

IS THE HUMANITARIAN
SECTOR PRACTICING
WHAT IT PREACHES?

What the construction and implementation of the **Jordan Response Plan** tells us about the current state of the sector.



Photo: Jessia Knowlden

LOCALLY
LED

A POLICY BRIEFING

Briefing: Is the humanitarian sector practicing what it preaches? What the construction and implementation of the Jordan Response Plan tells us about the current state of the sector.

The approach to which Jordan engages, prioritizes or seeks to support a certain marginalized population has been deeply influenced by each wave of forced migration the country has experienced throughout its history. Even though it has received praise from many humanitarian agencies, donors, and media outlets for being welcoming of refugees over the years, many forget that Jordan is not one of the many countries who have signed the 1951 UN Refugee Convention or the 1967 Optional Protocol. This translates to a country that has indeed been open to host those seeking refuge within its borders over the years, but as long as it gets to define what and who is a 'refugee'. The country has chosen, throughout its history, to exclude different at-risk, UN-registered refugees and asylum seekers populations from protections, support and specific liberties in the name of regional political alliances, national security, or claims limited or reduced capacity. Though the Government's approach to refuse to recognize the status of certain marginalized communities has created dispute between at-risk refugees, humanitarians and the Government of Jordan at different points over the years, it has come to be expected.

However, what should not be expected, is that for over a decade, key members of the humanitarian sector in Jordan have been complicit in the creation and sustaining of refugee response framework that is partial, discriminate, and excluding the refugees and asylums seekers from Yemen, Sudan, Somalia, and Iraqi origin, leaving them with limited assistance, protection, or recognition of the rights and protections that should be ensured to them under the UN conventions. The report finds that through the ill-fated process of creating the Jordan Response Plan (JRP) with the Government of Jordan, a number of key humanitarian stakeholders (both humanitarian agencies and donors) a) skipped typical protocol to conduct proper contextual and crisis analysis usually expected in refugee response plan formulation b) did not provide adequate space for critically important voices from local civil society working closes with non-Syrian refugee and asylum seeker communities, and c) did little to combat partial, ear-marked financing from key donors that compounded the already problematic nationality-based assistance scheme and d) continually ignored, and at times attempted to obstruct, locally and community-based advocacy movements and initiatives working to shed light on the marginalized/excluded non-Syrian communities.

The result was a Jordan Response Plan that excluded over 90,000 refugees and asylum seekers of non-Syrian origin from formal humanitarian framework and created a critically desperate experience in refuge for these populations that could have been avoided. Though they experience significant vulnerability in just about every facet of their daily life, there are specific consequences of their exclusion that are critical for stakeholders to be aware of. It's been estimated that non-Syrians refugees receive an estimated five times less assistance per capita than Syrians from large-scale assistance programs.¹ Both prior to and throughout the coronavirus context, limited cash assistance to assist in covering basic living costs has been insufficient for these communities that have no legal access to the job market and due to their exclusion from the JRP are thus excluded from cash-for-work programs.² Given the barriers to the formal labour market, non-Syrian refugees are forced to work in the informal economy, which leads to heightened risk of exploitation for these populations. A recent World Food Program Vulnerability Assessment found that 80 percent of non-Syrian refugees face exploitation in the workplace³,

20 percent of Somalis claim they were not paid for work they completed, and 16 percent of Sudanese reported they were forced to work longer hours than originally agreed. Exclusion from formal humanitarian framework, exploitation in the workplace, and limited/withheld wages also contribute to the fact that 34 percent of non-Syrian refugees surveyed by WFP were food-insecure, with Somalis and Sudanese being particularly vulnerable as 23 to 24 percent experience food insecurity despite efforts made to fill the gap.⁴ When it comes to critical access to health services and assistance, 45 percent of non-Syrian individuals with chronic health conditions claim they were unable to access medicine. 38 percent say they could not access services and 50 percent of those surveyed claimed that these barriers were mostly due to the unaffordable cost.⁵ In not being formally recognized non-Syrian refugees also must pay full education enrollment fees and possess proof of residency or a parent's work permit to register, leading to barriers in accessing education.⁶

The approach to the JRP has also negatively impacted other highly publicized initiatives meant to benefit refugees, such as the Jordan Compact,^{7 8} and has had a significant influence on how international assistance is allocated to Jordan, essentially systematically earmarking assistance to a single refugee population and creating significant barriers to organizations (both local and international) wishing to assist populations not originating from Syria.⁹ Our report anonymously interviewed key decision makers and leaders of humanitarian agencies, donors, and civil society organizations who were either directly or indirectly involved with either the creation or the effort to sustain a JRP that excluded non-Syrians. Those who had been a part of the creation and sustaining of the exclusive JRP admitted, in hindsight, of the consequences of their actions and the critical state of vulnerability it placed these non-Syrian populations in. Even those who tried to justify the initial decision-making process expressed embarrassment and regret towards their continued inaction once it became evident that the JRP had excluded so many.

We also interviewed those working hard to mainstream these populations and their critical needs into the formal humanitarian infrastructure in Jordan. Humanitarians concerned with the growing vulnerability of non-Syrians have led a grassroots advocacy movement centered around 'One Refugee Approach', which calls on humanitarians to deliver impartial, non-discriminate assistance based on the vulnerability of a refugee and not on their nationality in any and all refugee response efforts.¹⁰ Against the odds, and the initial resistance of larger, more influential aid organizations, this movement (comprised of local, international NGOs and community-based organizations) creatively utilized its strengths and positionality to create real change in approach and policy at the local, donor, and humanitarian levels.

As it stands the JRP-- and the stakeholders who continue to uphold its present format-- are in violation of the humanitarian principles of impartiality, non-discrimination, and the 'One Refugee Approach'. Principles that are universally recognized and touted by many of the sector's leading agencies.

Humanitarians cannot ignore that in the face of growing knowledge and reporting on the vulnerabilities of these at-risk non-Syrian refugees and asylum seekers, paired with their own in-depth knowledge that has been conveyed throughout this report, the continued adoption and sustaining of discriminatory JRP framework and policy is a symptom of deep, systemic issues

within its own sector. Additionally, our reporting finds that the current state, make-up, and approach to the refugee response apparatus in Jordan sheds significant light into the current state of a humanitarian sector at-large that:

- Prioritizes the immediate financial and political interests and priorities of agencies over the needs and ensured rights of those they are mandated to protect.
- Clearly shows the effects of an aid industry that is plagued by donor-states earmarking funding to specific issues, populations, humanitarian resources that serve the national interests of donor-states and not the interest of principled, effective humanitarian response.
- Seems to be failing in efforts to achieve the it's aim to prioritize localization (See the Grand Bargain).¹¹ Those who hold the power and determine policy are still the large, politically powerful agencies and their donors. Critically important locally-led community-based organizations, rights groups, and refugees have little voice or ownership over how aid is coordinated or implemented.
- Grants the host government excessive power to dictate who is considered vulnerable, a refugee, or an ally. Instead of prioritizing an approach to localization that gives local organizations and refugees themselves a stake in the decisions and plans that affect them, they've opted for the vague 'Paris Agreement' approach to localization that has allowed the host government to exercise excessive influence over what humanitarian principles can be actively pursued and what cannot; what populations can be protected and what cannot; what topics can be publicly discussed and what cannot.
- That sees leading agencies time and time again refusing to stand up to governments, such as the Government of Jordan, when gross violations of humanitarian principles and the UN Conventions take place.
- That depicts the growing issue of having one agency as the sole governing body over refugee response efforts. The power dynamic has dramatically affected the Refugee Agency's (UNHCR) ability to be accountable for areas it falls short and for those shortcomings to be addressed. In tandem with the excess of power given to host governments, this UNHCR-host government relationship can create a power structure that can often work against humanitarian partners and rights advocates. This existing power dynamic can be used to discredit other humanitarian organizations advocating on issues that UNHCR deems to be sensitive to the host Government or feels it should be the 'lead' on. The Agency can work to sideline important advocacy efforts and create a very problematic hierarchy of whose voices 'matter', or can be 'trusted'. This current dynamic calls into question the Refugee Agency's relationship with the principle of neutrality, depicting an agency that can too routinely be found siding with the host government rather than protecting and advocating for the refugees and asylum seekers they are mandated to protect.

Recommendations For Stakeholders:

I.Recommendations to ensure a more inclusive, principled Jordan Response Plan

As a result of the findings in our report on the present Refugee Response framework in Jordan and the insight these findings have provided on the current gaps in humanitarian framework in Jordan, I provide the following recommendations to the Government of Jordan, the humanitarian stakeholders, and the donor community that finances humanitarian response in Jordan:

To donors, the UN, and NGOs in Jordan:

- Humanitarian agencies and donors who have strong lines of communication with government focal points should engage in dialogue and advocacy efforts with the GoJ to discuss a pathway towards making the Jordan Response Plan in line with the humanitarian principle of impartiality and the 'One Refugee Approach'. Additionally, until the JRP is reformed, it is recommended that humanitarian agencies and donors make the following priorities immediate priorities:
 - 1) To push government focal points to allow UNHCR to resume registration of new asylum seekers and refugees from Sudan, Somalia, and Yemen currently in the country—those who entered the country 2019 and onwards-- who become increasingly more vulnerable each passing day they remain in the country with no status.
 - 2) To work alongside the Ministry of Education and develop lines of communication with the Ministry of Interior, to end the ban on refugees of Sudanese, Somali, Yemeni and other non-Syrian non-Iraqi origin from having access to public schools.
 - 3) UN and humanitarian officials in communication with GoJ officials should push Jordan to ensure that refugees/asylum seekers of all origins be included in all COVID-19/pandemic related health and safety and prevention services to ensure least likelihood of expanded outbreak in the country.
- With the present set up being that humanitarian organizations and the Government of Jordan are the drivers of humanitarian/development policy in the country, both parties should consider making the refugees/asylums seekers they seek to serve more at the center of the humanitarian/development policy and planning design process. For example, how can refugees/asylum seekers themselves have a voice at future JRP planning and re-designing meetings? How can they be a part of the outreach and service delivery strategy design process? How can their narratives and experiences be better included within the Sectorial Working Group environments or in briefings to key donors in the country?

- Humanitarian organizations whose funding does not condition them to only engage Syrians should make a thorough review of to whom and where their assistance is covering. If organizations who have the financing and freedom to choose how they use their funding are still only using their funding to benefit Syrians, they are not providing impartial humanitarian assistance and need to re-evaluate how they can better allocate funding to ensure they are practicing impartial assistance in line with the 'One Refugee Approach'.
- Humanitarian organizations must re-evaluate a) who they are receiving funding from and b) if the conditions their donors give cause them to fall short of humanitarian principles and the 'One Refugee Approach'. As covered earlier, IHL calls humanitarian organizations to not be used for the political interests of donors. If financing received is conditioned in a way that cause them to violate humanitarian principles, dictate them to exclude vulnerable populations who would otherwise qualify for their services, or cause them to take political positions they are required by IHL to avoid, they should suspend or terminate those donor partnerships.
- The field of organizations and agencies asked to consult on future iterations of the JRP should be expanded to ensure to include perspectives from organizations engaging refugees/asylum seekers of all backgrounds in Jordan. This will ensure these organization's unique experiences and best practices can be used as a source of support for future reframing of the Jordan Response Plan.
- Donors, UN agencies, and NGOs who contribute to the design and future iterations of the Jordan Response Plan should first ensure that no more time goes on without a proper conflict sensitive analysis or contextual analysis of present-day Jordan.
- Ensure that any future iterations of the Jordan Compact or any economic inclusion initiative is a) inclusive and open to all nationalities that meet its criteria and b) before focusing so much attention into how to increase the number of work permits issued, Compact implementers should first make a more concerted attempt to tackle the conditions that push refugees of all origin into poor and precarious working conditions and keep them there, and c) genuinely seeks to provide refugees/asylum seekers with a living wage and does not exploit their labour rights or their rights as a refugee/asylum seeker during the process of their employment.
- That donors and the humanitarian community come together to discuss how there can be an accountability mechanism developed in the context of Refugee Response efforts. If the Refugee Agency will continue to maintain its position as sole authority over humanitarian Refugee Response efforts there must be a mechanism developed, in coordination with its humanitarian partners, so that it can held accountable when it falls short of living up to the standards it has put into IHL for itself, to the humanitarian principles it strives to live up to along side of its INGO partners.
- Careful collaboration among humanitarian stakeholders to creatively fill existing gaps in service delivery for non-Syrian refugees, particularly regarding issue of food insecurity as there is a pressing need for organizations, in addition to WFP, to cover the need of food insecurity among non-Syrians.

To Donors:

- Engage with GoJ at the ministerial level to identify how all refugees can be included in sectoral strategic plans and programs supported by the international community, such as through multi-donor accounts in education and health, and COVID-19 response planning.
- Donors with significant relationships with focal points within the Government of Jordan use these lines of communication to express the importance of impartial assistance and work to make the aid they provide to Jordan come with more conditions. For example, donors could express that if the Government allows for funding to go towards refugees of all origins, then more financing will come in. If not, certain portions of given aid could be reduced or be given on a shorter-term basis. Donors need to have contingency plans, creative strategies to engage with government counterparts in the case where Government continues to only allow partial aid distribution. That being said, if a donor agency, state, organization has mandates holding them accountable to indiscriminate or non-discriminatory aid financing, they should be held accountable by their peers when they make compromises on these principles.
- In the circumstance where the GoJ agrees to open the JRP or other social services to all refugees, donors should ensure Jordan is financially supported to extend basic services to all refugees while ensuring the response to Syrian refugees' and vulnerable Jordanians' is adequately maintained.
- A review of the current earmarking framework that has been cultivated throughout the implementation of the JRP must be conducted to ensure the prioritization of all refugees in bilateral funding of the humanitarian response.
- Use influence with focal points in the MoPIC and other relevant ministries to ensure projects by humanitarian organizations that target other nationalities than Syrian will be approved.

To Government of Jordan:

- Protect the rights of UN registered asylum seekers and refugees in their country in line with the Refugee Conventions, and treat all those currently waiting ASD (Asylum Seeker Determination) or RSD (Refugee Status Determination) with the same protections regardless of their country of origin.
- Work alongside humanitarian and development actors to ensure the JRP---and humanitarian funding models-- follow the One Refugee Approach and the humanitarian principle of impartiality. Include refugees of other nationalities in the JRP and national planning documents and remove nationality-based differentiation in aid assistance.

- To change residency policy to identify refugees and asylum seekers of non-Syrian origin as refugees and asylum seekers to not include overstay fees during their stay of refuge, and to be removed from the 'expatriat' status in code and policy.
- Facilitate project approvals for inclusive programming targeting Jordanians, Syrians, and non-Syrians. If organizations have the funding/capacity to meet needs of vulnerable, JRP-excluded populations should be seen as an asset to both the people and Government of Jordan. Currently project approval process will need to be reformed to make this happen. This means policy change and dialoge at the at the MoPIC, Ministry of Social Development, Interior, and Prime Ministers Cabinet—all ministries involved in humanitarian/development project approval process in Jordan.
- Allow UNHCR to resume registration of new asylum seekers and refugees from Sudan, Somalia, and Yemen.
- To discontinue the ban on refugees of Sudanese, Somali, Yemeni and others of non-Syrian non-Iraqi origin ability to access public schools.
- Government of Jordan should include non-Syrians in their COVID-19 prevention and relief programs to not only ensure the health and safety of non-Syrian refugees and asylum seekers but ensure that Jordan is covering safety and prevention services to all demographics of individuals living within its borders to ensure least likelihood of expanded outbreak in the country.

II. Recommendations to ensure a more inclusive, principled refugee response on a global level

Due to the findings in this report, I provide the following recommendations to humanitarian agencies, donors and policymakers seeking to ensure refugee and humanitarian response is more inclusive, principles on a global level:

- Though the concept of localization has become a widely promoted priority for humanitarian agencies and donor-states alike, most of the representatives at NGOs, donors, and local civil society organizations all said that there seems to be very limited evidence that localization is actually prioritized by the humanitarian sector in the communities they work in. Local organizations deeply embedded in working in the communities and issues at most risk in a refugee response context should be sought out and prioritized to finance. There should be special attention to whether localized financing is only going towards organizations led by individuals from a specific economic, social, tribal, religious, or political demographic of their society. Financing should go towards the organization that can create the most impact, and not just the individuals and organizations who are the best positioned politically in their respective contexts. Additionally, sometimes allowing localization to happen means iNGOs giving up ownership or positioning in sub-sectors of humanitarian specialization in a context they traditionally held. It sometimes requiring shutting down an office, allowing a local staff member to head up a department, project, or even a country office. iNGOs need to be willing to build towards giving ownership away, rather than continuing to bolster an international brand when it is clear that local staff, host community, refugee ('beneficiary') skillset is more than capable take on responsibilities and duties of international staff.
- Like what was said in the JRP recommendations in the previous section, Humanitarian organizations globally must re-evaluate a) who they are receiving funding from and b) if the conditions their donors give cause them to fall short of humanitarian principles and the 'One Refugee Approach'. As covered earlier, IHL calls humanitarian organizations to not be used for the political interests of donors. If financing is received is conditioned in a way that cause them to violate humanitarian principles, dictate them to exclude vulnerable populations who would otherwise qualify for their services, or cause them to take political positions they are required by IHL to avoid, they should suspend or terminate those donor partnerships.
- Donor states need to use their influence in both a wise and principled manner. Their financing, engagement, and partnership in refugee and humanitarian response needs to be strictly apolitical and only involve pushing priorities, policy reform, and advocacy that fits within the confines of the humanitarian principles and refugee and human rights conventions.

- There needs to be significant discussion of depth and re-evaluation by humanitarians, refugees, and donors on the mandate of the Refugee Agency in Refugee Response contexts. The current setup exposes the agency to) becoming too political tied b) preventing other humanitarian partners from living up to humanitarian principles and c) creates a power imbalance that could potentially illegitimatize and silence important actors, rights advocates, or marginalized people of concern. The Refugee Agency is an essential part of Refugee Response efforts in all contexts, but its present mandate doesn't fit the modern context that requires a more inclusive, diverse collection of humanitarian stakeholders to ensure accountability to humanitarian principles by all parties.
- Humanitarians and those who finance refugee response need to deeply discuss the concept of 'neutrality'. When should it be used and when should humanitarians and rights groups be allowed to naturally act in partiality---standing for the rights, mandates, and principles their organizations are built on.

Endnotes

[1] Mennonite Central Committee, A Three Refugee Approach? Project Approvals For Non-Syrian POCs, Amman, 2018.

[2] One Refugee Approach Working Group, The One Refugee Approach In Jordan: Situation Report September 2020.

[3] World Food Programme, 2018 Comprehensive Vulnerability and Food Security Assessment, Amman, 2019.

[4] World Food Programme, above note 3.

[5] Realizing The Rights Of Asylum Seekers And Refugees In Jordan From Countries Other Than Syria

[6] Interview with leader of a community-based organization, 2021.

[7] Shaddin Almasri (2021) The Political Economy of Nationality-Based Labor Inclusion Strategies: A Case Study of the Jordan Compact, Middle East Critique, 30:2, 185-203.

[8] Forced Migration Review, Lenner and Turner.

[9] Interviews conducted with a variety of Jordan-based NGO heads.

[10] One Refugee Approach Working Group, The One Refugee Approach In Jordan: Situation Report September 2020.

[11] A highly publicized agreement by key humanitarian agencies aiming to bring local partners into the very center of the design, coordination, and governance of humanitarian action.