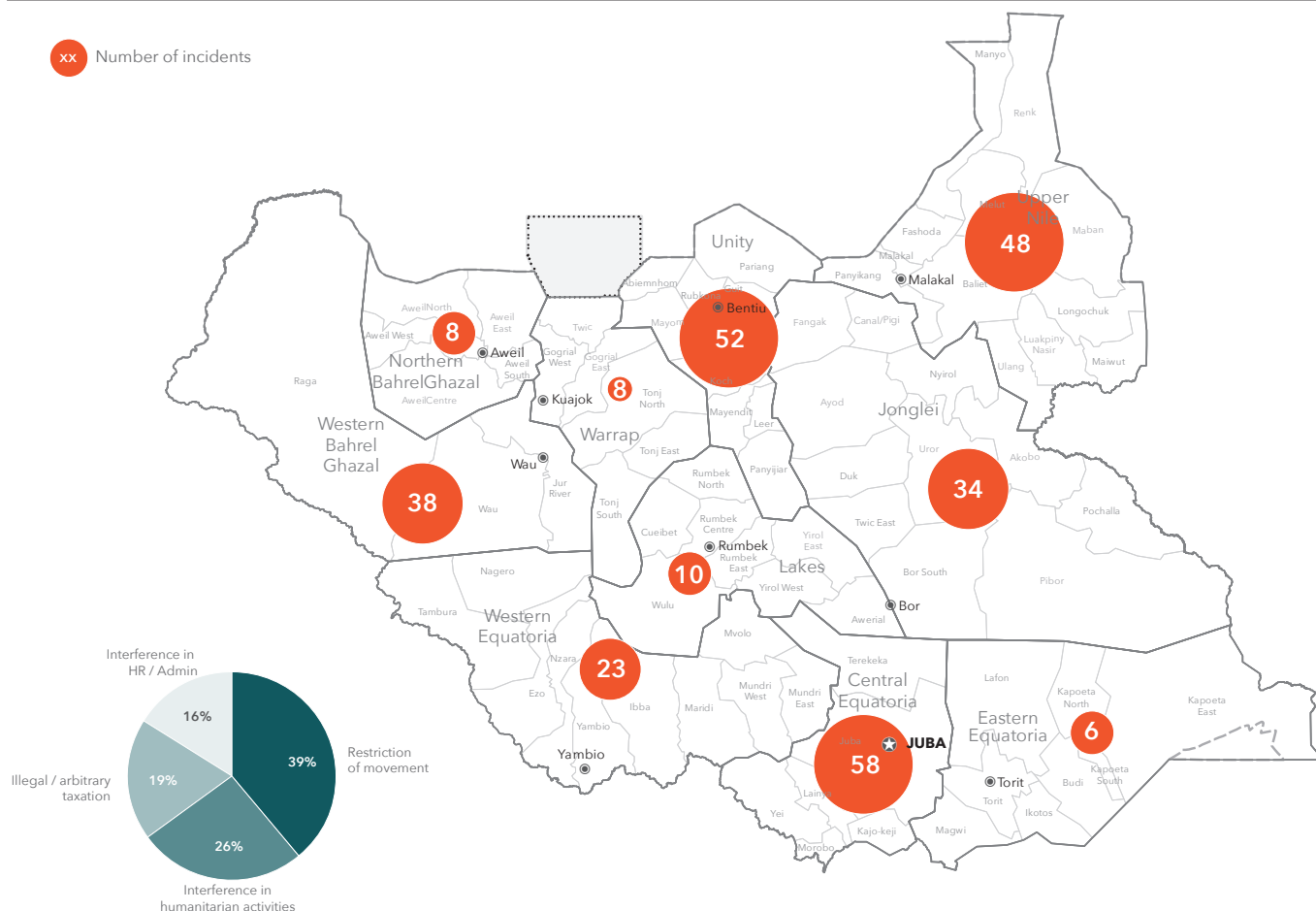
Building on increasing reports of BAI impacting humanitarian operations in 2016, dedicated research was undertaken in the first quarter of 2017 to supplement the humanitarian community's understanding of the issue.

Within this context, the objective of the BAI survey was to quantify and contextualize BAI in order to inform

BAI, by definition, relate only to interference where force is not used to compel humanitarian actors. However, BAI may be a stepping stone leading to actual acts of violence against aid workers.

For the purpose of the survey, BAI were defined as administrative restrictions which affect the capacity of humanitarian actors to reach populations affected by crisis and effectively deliver humanitarian assistance.

xx Number of incidents



## Methodology

A survey questionnaire was administered through an online platform from the beginning of February to the end of March 2017. Additionally, to ensure representation of humanitarian actors with limited internet access—mainly national non-governmental organization (NNGO) and humanitarian actors in the field—workshops and meetings were organized in Juba and four field locations (Bor, Wau, Bentiu and Malakal) where participants completed the survey in person and participated in focus group discussions. The qualitative data collected during the focus group discussions was included in the survey report.

The questionnaire included 14 sections and 102 questions. The questions were mostly closed and semi-open. A limited number of questions were mandatory. Nevertheless participants were encouraged to respond to as many questions as possible and to provide detailed answers. Throughout the two months the survey was open online, humanitarian actors were encouraged to participate through a variety of channels. Participation in the survey was confidential and anonymous.

## Participants

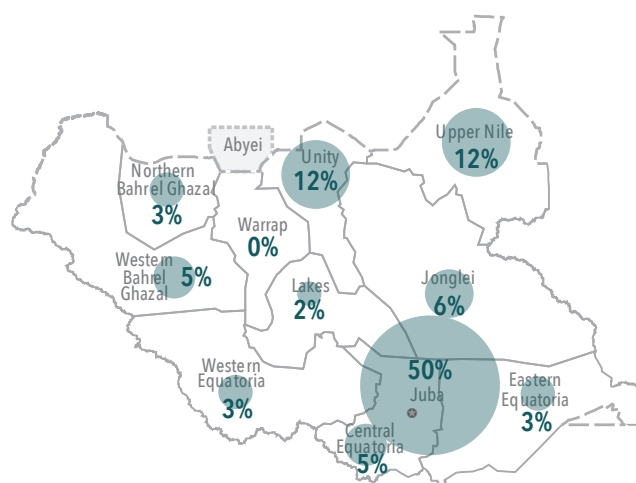
A total of 62 questionnaire responses were collected. However, 10 were incomplete and were therefore excluded from the analysis. As a result, the survey analysis is based on the compilation of 52 entries. Additionally, 68 humanitarian actors participated in seven focus group discussions in five locations (Juba, Bor, Wau, Bentiu and Malakal) where BAI were discussed and they shared their experiences. Finally, a committee of six organizations reviewed the findings and the report.

More than two-thirds of the respondents were from international NGOs (INGOs), while more than a fifth were from NNGOs. Respondents from United Nations (UN) entities were principally cluster coordinators, logistics staff and service providers.

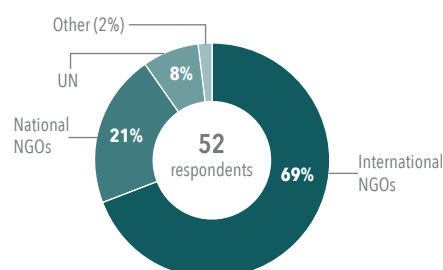
The majority (63 per cent) of the participants were based in Juba. A further 30 per cent were based in Greater Upper Nile (12 per cent in Unity, 12 per cent in Upper Nile and 6 per cent in Jonglei), with the remainder were from locations across the Greater Equatoria and Greater Bahr el Ghazal regions.

Country Directors represented 43 per cent of respondents and provided information on the impact of BAI on their organizations' operations across the country. In addition, a variety of other humanitarian workers participated in the survey, including heads of sub-offices (20 per cent of respondents), heads of programmes/operations (10 per cent), logistics staff (6 per cent), human resources/administrative staff (4 per cent), cluster coordinators (4 per cent), and security advisors (2 per cent). Contributions from field offices and various locations in South Sudan were strongly encouraged, in order to have a more representative group and to potentially be able to identify location specific trends.

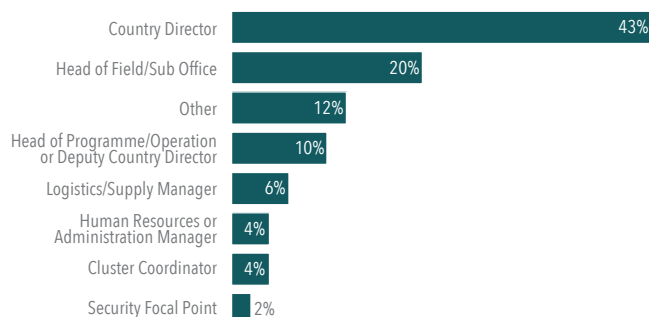
## RESPONDENTS' DUTY STATIONS



## RESPONDENTS' ORGANIZATION TYPES



## RESPONDENTS' ROLES



## PART II: GENERAL RESULTS

The survey results highlighted that humanitarian organizations perceive restrictions on movement as the BAI with the greatest impact on humanitarian activities. This was followed closely by threats, intimidation and harassment, and operational interference at field-level. Although BAI by definition do not involve violence, the survey found that many BAI are in fact followed by violence by authorities. This was particularly the case for confiscation of assets (followed by violence in more than 40 per cent of cases), threats, intimidation and

harassment (followed by violence in 29 per cent of cases), and human resources-related interference (followed by violence in more than 25 per cent of cases). With respect to responsibility for BAI, the survey results indicated that the Sudan People's Liberation Army (SPLA) was perceived to be most involved in BAI, followed by other government authorities.

In this Section, the key findings from the survey results are presented, grouped by the categories summarized below.

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## IMPACT OF BAI ON

# RESPONSE

The survey results highlighted that humanitarian organizations perceive restrictions on movement as the BAI with the greatest impact on humanitarian activities.

The overall purpose of the survey was to understand how BAI affect humanitarian operations in South Sudan. Participants in the survey were asked to rank the impediments they have experienced in order of impact on their humanitarian activities. While many factors influence the implementation of humanitarian activities, BAI can have a significant impact on the delivery of aid.

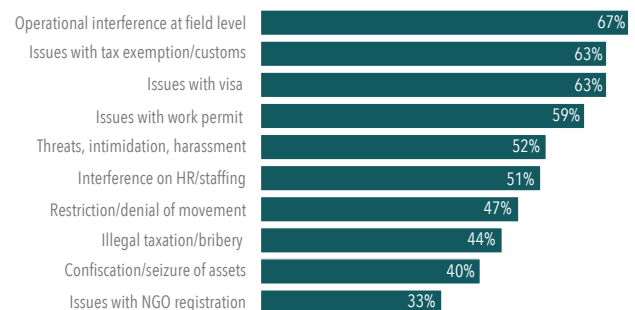
The survey found that certain BAI were perceived to have a major impact on response, even when encountered less frequently. Restriction or denial of movement, for example, was ranked first among all impediments in terms of impact on humanitarian response, despite being encountered by less than half (47 per cent) of respondents. Respondents explained that this was because restriction or denial of movement results in delay or cancellation of activities in most cases, thereby having a major impact on operations.

Threats, intimidation and harassment were perceived to have the second highest impact on delivery of assistance, despite being encountered by only 52 per cent of respondents. Given the history of negative consequences for humanitarian organizations that do not comply with threats, intimidation and harassment—including expulsion—organizations noted that such actions could have a serious impact on operations. Survey respondents noted that the principles of neutrality, impartiality

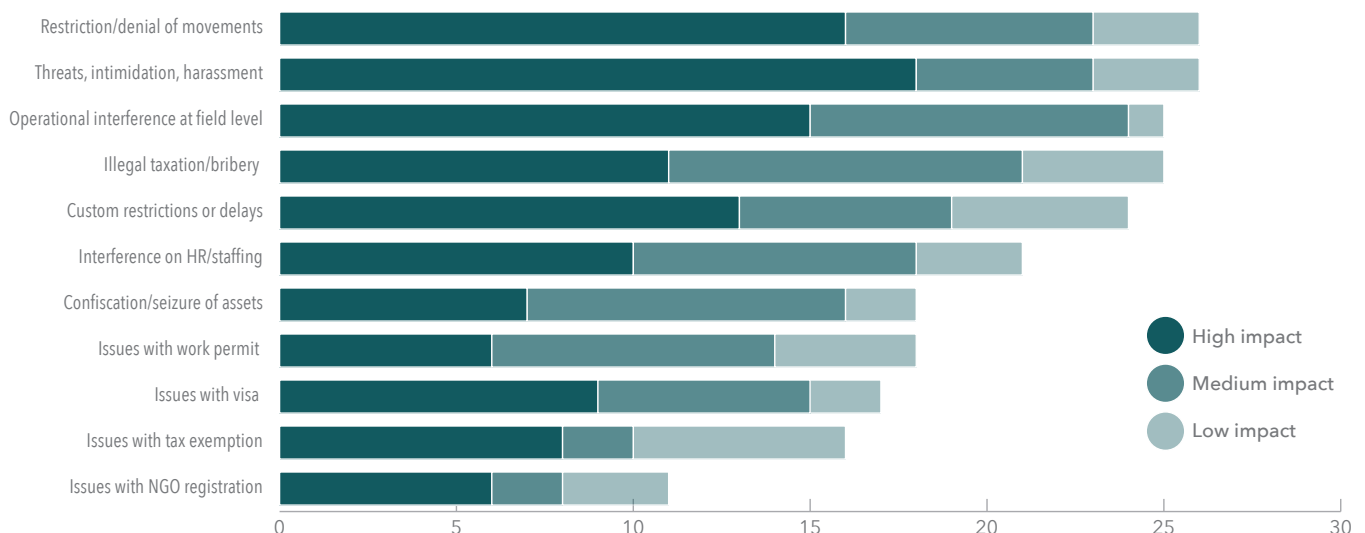
and independence are not always understood and/or respected by parties to the conflict and their representatives, and that attempting to uphold these principles and/or explain them to authorities can generate threats, intimidation or harassment.

Operational interference at field level, on the other hand, was the bureaucratic impediment most frequently encountered by survey respondents, with 67 per cent stating that they had experienced it. However, while operational interference was seen to be a direct hindrance during preparation and implementation of humanitarian activities, it ranked slightly lower in perceived impact on delivery of humanitarian assistance compared to restrictions on movement and threats, intimidation and harassment.

### FREQUENCY OF BAI



### RANKING OF BAI BASED ON IMPACT TO DELIVER HUMANITARIAN ASSISTANCE



## KEY DETERMINANTS OF IMPACT

Delayed implementation was considered a key determinant of impact.

Given that timeliness is one of the most important criteria when assessing the effectiveness and quality of humanitarian operations, any bureaucratic impediment that delayed life-saving humanitarian response was considered by survey respondents to have a major impact. In addition to restrictions on movement and operational interference, delays in tax exemption processes and customs clearance were highlighted as seriously affecting the efficiency of humanitarian response in South Sudan. This is despite the fact that the Agreement on the Resolution of the Conflict in South Sudan commits the Transitional Government of National Unity (TGoNU) to “fast track procedures and institutions for the importation and customs clearance of relief materials” during the transition.

As reported by participants in the survey, in 2016, delays in the supply chain of aid organizations—largely attributed to challenges experienced with customs authorities—led to long periods when humanitarian actors did not have the nutrition supplies necessary to run their activities. As a result, a large number of nutrition sites operated without being able to provide the necessary care for malnourished children and women. When the supplies finally made it through customs and were delivered, additional staff had to be hired to respond to the increased needs of the population. This significantly raised the cost of humanitarian delivery, while placing people at risk.

“At times humanitarian actors feel like they might have to compromise their professional integrity in order to prevent delays that would seriously affect the populations in need of humanitarian aid.”

– A respondent explained in one of the focus group discussions.



Photo: Pinnock/WFP

## BAI AND VIOLENCE

A significant number of BAI were accompanied by violence.

Although BAI themselves do not involve the use of force, the survey revealed that they can be a precursor to violence. This was particularly the case for confiscation of assets (followed by violence in 41 per cent of cases), threats, intimidation and harassment (followed by violence in 29 per cent of cases), human resources-related interference (followed by violence in 26 per cent of cases), and interference in field operations (followed by violence in 21 per cent of cases). Cases of illegal taxation/ bribery and restriction/ denial of movements resulted in acts of violence or use of force in 13 per cent of the cases. Respondents to the survey noted that violence can be carried by armed actors, but also by civilians, including former staff and authorities.

### BAI FOLLOWED BY VIOLENCE

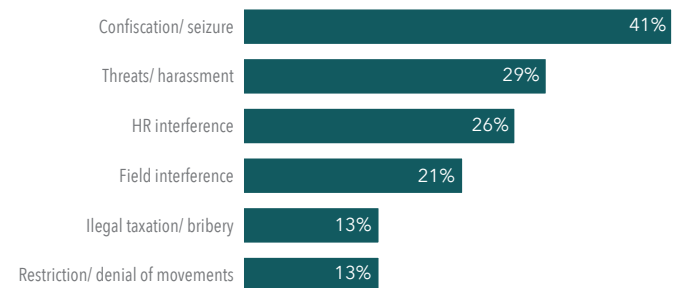


Photo: NRC

## BAI IN

GOVERNMENT-HELD  
AND IO-HELD AREAS

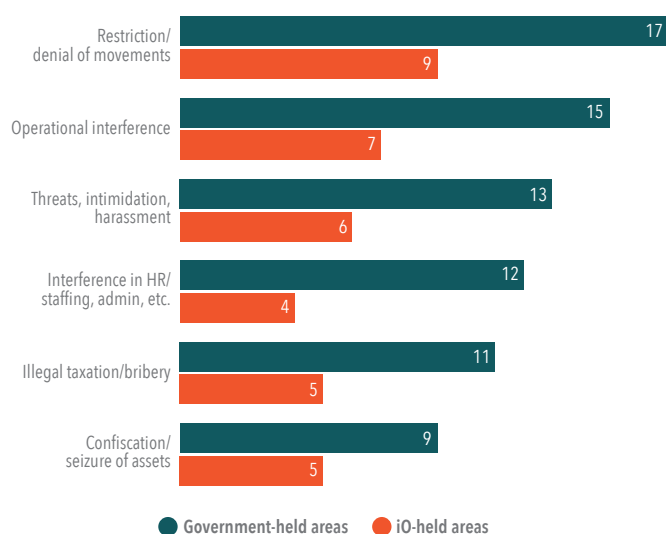
A high incidence of restrictions on freedom of movement and operational interference was reported in both Government-held and iO-held areas.

Overall, the types of BAI reported in government-held and iO-held areas were quite similar, although with less cases reported in iO-held areas. Restrictions or denials of movement were reported to be the BAI that most impacted humanitarian activities, both in government-held and iO-held areas, according to survey respondents, followed by operational interference and threats, intimidation and harassment. In iO-held areas, interference in human resources was the least frequent impediment, while in government-held areas, confiscation or seizure of assets was the least common impediment experienced by humanitarian aid workers.

“In both iO-held and Government-held areas, local representatives of the authorities are pressuring us [humanitarian actors] regarding the selection of locally-recruited staff and casual workers, and to use humanitarian assets.”

– A respondent explained in one of the focus group discussions

## REPORTED IMPEDIMENTS



## KEY

## ACTORS

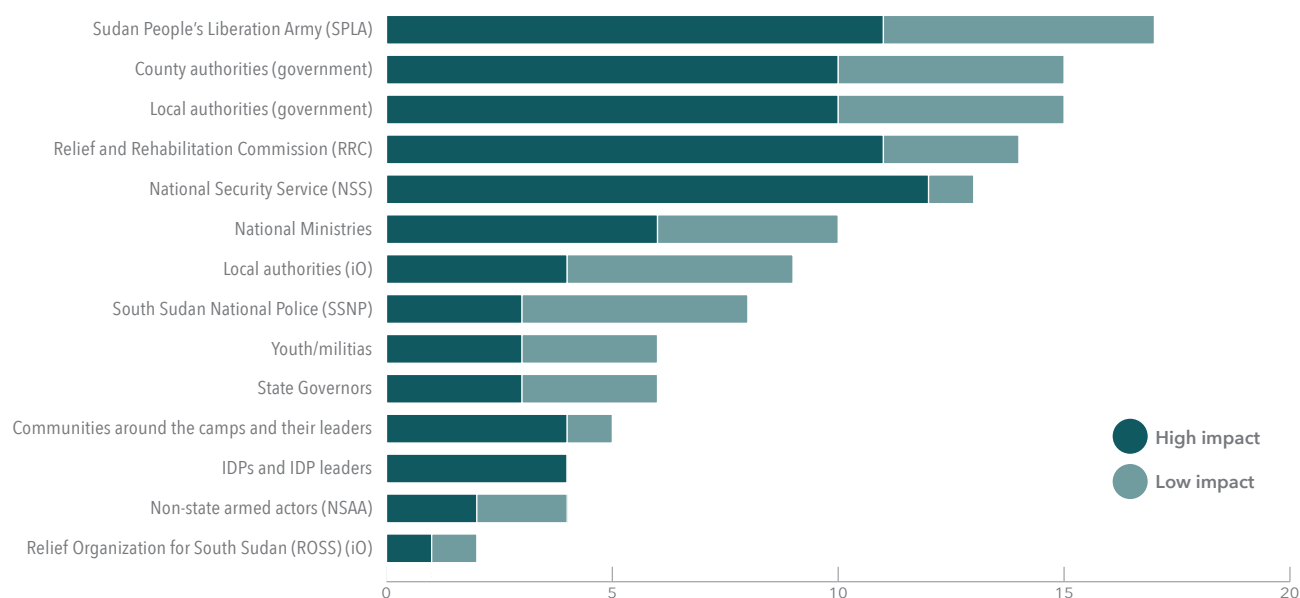
Armed actors had the most negative impact on humanitarian activities.

Humanitarian actors were asked to rank authorities, both military and civilian, who impact their activities most. Cumulatively, the SPLA was perceived by respondents as the most detrimental to the delivery of humanitarian activities due to: restricting movement (both blocking access by aid workers to conflict affected populations and preventing these populations to access humanitarian assistance); levying illegal taxation at checkpoints; threatening and intimidating humanitarian actors; confiscating aid assets including vehicles and humanitarian supplies; and interfering with field operations (assessments, distributions, etc.). The National Security Service (NSS) was likewise perceived as having a high impact on humanitarian assistance. However, civilian authorities, including county authorities, local authorities and the Relief and Rehabilitation Commission (RRC) all ranked higher than NSS, when considering both high and low impacts.

Local iO authorities, the iO Relief Organization for South Sudan (ROSS), and non-state armed actors ranked considerably lower than government authorities. This may be a result of their controlling less territory than their Government counterparts and also due to the focus and geographical coverage of organizations who responded to the survey.



## ACTORS AND THEIR IMPACT ON HUMANITARIAN ACTIVITIES





## BAI

## REPORTING

Most BAI are not reported and, when they are, they are reported more consistently to headquarters.

Generally, BAI stay largely unreported. Based on survey responses, on average only about one third of known cases of BAI are reported to any entity. Cases of restriction/denial of movement are most reported, at 41 per cent, followed by interference in field operations (36 per cent of cases reported), and confiscation/seizure of assets (34 per cent), while BAI related to NGO registration and tax exemption/customs are least reported at 21 per cent respectively.

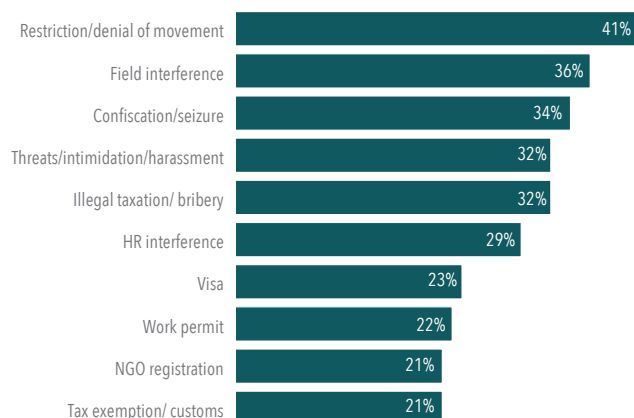
Reporting of BAI is used both to request assistance and/or generate guidance, as well as providing information on the context and the severity of experienced impediments. The survey results indicate that, when humanitarian organizations do report impediments, they usually deal initially with BAI by reporting to their own headquarters. Overall, 83 per cent of respondents indicated that they would contact their headquarters to report BAI. In comparison, only 39 per cent said they would report to the NGO Forum, and only 30 per cent to OCHA, and 26 per cent to government officials.

Respondents stated that the cases they were most likely to report to OCHA related to restriction and denial of movement (64 per cent) and operational interference in the field (42 per cent). The high incidence of reporting was linked to an understanding that reporting such incidents would lead to assistance in dealing with the problem and a higher chance of resolution. In contrast, NGO registration impediments were mostly reported to headquarters (75 per cent) and the NGO Forum (62 per cent), with only 12 per cent of such cases reported to OCHA. Respondents indicated that they reported to UNMISS and UNDSS in 22 per cent of cases, primarily to resolve restriction or denial of movement issues (57 per cent) and also to help in cases of threats and harassment (20 per cent).

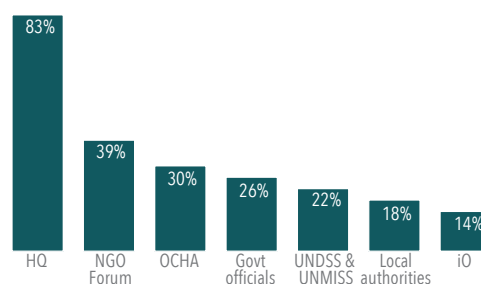
Respondents indicated that they reported to government authorities primarily cases of confiscation or seizure of humanitarian assets (37 per cent). The RRC and the Ministries of Immigration, Customs and Labour were the government entities that received the most reports and requests for assistance related to BAI. Incidents were more rarely reported to local authorities (18 per cent) and the

SPLA-iO (14 per cent). The SPLA-iO was mostly contacted on cases of operational interference in the field (29 per cent) and local authorities for cases of confiscation or seizure of humanitarian assets (31 per cent).

## REPORTED BAI



## ACTORS TO WHOM ORG. REPORT BAI



## REPORTING PROCEDURE FOR EACH BAI

	HQ	NGO Forum	OCHA	Government officials	UNDSS & UNMISS	Local authorities	iO
Restriction/denial of movement	71%	36%	64%	29%	56%	14%	14%
Field interference	79%	33%	42%	29%	13%	29%	29%
Confiscation/seizure	81%	37%	25%	37%	12%	31%	12%
Threats/harassment	90%	43%	29%	19%	20%	14%	10%
Illegal taxation/bribery	100%	47%	33%	20%	7%	7%	7%
HR interference	83%	50%	28%	30%		11%	
Visa	85%	31%	23%	23%			
Work permit	77%	23%	23%	30%			
NGO Registration	75%	62%	12%				
Tax exemption/Customs	87%	25%	19%	19%			

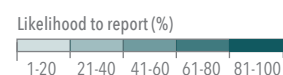


Photo: Logistics Cluster

## INTRODUCTION OF

# NEW IMPEDIMENTS

Survey respondents indicated that new BAI are regularly introduced, and that it is difficult to understand which actions and fees imposed by authorities are lawful and which are illegal.

Through the survey, several humanitarian actors raised concerns that line ministries request payment of fees to assist with bureaucratic blockages that the ministries themselves are perceived to have created. Several survey respondents reported that some authorities seemed to have created entirely new and unregulated procedures, sometimes duplicating existing procedures, for the purpose of raising revenue from humanitarian organizations. For example, humanitarian actors raised concerns that line ministries sometimes request payment of fees to supposedly assist in eliminating bureaucratic blockages that the very same ministries are perceived to have created. Additionally, many respondents reported that government employees had requested fees for providing services that should be free according to regulations.

Respondents also noted that procedures are subject to change without notice. Clearance for the transportation of medicines and medical equipment, for example, has to be approved by the Drug Security Office in addition to the RRC authorization. One humanitarian organization, implementing emergency health projects in crisis-affected parts of South Sudan, explained that throughout the year they had to spend an average of three days every time they needed to move humanitarian cargo to the field. Initially, each and every flight had to be cleared. However, they finally negotiated to have the procedure approved on a monthly basis, but faced further difficulties with different requirements being implemented

each month, and the threat of going back to a flight-based clearance process.

Implementation of humanitarian activities was described by respondents as increasingly challenging following the Presidential decrees (36/2015 and 2/2017) regarding the establishment of additional states. This led in some places to an increase in fees that was seen by humanitarian actors as unreasonable. Respondents reported that the increasing number of administrative authorities their organizations must deal with has increased the overall cost of humanitarian assistance. However, it has been difficult to quantify the additional costs. These practices also slow down humanitarian responses by requiring managers to focus attention and resources on addressing these challenges, rather than on the quality of their operations.

**“We are using a fixer to help us with tax clearances. The procedures keep changing and it has just become impossible to deal with without any inside help. Most fixers are working for the taxation offices.”**

– A respondent explained in a focus group discussion



Photo: UNDP

## KEY DETERMINANTS OF ACTION

Concern for staff safety and fear of negative outcomes were key determinants of action taken by humanitarian organizations in response to BAI.

Humanitarian actors do not always challenge BAI they are confronted with. When asked how they reacted to BAI, and their motivations for choosing whether or not to challenge them, concern for safety was the most frequently cited determinant of respondents' decisions (27 per cent). Respondents noted that administrative issues can escalate into security issues, with many BAI accompanied by acts of intimidation, threats of violence, and sometimes acts of violence. Security was raised as a concern in 100 per cent of cases of restriction of movement, when humanitarian actors were asked about the factors determining their reaction. Concern for safety was also a major factor in determining reactions to cases of threats and harassment, and issues with illegal taxation and bribery (76 per cent and 73 per cent respectively). Some respondents reported having received threats from officials in key offices working with humanitarian actors when they endeavoured to challenge a decision. Others said they felt that their security would be at risk if they reported any wrongdoing to other government entities, including instances of bribery by government officials.

Concern regarding potential negative impacts on the organization was the second most-cited determinant of actions taken (22 per cent). Several respondents explained that they had been threatened by local officials with such measures as closure of projects or expulsion of staff if their organization challenged decisions, and that they therefore did not challenge them. However, concern regarding potential negative impacts also led some humanitarian actors to contest particular decisions or actions because of their implications, including financial liability, ability to implement projects, and reputational risk. The possible negative impact for their humanitarian organizations or agencies was raised by at least 67 per cent of respondents in cases of issues with visa, work permit and NGO registration, as well as interference in field operations and human resources or administrative matters.

Another factor cited by respondents as influencing their decisions as to whether or not to take action was lack of confidence in duty bearers' willingness to positively resolve BAI. Respondents noted that challenging impediments can be time

### OVERALL MOTIVATIONS FOR REACTING



### KEY HUMANITARIAN ACCESS FIGURES 2016

	24	aid workers killed
	108	cases of threat/harassments
	67	cases of assault/ambush/armed attack
	71	cases of looting
	77	cases of staff withdrawal/suspension of activity



consuming and also expose individuals or organizations to possible abuse by officials. Respondents also described how, even when strictly following instructions given by authorities, they still received negative responses.

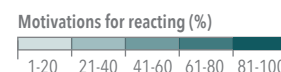
Beyond concerns for safety and potential negative impacts, individual organizational policy (19 per cent) was the next key determinant of decisions taken on how to react to BAI, followed by humanitarian principles (14 per cent), and humanitarian community practice (10 per cent). Humanitarian principles were considered most relevant when dealing with threats and harassment (raised in 57 per cent of cases by respondents) and operational interference at field level (56 per cent). Whether or not a decision was perceived to be challengeable was the least cited (8 per cent). Some respondents mentioned that their decisions as to whether or not to challenge BAI were motivated by the importance of maintaining the trust of their beneficiaries and the communities in which they worked. It was highlighted that perceptions of impropriety and/or impartiality can seriously affect the acceptance of aid organizations and ultimately undermine their capacity to assist people in need.



Photo: OCHA

## MOTIVATION FOR REACTING TO EACH BAI

	Concern for safety	Concern for negative impact	Own organization policy	Humanitarian principles	Humanitarian community practice	Challengeable decision
HR interference	53%	68%	74%	42%	32%	26%
Confiscation/seizure	65%	53%	41%	47%	18%	18%
Field interference	64%	68%	48%	56%	32%	24%
Illegal taxation/bribery	73%	47%	47%	33%	40%	20%
Visa	56%	67%	33%	32%	17%	22%
Threats/harassment	76%	52%	57%	57%	29%	19%
Tax exemption/customs	6%	53%	47%	35%	18%	24%
Work permit	53%	67%	47%	27%	20%	33%
Restriction/denial of movement	100%	40%	40%	33%	40%	
NGO registration	44%	67%	67%	22%	11%	33%





## RESPONSE STRATEGIES &

# RESOLUTION

Despite various response strategies put in place by humanitarian organizations, fewer than half of the reported BAI were resolved with a positive outcome.

The survey found that the overall satisfactory resolution (outcome resolved positively) for all categories of BAI is 32 per cent. With the exception of tax exemption and NGO registration, fewer than half of the cases raised were resolved with a positive outcome. Restriction or denial of movement, illegal taxation and bribery, and work permits were the three impediments with the lowest rates of satisfactory resolution/positive outcome (13 to 14 per cent).

Respondents indicated that they were most likely to challenge interference in human resources (63 per cent said they would consistently challenge), and confiscation or seizure of humanitarian assets (62 per cent). However, the outcomes of these cases were vastly different, with cases of interference in human resources likely to be resolved positively in more than 40 per cent of cases, versus positive resolution in fewer than 20 per cent of cases of confiscation or seizure of assets.

Respondents indicated that they were least likely to challenge issues related to restriction or denial of movement (27 per cent would challenge), decisions on work permits (29 per cent would challenge), and issues with tax exemption and customs (33 per cent would challenge). This appears to be linked to

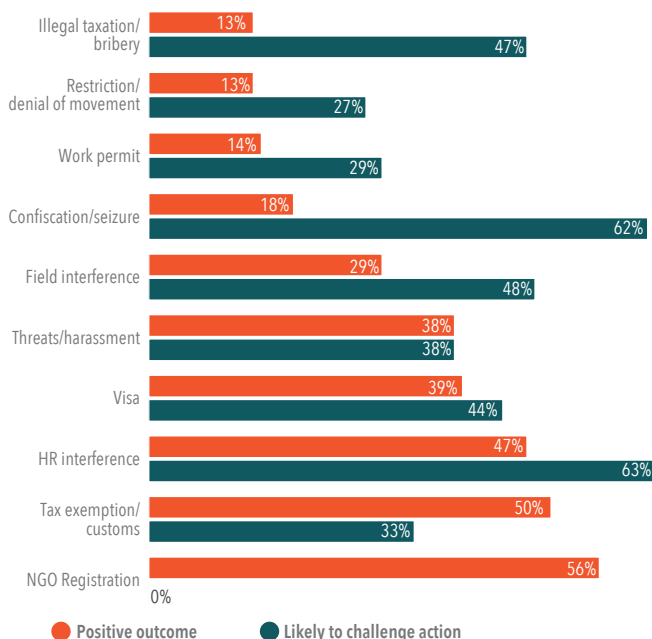
the risks associated with challenging such decisions, as well as concerns for staff safety, which were raised in all cases when humanitarian actors were asked why they did not challenge decisions related to restrictions or denials of movement.

Respondents noted that, in the face of increasing BAI, they have adopted various response strategies. For example, the use of brokers, additional clearing agents and lawyers has been on the rise among humanitarian actors. Other respondents noted that they have hired staff from specific ethnicities, as this can be helpful to resolve BAI. However, these strategies are often not able to prevent lengthy and costly delays and are costly. While larger organizations might have the necessary funds, many smaller organizations—especially NNGOs—do not have the resources for such services. Further, many aid workers do not consider these compromises as positive or satisfactory outcomes.

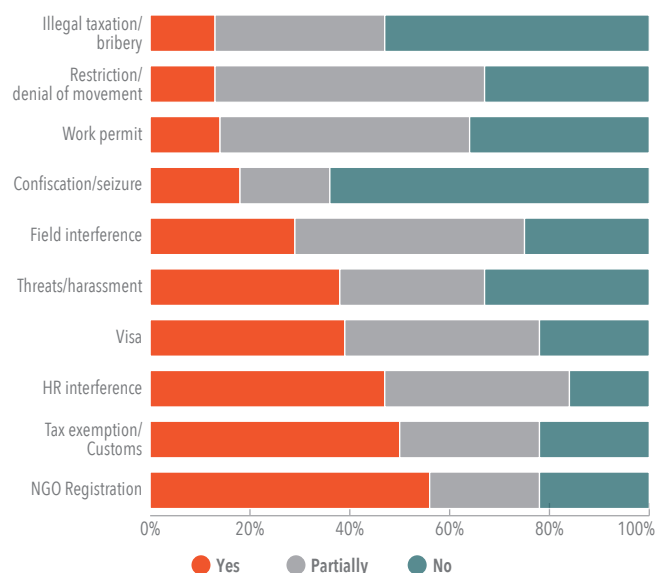
**“Humanitarian actors in South Sudan are usually willing to provide humanitarian assistance at any cost.”**

– An INGO respondent said in a focus group discussion

### REACTION TO IMPEDIMENTS COMPARED TO OUTCOME



### SATISFACTORY RESOLUTION OF BAI



# PART III: SPECIFIC RESULTS

In addition to general observations regarding BAI and strategies to address them, respondents were asked to respond to a series of questions regarding specific BAI.

Visas .....	21
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NGO registration .....	25
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Operational interference at field level .....	27
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## VISAS

All international humanitarian workers—whether UN or NGO—are required to have a valid visa in order to enter and reside in South Sudan. The procedure for obtaining a visa can require different levels of approvals and humanitarian actors can face administrative constraints at multiple stages in the process, including: during the visa approval process (e.g. visa denial, visa renewal denial, visa approval delays), on arrival in South Sudan (e.g. refusal of entry despite valid visa); or during the staff member's stay in South Sudan (e.g. revocation or cancellation of visa). Blockages at different levels of the procedure either in South Sudan or even before arrival of the staff can also be encountered.

While most national organizations who responded to the survey reported not having any international staff, a minority (around 20 per cent of NNGO respondents) reported employing a small number (less than five) of foreign nationals, mostly from the sub-region (Kenya and Uganda in particular), who requires visa. In comparison, 42 per cent of other humanitarian actors (UN entities, INGOs and international organizations) reported having more than 21 expatriates on their staff who requires visa.

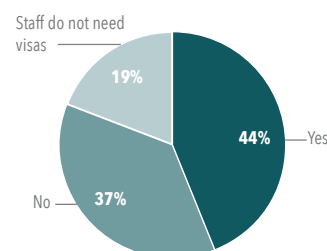
### Issues identified

More than half (55 per cent) of respondents in the survey indicated that they or their organization had experienced procedural challenges in the issuance of visas. The most frequently reported visa-related issue was delays in the processing of applications and visas. Respondents noted that this resulted in postponements of arrival of aid workers and ultimately delays in implementation of activities that should have been managed by those staff. The second most frequent issue reported was denial of visa renewals. Several respondents noted that such denials have been related to requests from authorities to nationalize certain positions, especially in mid- and senior-management.

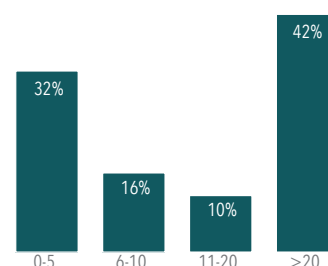
Lack of clarity regarding the procedure, fees, and supporting documentation required were highlighted as challenges by respondents. Some organizations were able to receive visas in South Sudanese Embassies abroad while others were told that they could only apply in South Sudan. Several UN agencies staffs were asked to pay a US\$100 visa on arrival although they had a letter of invitation from the Ministry of Foreign Affairs and UN staff used to be exempted for requiring a visa to enter and reside in South Sudan.

Respondents also highlighted contrasting guidance from national and state-level authorities. State immigration authorities have, on occasion, issued visas to humanitarian workers. However, while in limited instances this helped the

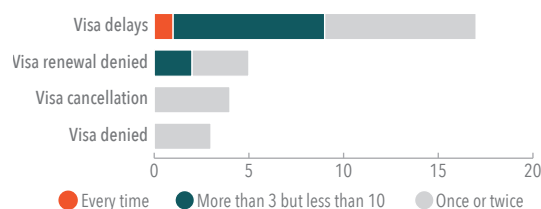
### RESPONDENTS EXPERIENCING VISA ISSUES



### STAFF NEEDING A VISA



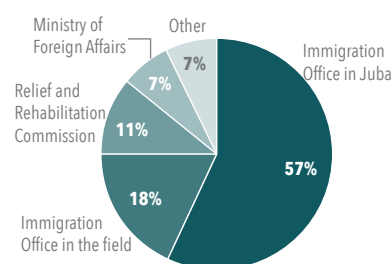
### FREQUENCY OF VISA ISSUES



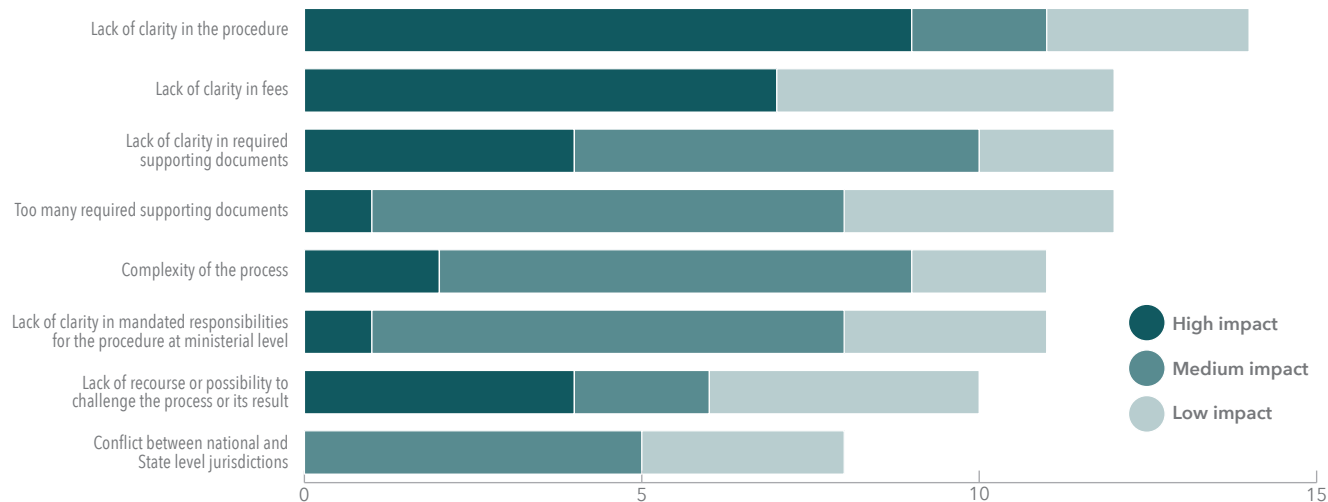
humanitarian organization, more frequently state-level action in relation to visa processes has resulted in duplication of procedures and generated additional costs (fines and payment of new visas).

Separately, organizations noted that sometimes to obtain a visa for specialized staff, they had to have the visa approved by three or more different authorities, including for example, the relevant line ministry, the RRC office, and finally the immigration office. Sometimes the Ministry of Foreign Affairs is also involved in visa issuance. All of the issues encountered by respondents originated from entities tasked to facilitate the issuance of the visas (immigration offices, RRC and the Ministry of Foreign Affairs). This is despite the Agreement on the Resolution of the Conflict in the Republic of South Sudan of August 2015, committing the government to: “Fast track procedures and institutions for the granting and renewal of visas required by international personnel participating in the humanitarian relief effort”.

#### ENTITIES CAUSING VISA ISSUES



#### MAIN CHALLENGES WITH THE VISA PROCEDURES



## WORK PERMITS

In line with circulars and ordinances from the Ministry of Labour, Public Service and Human Resource Development of South Sudan, all foreigners working for non-governmental organizations in South Sudan must be issued a working permit to be lawful residents. Work permit issues include: work permit denial, work permit renewal denial, work permit delays, and work permit cancellation. Procedural issues can also arise from a lack of clarity on required supporting documents, lack of clarity of the procedure itself, or even competing requests from several ministries, departments or commissions, and varying demands at national and state level.

### Issues identified

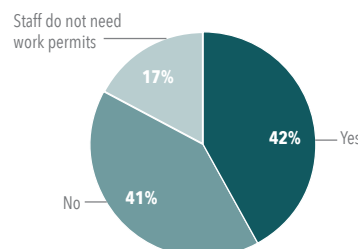
Forty-two per cent of respondents indicated that either they or their organization had experienced work permit issues. It was noted that, while most work permits are processed by the Ministry of Labour in Juba, in 2016 State Ministries of Labour requested that aid workers pay work permit fees directly to them and not to the Juba office. As a result, while 43 per cent of work permit issues were reported to have originated with the Ministry of Labour in Juba, some 36 per cent were reported to have arisen with state-level Ministries of Labour. There has not been any report of cancellation of work permits by authorities.

As with the visa process, the most common work permit issue encountered by respondents was delays. Because of the frequency of the issuance of work permits (most work permits have a validity of three months), respondents noted that delays have generated an increased burden for the administrative departments of humanitarian organizations.

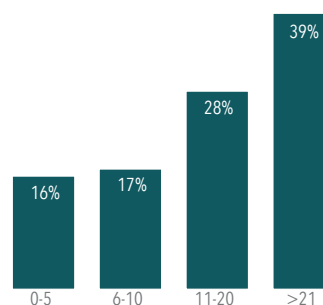
Respondents noted that the complexity of the process was challenging, mainly because of lack of consistency in amounts charged and lack of clarity regarding required documentation. Some organizations were asked to produce locally translated and notarized copies of original certificates and diplomas, while others received work permits without having to provide any copies.

Some respondents noted that, when work permits are denied, they are most often not given a reason and this leaves them without recourse to challenge the decision. Respondents noted that work permit requests may be refused despite having met all requirements of the procedure and having complied with additional demands for supporting documentation.

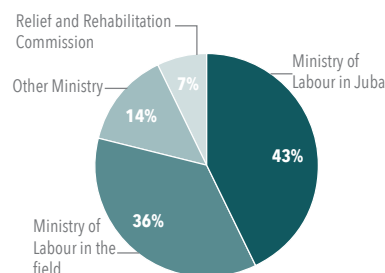
### RESPONDENTS EXPERIENCING WORK PERMIT ISSUES



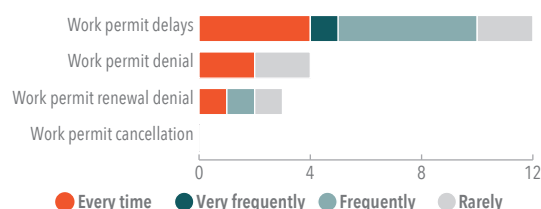
### STAFF NEEDING WORK PERMITS



### ENTITIES CAUSING WORK PERMIT ISSUES

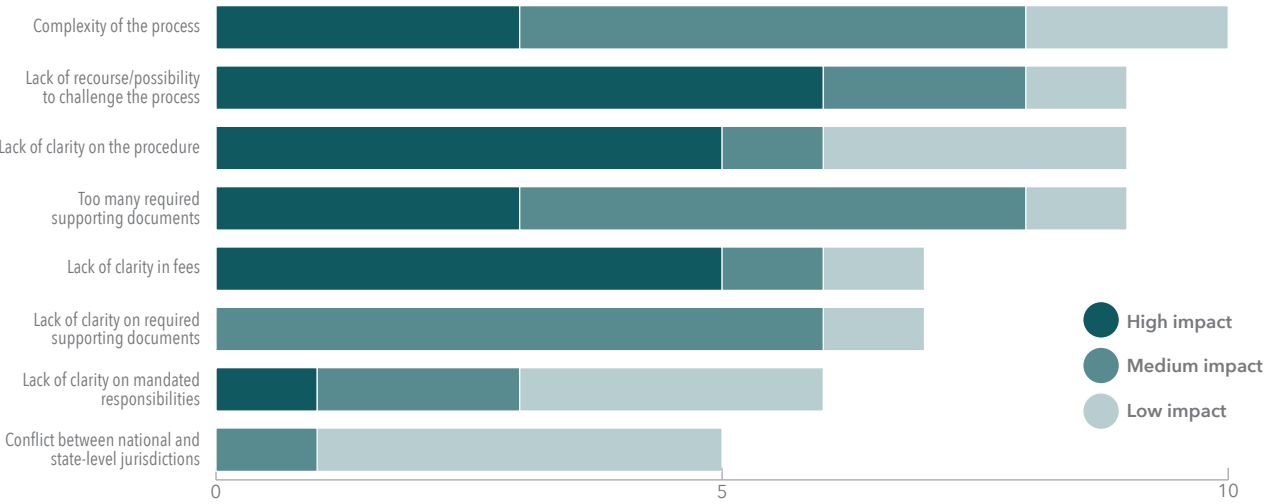


### FREQUENCY OF WORK PERMIT ISSUES





MAIN CHALLENGES WITH WORK PERMIT PROCEDURES



## NGO REGISTRATION

The NGO Act of 2016 requires all NGOs operating in South Sudan to register with the Registrar of the Relief and Rehabilitation Commission (RRC). A detailed list of required documents to register is available in the legislation. However, NGO registration issues continue to be encountered, including: registration denial; registration renewal denial; registration cancellation; and registration delays. Procedural issues can also hinder the issuance of a registration certificate like requests for additional supporting documents. There is also no specified procedure to challenge cases of denials. NGOs have also received requests for local registration by State authorities although the law stipulates that the only registration required to operate in South Sudan is the RRC registration with the General Registrar at national level.

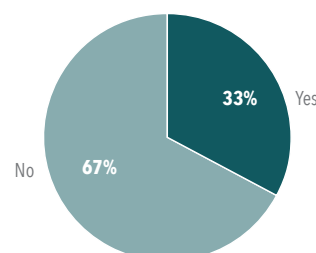
### Issues identified

Two thirds of respondents reported that they had not experienced issues with the registration process of their organizations in 2016, with a few noting that the procedure was relatively straightforward.

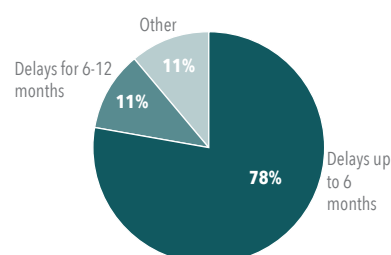
For the one-third of organizations that did encounter difficulties, the most common issue was delays in registration that lasted for up to six months. Respondents noted that such delays had repercussions for other administrative procedures, including tax exemption (66 per cent) and issuance of work permits and/or visas (67 per cent). For example, one respondent noted that, while they were waiting for their NGO registration, they were denied access to tax exemptions for their humanitarian cargo.

Several respondents noted that they expect more difficulties with the procedure for the renewal of their NGO certificates in 2017. To counter this, they are preparing for rigorous and stringent scrutiny.

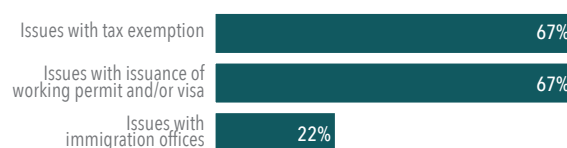
### RESPONDENTS EXPERIENCING NGO REGISTRATION ISSUES



### TYPES OF NGO REGISTRATION ISSUES



### CONSEQUENCES OF NGO REGISTRATION ISSUES



## TAX EXEMPTIONS AND CUSTOMS

The NGO Act of 2016 provides a legal framework under which NGOs can be granted exemption from customs taxes on the importation of humanitarian assistance, assets and equipment. The NGOs Registration, Procedures and Regulations circular published by the Relief and Rehabilitation Commission in 2016 following the publication of the 2016 NGO Act provides in section 16 for customs exemptions: “The Organization may be exempted from the customs duties and other charges, provided that it avails the following: (a) Valid registration certificate in South Sudan and implementing voluntary and humanitarian projects; (b) A request from the Organization for customs exemption; (c) A list of items to be exempted, shall be in line with plans indicated in the projects documents; (d) The cargo manifest waybill, and Performa invoices indicating the value of the items and assets; (e) All lists of imported items and application for customs exemption shall be signed by the Country Director of the Organization. Furthermore, Section 88 of the 2009 Taxation Act states that “there shall be an exemption from the advance payment of tax for: (a) all food items that are considered to be basic necessities and unprocessed foods as may be determined by regulations; (b) humanitarian aid when imported by a bona fide organization as prescribed by regulations; (c) goods imported by a contractor, other than a local contractor, in the performance of a contract with the United Nations, the UN Specialized Agencies, or other international or governmental donors to the Government of Southern Sudan; (d) goods imported by the United Nations, the UN Specialized Agencies, or other international or governmental donors to the Government of Southern Sudan”. Tax exemption and customs issues include: tax exemption denial, tax exemption delays, customs restrictions, and customs delays.

The procedure of obtaining a tax exemption, which is under the responsibility of the Exemptions Unit of the South Sudanese Customs Services, involves a number of actors: the Director General of Customs Services; the Minister of Finance and Economic Planning (MOFEP), the Relief and Rehabilitation Commission (RRC) and different line Ministers depending on the nature of the goods imported. The National Directorate of Taxation and the Customs Services are the only two entities that can tax importation of goods.

### Issues identified

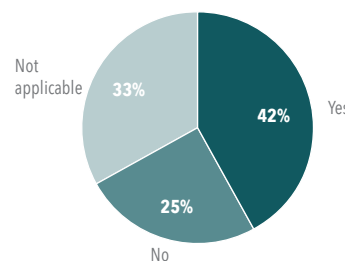
Sixty-three per cent of humanitarian actors who participated in the survey and import relief goods into the country reported experiencing challenges with tax exemption and customs clearance. More than half of the problems encountered related to the importation of vehicles (39 per cent) and Information and Communications Technology (ICT) equipment (16 per cent), which are critical for the continuity, safety and security of aid operations. A further 38 per cent of issues concerned the importation of relief materials, especially pharmaceutical and health equipment (19 per cent).

Respondents indicated that the health sector has been particularly affected by challenges in obtaining tax exemptions and customs clearances. This has been exacerbated by the requirement for the Ministry of Health to authorize importation of pharmaceuticals and payment of additional taxes to the Drug and Food Authority. Even UN agencies have had tax exemptions pending sometimes for more than six months for importation of life-saving medicine, vaccines and hospital equipment. According to one respondent, in one case, life-saving drugs were blocked from entry while waiting for the tax exemption request to be processed. The process took so long that the drugs expired while the organization was waiting for the certificate.

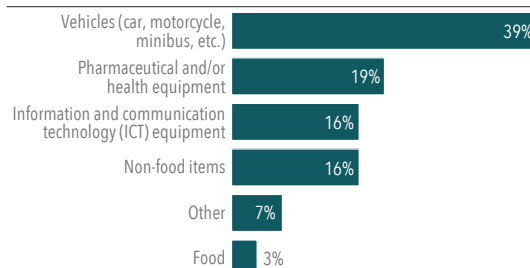
Respondents noted that, because exemption certificates are valid for a limited period (on average one month), sometimes delays in the supply chain can lead to the exemption expiring before the cargo reaches South Sudan. Considering the complexity of the routes to bring in freight, humanitarian actors highlighted the need for the duration of exemption certificates to be reviewed.

Respondents highlighted the proliferation of new taxation laws and decrees that increase the cost of importing aid assistance. It was noted that, in 2016, several national and state authorities issued circulars raising existing taxes and creating new ones. Some organizations mentioned that authorities had also charged them profit tax on humanitarian goods, based on their assessed market value.

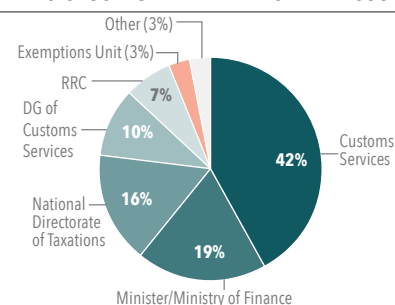
### RESPONDENTS EXPERIENCING TAX EXEMPTION/CUSTOMS ISSUES



### TYPES OF IMPORTED GOODS WITH TAX EXEMPTION OR CUSTOMS ISSUES



### ENTITIES CAUSING TAX EXEMPTION AND CUSTOMS ISSUES



## OPERATIONAL INTERFERENCE AT FIELD LEVEL

Humanitarian organizations assist affected people solely on the basis of the internationally-agreed humanitarian principles: humanity, neutrality, impartiality and independence. In practice, this means that humanitarian assistance is prioritized according to needs. Operational interference occurs when a humanitarian organization is compelled by a stakeholder to diverge from these criteria and can include interference with: geographical location selection; beneficiary selection; needs assessments; distributions, etc. For the purposes of this survey, operational interference was restricted to non-violent interference.

### Issues Identified

Two-thirds of respondents indicated that they or their organization had experienced operational interference. It was noted, however, that most interferences were sporadic or one-off (63 per cent), while 10 per cent of respondents indicated that they had experienced interferences every time they were working in the field.

The most recurrent form of interference identified by respondents was in relation to the selection of beneficiaries, with 73 per cent of respondents indicating that they had experienced some form of interference during selection of beneficiaries. This was closely followed by interference during distribution of assistance (reported by 69 per cent of respondents) and in the selection of geographical areas (reported by 62 per cent of respondents).

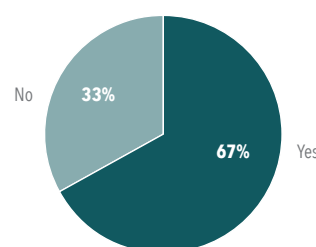
Respondents also noted that they had experienced interference when attempting to travel to the field, including authorities preventing aid workers from travelling with telecommunications equipment necessary for ensuring staff safety and communication throughout field deployments.

There were also issues with transportation of cash to the field to pay employees and for essential supplies. In several instances when they had to transfer money to their bases in IO administrated territories, respondents reported that authorities in Juba were reluctant to authorize such transfer. A respondent explained that, in one instance, a NNGO was shut down for allegedly supporting iO after requesting authorization to transfer cash to cover the cost of their humanitarian activities in a certain field location.

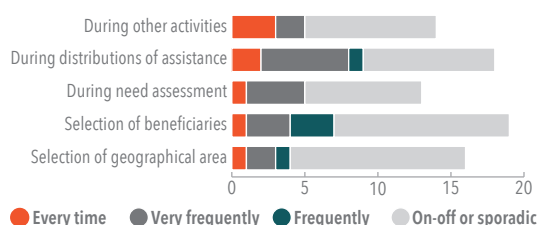
There were also issues with transport of cash to the field. Humanitarian organizations are transferring cash to the field to pay employees and for essential suppliers. In instances, when they had to transfer money for humanitarian operations in iO-held areas, authorities in Juba were reluctant to authorize such transfers. Humanitarians have been questioned and threatened with arrest. A respondent explained that in one instance, a NNGO was shut down for allegedly supporting the iO after requesting authorization to transfer cash to cover the cost of their humanitarian activities.

Respondents indicated that the actors most frequently engaged in operational interference at field-level were county authorities (60 per cent), RRC representatives (48 per cent), community leaders (40 per cent), national security service officials (36 per cent), and the SPLA (32 per cent).

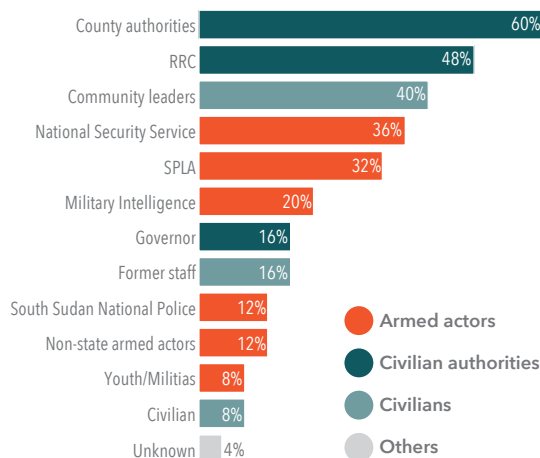
RESPONDENTS REPORTING OPERATIONAL INTERFERENCE AT FIELD-LEVEL



FREQUENCY IN TYPES OF OPERATIONAL INTERFERENCE



ACTORS ENGAGED IN OPERATIONAL INTERFERENCE AT FIELD LEVEL



## INTERFERENCE IN HUMAN RESOURCES/STAFFING

South Sudanese laws provide a legislative framework for human resources (HR) management and the administration of humanitarian organizations' workforce. When it was adopted in 2016, the NGO Act introduced the so-called "80-20" rule, requiring that 80 per cent of NGO staff at all levels be South Sudanese. Interference on Human Resources/staffing, and administration matters includes: interferences in recruitment, in staff selection, with employment contracts, with benefits, in labour dispute and in staff termination, issuance of a *Persona-Non-Grata* (PNG) status (accompanied or not by arrest and detention), and in extreme cases deportation of humanitarian aid workers.

### Issues identified

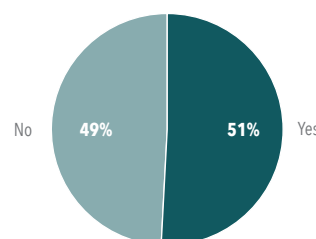
More than half of the respondents to the survey indicated that they or their organization had experienced interference in human resources-related matters. As with operational interference, most HR/administrative interferences were described as one-off, with only 10 per cent of respondents stating that such interferences were frequent.

The most commonly experienced interference was in relation to the recruitment of national staff by humanitarian organizations, with 80 per cent of respondents indicating that they or their organizations had experienced such interference. Respondents noted that several state RRC offices had indicated that they wanted to participate in recruitment processes, and that some had blocked recruitment of selected candidates through orders and threats of arrest or closure of field offices. Respondents also reported that authorities and government officials frequently sent resumes and strongly recommended individuals who might not have the required skills for the position they were being recommended for, putting the hiring organization in a difficult position. In comparison, 35 per cent of respondents had experienced interference in the recruitment of international staff members. However, respondents noted that this figure may rise and that several respondents had experienced delays in registration due to requests that specific international positions be nationalized.

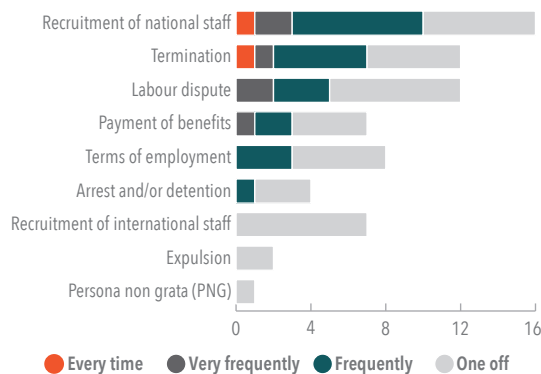
Beyond interference in recruitment, the most frequent type of interference was in relation to the termination of contracts and/or labour disputes, with 60 per cent of respondents reporting such interference.

Respondents noted that interference in HR/administrative matters can be highly complex as it may be related to power dynamics, as well as political, national and ethnic considerations linked to the conflict. Several organizations reported that at different times their Ugandan and Kenyan staff had received threats from local authorities and that they had been advised to remove them for their own safety, due to their being nationals of actual or perceived parties to the conflict. Similar issues were reported concerning national staff, who were perceived to be aligned to one side of the conflict because of their ethnicity. Some organizations mentioned that they believed that HR interference could lead to much graver incidents, including aid workers being "PNGed".

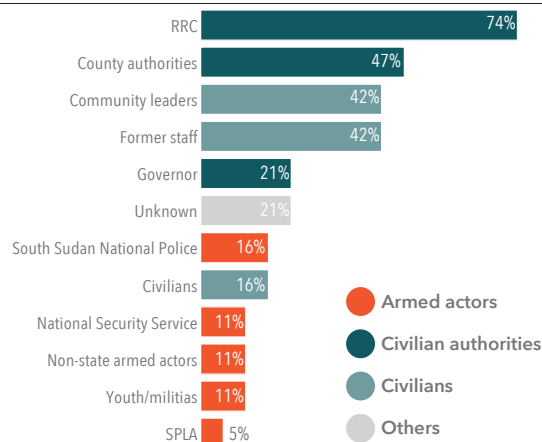
### RESPONDENTS EXPERIENCING INTERFERENCE IN HR/STAFFING



### FREQUENCY IN TYPES OF HR/ADMIN INTERFERENCE



### ACTORS ENGAGED IN HR/ADMIN INTERFERENCE





## CONFISCATION/SEIZURE OF ASSETS

A confiscation was defined for the purposes of the survey as the act of taking away the property of a legal entity, here humanitarian organizations, by government officials or someone empowered by the authorities to do so. In some cases, a seizure occurs when the organization is suspected or known to have violated the law. Confiscation/seizure of assets includes: confiscation of equipment; project assets; and salaries (through decree or oral announcement). Commandeering is the act of officially taking possession or control of something, especially for military purposes.

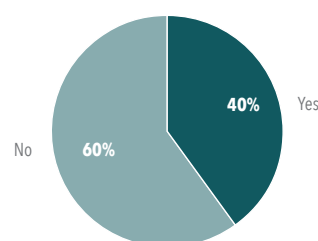
### Issues identified

Forty per cent of respondents indicated that their organization had experienced confiscations and seizures of assets. Respondents noted that it had become difficult to differentiate between confiscations and commandeering, given that most confiscations were not accompanied by an explanation (45 per cent) and that armed actors were responsible for 56 per cent of the reported cases of confiscation. While respondents noted that assets have been returned in around 65 per cent of cases, confiscations were permanent in 45 per cent of cases of reported cases of confiscations.

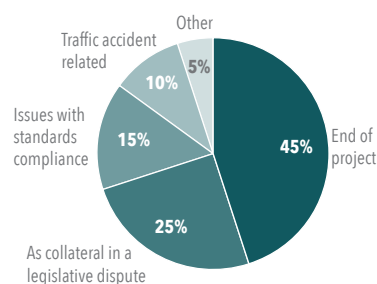
Around 50 per cent of confiscations involved the seizure of vehicles, telecommunication equipment, and computers, which are essential tools for humanitarian aid workers. A further 25 per cent involved the confiscation of humanitarian aid, including medicines, shelters and food. Six per cent of reported confiscations involved cash or salaries being seized.

Both civilian and military authorities were reportedly involved in cases of confiscation and seizure of humanitarian assets, according to the respondents. County authorities and the SPLA were identified by respondents as having been involved in the most cases of confiscation or seizure of humanitarian assets.

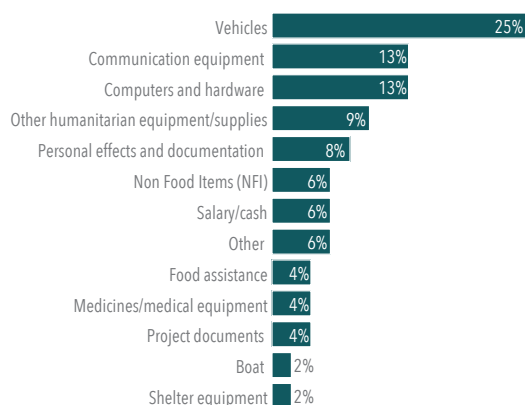
### RESPONDENTS ENCOUNTERING CONFISCATION/SEIZURE OF ASSETS



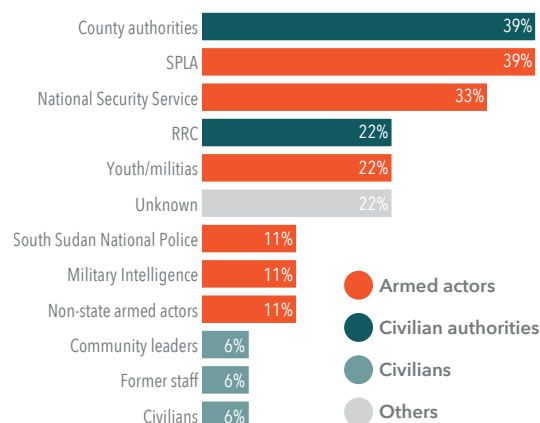
### REASONS GIVEN FOR CONFISCATION/SEIZURE OF HUMANITARIAN ASSETS



### TYPES OF HUMANITARIAN ASSETS CONFISCATED/SEIZED



### ACTORS ENGAGED IN CONFISCATION/SEIZURE OF HUMANITARIAN ASSETS



## THREATS, INTIMIDATION AND HARASSMENT

For the purpose of the survey, a threat was defined as a statement or behaviour meant as a menace of destruction or injury to the life or property of those against whom it is made. Intimidation is defined as an unlawful pressure against an organization for the purpose of altering its process or activities. Harassment is defined as the act of systematic and/or continued unwanted actions of one party or a group, including threats and demands. Threats, intimidation, and harassment can vary in their form—e.g. letter, calls, posted notice etc.—the initiator (e.g. authorities, private citizens, colleagues)—and the place they occur (e.g. on the road, in the office, in a public forum, etc.).

### Issues identified

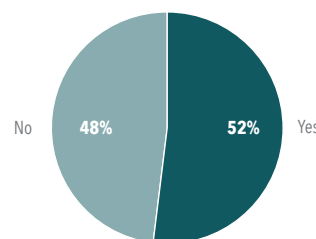
More than half of the survey respondents indicated that they or their organization had experienced threats, intimidation or harassment. Respondents noted that threats and acts of intimidation were common in cases of operational interference at field level and in instances of bribery and illegal taxation. For example, aid workers who refuse to pay illegal fines may be threatened with arrest or violence. Respondents also reported cases in which discontented beneficiaries and their leaders barred aid organizations from providing humanitarian services through threat of harm to their staff and destruction of their assets.

For those organizations experiencing threats, intimidation and harassment, two-thirds reported that the phenomenon was recurrent, with five per cent reporting being exposed to threats, intimidation or harassment on a daily basis. Some respondents noted that, although not an overt threat, patterns of delays in administrative procedures may be construed by humanitarian actors as intended to intimidate or harass the organization. Several respondents also highlighted that the continued exposure – whether on a daily, weekly or monthly basis – of their organizations to harassment, threats and intimidation had generated a feeling of vulnerability.

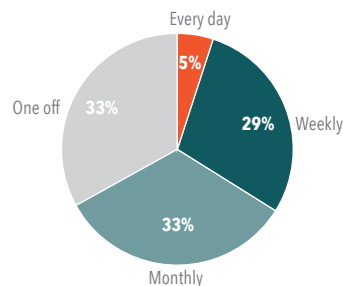
Respondents noted that they face threats, intimidation and harassment from a variety of sources, with national security service officials, county authorities and community leaders the top-ranked perpetrators. This was followed by the SPLA, civilians, former staff, the RRC, Military Intelligence and police.

In one focus group, respondents indicated that some humanitarian actors came to understand that threatening might be a culturally appropriate way to negotiate in South Sudan. They believe that if they stay principled, the parties involved in the intimidation would pull back. However, it was noted that being exposed to so many instances of threats and intimidation has led to an increasing sense of vulnerability amongst humanitarians which in turn may make them less willing to push back..

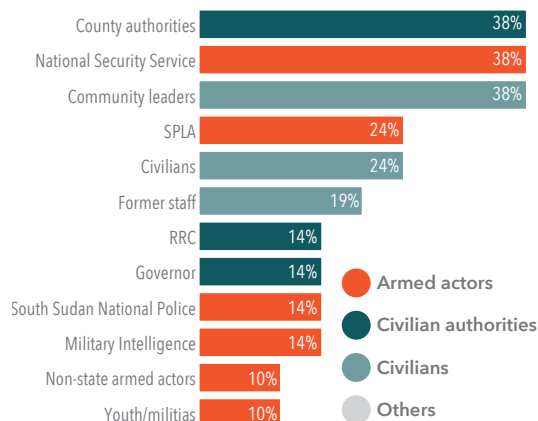
### RESPONDENTS REPORTING THREATS, INTIMIDATION, HARASSMENT



### FREQUENCY OF THREAT, INTIMIDATION AND HARASSMENT INCIDENTS



### ACTORS ENGAGED IN THREATS, INTIMIDATION AND HARASSMENT INCIDENTS



## ILLEGAL TAXATION AND BRIBERY

Illegal taxation is defined as any form of taxation that is a violation of statute, regulation or ordinance, which may be criminal in intent or merely not in conformity. A bribe can consist of an immediate request for cash or of personal favours, a promise of later payment, or anything else the recipient views as valuable. For the purpose of the survey, illegal taxation/bribery/extortion were defined as any request for payment which is not supported by the national government's laws, including imposition of fees at/by: checkpoints, aircraft landing sites, traffic police, local authorities etc. This can include "taxation" and/or other forms of payment requested by local level authorities that duplicate national-level payments.

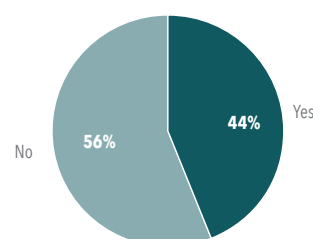
### Issues identified

Forty-four per cent of respondents reported having experienced issues with illegal taxation or bribery. Of these, 74 per cent reported that such issues were ongoing (6 per cent daily, 38 per cent weekly, and 31 per cent monthly), while 25 per cent stated that their experience was one-off. Military intelligence and the police force were seen to be the main initiators of requests for illegal taxation and bribery.

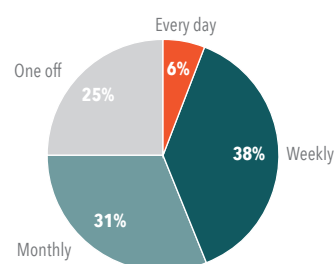
Some 37 per cent of respondents said in 2016 they had spent more than USD 1,000 on illegal taxation and bribery, with the majority of incidents attributed to illegal stoppages by traffic police and payments demanded at check points. Illegal stoppages by traffic police were defined as those in which the traffic police demanded payment of fines for alleged traffic offenses that were baseless and/or undocumented. Respondents highlighted that there is no clear table of rates and payment procedures for fines resulting from traffic offenses and requests for payment can range from a few hundred SSP to several hundred dollars. With respect to checkpoints, respondents noted that it has been very difficult to monitor the amount exacted as transport of humanitarian cargo is often contracted to private companies, which include the cost of checkpoint payments within their contractual fees. However, it was estimated that cost of payments at checkpoints on the route from Juba to Bentiu is more than US\$2,000. Considering that annually, hundreds of trucks use this road to transport humanitarian cargo to affected populations in Northern South Sudan, this could amount to hundreds of thousands of dollars of diverted humanitarian funds. Organizations also explained that they had been unable to prevent illegal taxation of their staff in remote localities, with staff members generally taxed 5 to 10 per cent by local authorities.

Several respondents noted that there is a degree of acceptance amongst humanitarian organizations of small scale exactions by authorities, making it difficult to track the true scale and scope of illegal taxation and bribery, and potentially resulting in under-reporting of such incidents. Relatedly, humanitarian organizations noted that they may end up paying charges that appear to be legitimate fees but which are in fact not official, including due to the lack of official avenues to inquire about official rates and report instances of abuse.

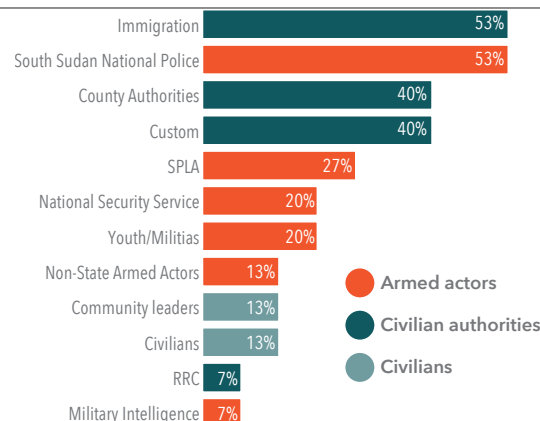
### RESPONDENTS REPORTING ILLEGAL TAXATION/BRIBERY



### FREQUENCY OF ILLEGAL TAXATION / BRIBERY



### ACTORS ENGAGED IN ILLEGAL TAXATION AND BRIBERY



## RESTRICTION/DENIAL OF MOVEMENT

Restrictions/denials of movement were defined for the survey as limitations imposed on free movement of humanitarian personnel and goods and interference with the delivery of humanitarian assistance. All parties to the armed conflict are obligated by International Humanitarian Law to guarantee the freedom of movement of humanitarian personnel and goods. However, under international law, restrictions related to security concerns can be legitimately applied but they need to be temporary and not hinder the longer term provision of assistance. Restrictions/denial of movements (air, river, or road) can include: forcefully offloading passengers; refusal to provide security guarantees; restricting access to routes usually used by humanitarian actors; and imposing armed escorts.

### Issues identified

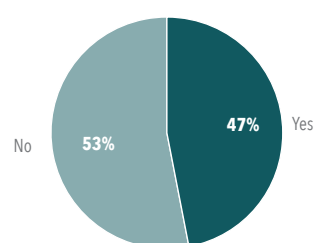
Restriction and denial of movement were reported by 47 per cent of survey respondents, who noted that these restrictions may result in the delay and/or cancellation of life-saving assistance.

This category of BAI had the highest reported daily occurrence, with 20 per cent of humanitarian actors confronted by restrictions of movement noting that they had experienced restrictions or delays on a daily basis. A further 27 per cent reported experiencing restrictions on a weekly basis and 26 per cent on a monthly basis.

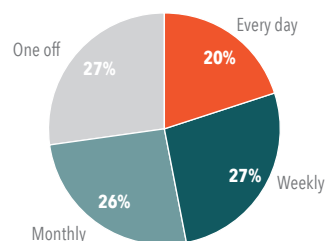
However, as with illegal taxation and bribery, respondents noted that there is a certain forbearance within the humanitarian community in relation to restrictions on freedom of movement, which may result in under-reporting. Even when faced with delays for hours or days, respondents noted that humanitarian organizations often opt to engage in lengthy negotiations before reporting the incident. Where negotiations result in safe passage for personnel and cargo, the incident is often not reported, despite the delays incurred. Furthermore, respondents noted that private companies generally do not report on delays due to restrictions on movement.

According to respondents, security forces and armed actors were responsible for 73 per cent of denials or restrictions of movement. Respondents noted that both government and iO actors had expressed suspicions that humanitarian convoys were being used for military purposes and/or that aid workers were assisting parties to the conflict. Several organizations noted that, when they charter private planes to transport humanitarian cargo, it takes on average one week for the flight clearances to be granted for government-held areas, and three to four weeks for iO-held areas. They perceived these delays as an attempt to restrict their movement and to prevent them from carrying out humanitarian activities wherever they are needed.

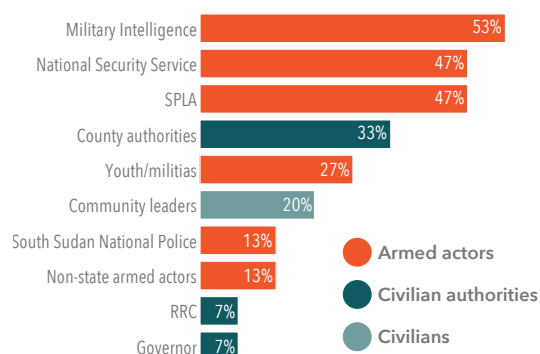
### RESPONDENTS REPORTING RESTRICTION/DENIAL OF MOVEMENT



### FREQUENCY OF RESTRICTION/DENIAL OF MOVEMENT



### ACTORS ENGAGED IN RESTRICTION/DENIAL OF MOVEMENT



## BAI IN POC SITES

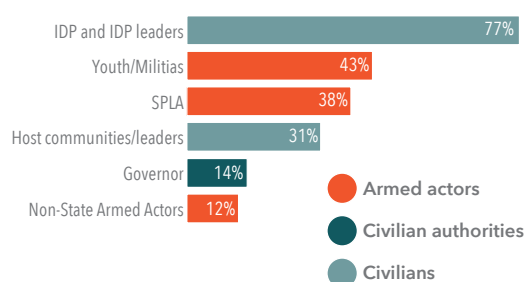
The conflict in South Sudan has created a new type of settlement, called UN Protection of Civilians (PoC) sites, where IDPs seeking shelter have fled. These settlements host more than 220,000 IDPs within or adjacent to UN premises, compelling humanitarian actors to work alongside the UN Mission in South Sudan (UNMSS) to provide humanitarian assistance and protection to IDPs in the PoC sites. Forty-five per cent of survey respondents indicated carrying humanitarian activities in PoC sites.

### Issues identified

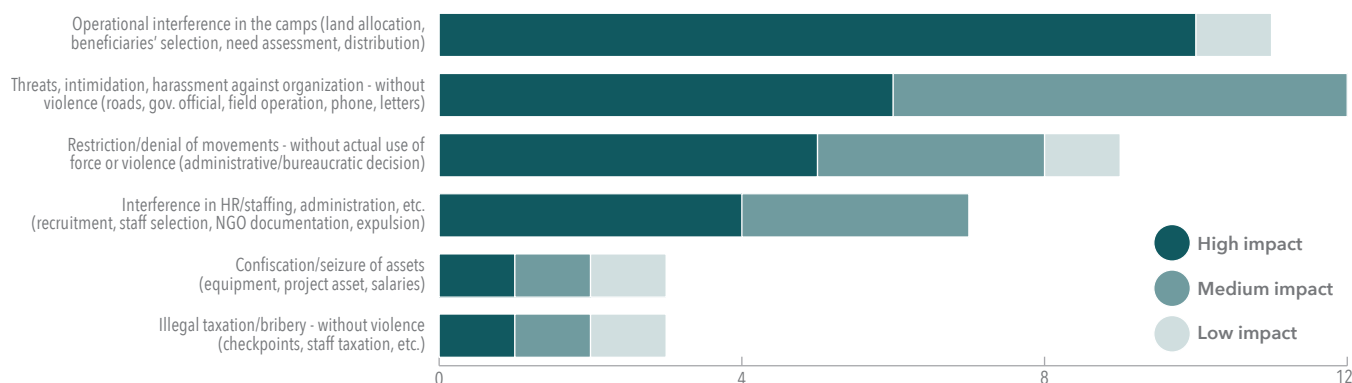
The most common impediment reported by respondents who worked in the PoC sites was threats, intimidation and harassment of organizations and aid workers, mostly by IDPs and community leaders. In PoC sites, civilians most of whom are direct beneficiaries of humanitarian assistance are responsible for 43 per cent of BAI. Some respondents reported that they or their organizations had been barred from entering the PoC sites and implementing activities at certain times following disagreements with IDPs. Respondents also reported a high-level of operational interference in the management of the PoC sites. One aid worker operating in a PoC site explained that, at times, the camp leadership use interference in humanitarian activities to gain power within their communities. To this end, IDP leaders have interfered in the hiring of IDP community workers, lists of vulnerable beneficiaries, etc.

Armed actors also impact on humanitarian operations in PoC sites. This has manifest through interference by government armed forces in activities directly outside of the sites (e.g. stopping water trucks from reaching a PoC site) and interference by youth groups/militia and non-state armed actors inside the PoC sites. The latter range of actions seriously compromises the civilian nature of the PoC sites and remains an area of concern that humanitarians are working closely with UNMISS to address.

### ACTORS ENGAGED IN BAI IN PROTECTION OF CIVILIANS SITES



### RANKING OF BAI IN PROTECTION OF CIVILIANS SITES



## REPORTING

Any reports on BAI and other humanitarian access issues in South Sudan can confidentially be sent to [accessreporting@un.org](mailto:accessreporting@un.org)



[www.unocha.org/south-sudan](http://www.unocha.org/south-sudan)



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