

Humanitarian Exchange

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The Oslo Accords, sealed in September 1993 with the famous handshake between the late Yasser Arafat and Yitzhak Rabin on a lawn in front of the White House, were intended to bring an end to decades of confrontation and conflict between Israel and the Palestinians, and to lead eventually to the establishment of a Palestinian state. But the conflict continues, inflicting an appalling cost on the populations of both sides, and an economic, social and humanitarian crisis prevails in the occupied Palestinian territory (OPT). Violence has claimed about 1,000 Israeli and 3,500 Palestinian lives in the four years since the start of the second *intifada*, the overwhelming majority of them civilian. The economy of the OPT is disintegrating, and over half the population now lives below the poverty line of \$2 per person per day. Well over a million people are food-insecure. Access to healthcare and other essential services is severely restricted. Emergency assistance now accounts for more than 80% of donor funding for the OPT.

In this context, humanitarian organisations are confronted with serious challenges and dilemmas, some of them familiar, others particular to this politically highly-charged situation. What is the nature of the crisis? Is there a need for a humanitarian response, or are other approaches (peace- and nation-building, social and economic development and human rights activism, for instance) more appropriate? Should humanitarian aid be used to meet



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people's needs when a governing authority and an Occupying Power are in place, whose responsibilities include ensuring protection and assistance? If there is a humanitarian imperative for agencies to act, is it possible for them to provide a principled response that is impartial and neutral, and perceived to be so by all parties? Is it indeed possible to provide any effective level of protection and assistance?

The special feature of this issue of *Humanitarian Exchange* focuses on the humanitarian situation and response in the OPT. Articles from a wide variety of contributors examine the possibilities of, and limits to, humanitarian response in a place where even the name is a source of dispute (we have opted to use 'occupied Palestinian territory', the nomenclature of the UN Security Council).

This issue also presents articles on a range of other subjects of concern to policy-makers and practitioners in the humanitarian sector. They include the problem of private military and security companies, the merits of cash versus relief goods, and the continuing debate on cost-recovery in healthcare in emergencies. We hope you find it interesting and useful and, as always, we welcome your feedback.

The humanitarian crisis in the occupied Palestinian territory: an overview

David Shearer, OCHA Jerusalem

The Palestinian economy relies heavily on external assistance. It receives more than \$300 for each of the 3.5 million Palestinians living in the West Bank and Gaza Strip – a level unprecedented in any other conflict since the Second World War. This level of aid has been maintained for over four years, exceeding the lifespan of other high-profile emergencies – such as Kosovo and Afghanistan – where aid peaked and waned. Aid is meeting the humanitarian needs of Palestinians in a conflict where the responsibility for these people, under international humanitarian law, lies with Israel as the Occupying Power.

The unique character of aid to the occupied Palestinian territory (OPT) is a function of the intense attention given to the Middle East peace process. Yet the role and impact of the more than \$1 billion-worth of assistance received annually have not been seriously considered. Traditionally, aid has bolstered and supported peace agreements in the region. Following the 1993 Oslo Accords, donor states gave funding eagerly, in the expectation of peace and a viable Palestinian state. Although the peace process collapsed with the start of the 2000 *Intifada*, aid has continued to prop up structures such as the Palestinian Authority (PA), while the search for a new political settlement goes on. Aid today, therefore, lacks the political framework of a peace agreement. But without it the Palestinian economy would almost certainly collapse. That would provoke a calamity in terms of human suffering, further inflame violence and increase instability.

aid to the OPT lacks the framework of a political settlement

Maintaining stability, while the search for a peace agreement continues, is on the face of it a commendable aim. But there could also be negative implications. Funding will need to increase further to keep pace with the steadily worsening humanitarian situation and the decaying economy. While aid assuages the symptoms of the humanitarian crisis, there is less incentive to address the security issues that lie behind it. Without donor support, for example, Israel's occupation of the West Bank and Gaza Strip would be much more problematic and expensive for Israel. And, like conflicts such as the Bosnian war in the 1990s, aid-induced stability can also make less urgent the search for peace.

Donor states also face a more immediate set of dilemmas, namely how their aid is spent. There is growing recognition of the legal implications of aid, particularly in light of the International Court of Justice (ICJ) decision in July 2004 that Israel's construction of the West Bank Barrier is illegal. While maintaining stability and minimising human suffering, aid should not entrench Israel's policies or establish 'facts on the ground' that could derail a future peace agreement.

The dimensions of the crisis: unemployment and poverty

The start of the *Intifada* in September 2000 and the Israeli response marked the beginning of a humanitarian crisis in the OPT. To counter frequent suicide attacks targeting its citizens, Israel imposed a series of security measures, consisting of curfews and a system of roadblocks. By mid-2004 these 'closures', as they are termed, consisted of over 700 concrete blocks, earth mounds, gates and ditches, with more than 50 manned checkpoints to control movement throughout the West Bank and into Israel. The Gaza Strip already had a perimeter fence around its borders, restricting its 1.4 million inhabitants to one entry point into Egypt (the Rafah Terminal), and one into Israel (Erez Terminal to the north).

These closures and other security measures, though deemed necessary by Israel, lie behind the collapse of the Palestinian economy. Real per capita GDP has fallen on a scale similar to the US stock market crash of the 1920s or the recent disintegration of Argentina's economy. Poverty increased from around 22% in 2000 to more than 58% three years later. By 2003, a quarter of Gazans were defined as living in deep poverty, and dependent on food aid. Unemployment rose from around 10% in 2000 to more than 41% in the OPT as a whole in 2002, and over 50% in Gaza.¹ The number of Palestinians travelling to Israel for work slumped from around 160,000 in 1999 to 48,000 in 2004. On the eve of the *Intifada*, 29,865 Gazans a day were commuting to Israel for work. By the second quarter of 2004, this had fallen to an average of just 500.

Palestinians have struggled to cope. Food consumption has fallen by around one-third since 1999, and malnutrition rates have increased. Chronic malnutrition for children under five

¹ *Disengagement, the Palestinian Economy and the Settlements*, World Bank, June 2004, p. 1.



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A Palestinian woman stands on the rubble of her home in Rafah camp, Gaza, destroyed in an Israeli raid in May 2004

years of age stands at 9.2% and 12.7% respectively for the West Bank and Gaza. Health standards have declined due to lack of food, poor sanitation and inadequate water supplies. As a result of the movement restrictions, much of the West Bank's population has shifted to inferior services offered by local or mobile clinics. Consumption has been reduced as far as possible, savings have been depleted (in 2001, for example, 70% of the poor had savings; by 2003 the figure was 13%) and private and productive assets are being sold. For the majority, the economic and humanitarian future looks increasingly bleak.

The donor response: consequences and dilemmas

Donors responded to this impending crisis by doubling aid budgets from pre-*Intifada* levels, to around \$1bn a year. Development assistance has declined by 70%, and there has been a ten-fold increase in emergency aid, coupled with a substantial increase in budget support to the PA – a policy that keeps the economy afloat and services operating, but fails to develop the infrastructure or the economy. By mid-2004, 1,480,000 people, or 39% of the population, were receiving regular food aid from the WFP and the UN Relief and Works Agency (UNRWA). With the Palestinian population growing at 5% a year, humanitarian conditions can only worsen. The World Bank predicts that poverty levels will climb to 56% in 2006, with levels of 72% in Gaza.²

Economic stagnation will persist unless Israel's closure policy is considerably eased. The number of checkpoints and roadblocks in the West Bank has been reduced by around 10%, but the economic impact has been minimal.

² *Disengagement, the Palestinian Economy and the Settlements*, World Bank, June 2004, p. 31.

Meanwhile, access into and out of Gaza has worsened still further for Palestinians since January 2004. Israel's security polices are legitimately aimed at protecting its citizens. But they have also created a humanitarian crisis for which donors pay. If internal closures were removed and exports facilitated, the Palestinian economy would have grown by 21% in 2003, and poverty would fall by 15% by the end of 2004, according to World Bank estimates.

Inevitably, the Palestinian economy is now highly dependent on donor assistance. The World Bank estimates that, in the absence of donor funding, poverty levels would be 40% higher than they are. But without a peace agreement, current donor aid policies are unsustainable. Donors face a dilemma: should they

maintain current aid levels, thereby cushioning Palestinians from the full effects of continued economic decline and mounting humanitarian need, or should they embark on a more forceful aid policy that demands that Israel assume its humanitarian and legal obligations? That strategy, of course, risks leaving human suffering unmet while donors wait for Israel to comply. Needy Palestinians could be caught between donors' insistence that Israel fund its occupation, and Israel's refusal to meet its obligations.

A shift in thinking

The debate over donor assistance to the West Bank and Gaza has begun to focus on Israel's responsibility as an Occupying Power. The galvanising factor behind this shift of thinking has been the implications flowing from the advisory opinion of the ICJ that the West Bank Barrier is illegal.

without a peace agreement, donor aid policies are unsustainable

Under the Geneva Conventions, Israel as occupier is responsible for the welfare of the people under its control, and for humanitarian assistance to them. This includes the provision of food, medical supplies and services, and children's education. Israel itself, although a signatory to the Conventions, has always denied that they apply to its occupation of the OPT. But recent decisions of the Israeli Supreme Court acknowledge that at least certain provisions of the Geneva Conventions should be observed. Further pressure was placed on the Israeli government in August 2004, when the Israeli Attorney-General urged it to

examine the possibility of formally applying the Conventions.³

Some rethinking of Israel's obligations had begun even prior to the ICJ decision. At the end of 2003 the International Committee of the Red Cross (ICRC) closed its relief programme to Palestinians in the West Bank. Its spokesperson noted that their programme 'was not designed to substitute for the responsibility of the occupying power which is Israel'.⁴ The ICRC also noted that, rather than a sudden and acute emergency, the humanitarian needs of the Palestinians were related to the closure policy. ICRC's example was not, however, followed by other organisations, and much of the shortfall from the ICRC's termination of its relief programme in the West Bank was covered by an expansion of WFP services.

Until recently there has been little donor insistence that Israel fulfil its obligations under international law to provide assistance for the Palestinian population. Neither have donors embarked on an in-depth consideration of the impact of international law on their own aid programmes. But following the ICJ decision, unease has mounted about funding certain projects. How much assistance, for example, should be given to those Palestinians caught between the Green Line (the internationally recognised boundary between Palestine and Israel) and the Barrier? Should donors fund new roads in the West Bank? These roads might assist Palestinian movement, but they could also reinforce a separate Israeli road system providing access to settlements that are, by a consensus of international law, deemed to be illegal. And should donors pour money into rebuilding Palestinian houses demolished by the Israeli Defense Force (at a rate of 120 a month in 2004) when international humanitarian law places that onus clearly on the Occupying Power?

Looking forward

The flow of aid money to the West Bank and Gaza shows few signs of abating; UN agencies, for example, requested \$305m in their 2004 Consolidated Appeal, and by mid-2004 had received over 45% of this amount. Despite the direct correlation between the collapse of the Palestinian economy and Israeli security measures, there is little pressure on Israel to account for or modify its military strategies. Both the Palestinian and Israeli sides have pushed for funding increases. Both parties, for different reasons, depend on donor aid. Amongst Palestinians there is concern that any decrease of aid levels will lead to further unemployment, economic stagnation and more humanitarian suffering. The consequences of not paying

the salaries of 132,000 PA employees would affect all sectors of society, from schools and hospitals to the police and government. The PA itself would face the risk of collapse. Instability and more violence would probably ensue.

Maintaining stability is also in Israel's interest. Donors are paying the bill for the Israeli occupation, and averting what could be an even worse situation. Aid flows also benefit Israel economically. The UN Conference on Trade and Development (UNCTAD) estimates that approximately 40% of all assistance to the West Bank and Gaza finds its way to Israel in the form of goods and services.⁵ Israel assumes that aid will continue to flow to the OPT, and that additional funds will be forthcoming to implement its disengagement in Gaza.

Contrary to most perceptions, aid is neither necessarily positive nor benign. Pouring this magnitude of aid into a conflict without either the structure of a peace agreement or a solid analysis of its impact is comparable to speeding along a road at night without headlights. Continued aid in the absence of a serious examination of donor responsibilities, the obligations of the occupier and aid's overall impact could undermine the prospects for a peace agreement in the future. It is time for donors to examine how \$1bn a year might be more effectively used as a lever for peace, rather than simply picking up the pieces of a conflict that shows no sign of abating.

David Shearer is Head of Office, OCHA Jerusalem. The views expressed here are his own, and do not represent official OCHA policy.

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Protection, occupation and International Humanitarian Law in the occupied Palestinian territory: a critical appraisal

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After 37 years of Israeli military occupation, the situation in the West Bank and the Gaza Strip has degenerated into a political, social and economic quagmire. Despite attempts to find a viable solution, violence, depredation, poverty and disillusionment have driven the conflict to unparalleled levels of hatred and despair. Could the proper management of the occupied Palestinian territory (OPT) have prevented such an appalling situation? Would better respect for the law of occupation by Israel have made a significant difference to social and economic outcomes? Apart from blaming Israel for its repeated and multifaceted violations of the law of occupation, are there insights to be gained on the adequacy of the law to manage such long-term occupation?



Part of the Israeli separation barrier on the outskirts of Jerusalem

©Reuters/Goran Tomasevic, courtesy www.alertnet.org

This article analyses the law of occupation in its application to the OPT. It argues that international law has provided limited means to enhance the protection of the Palestinian population living under long-term occupation, while its significant ambiguities have allowed Israel to implement some of its most disruptive policies, in particular movement restrictions, as well as to further its administrative control over the territory. Arguably, the law has not fulfilled its *humanitarian* purpose, and has not constituted a proper framework for tackling difficult humanitarian issues arising in the West Bank and the Gaza Strip. Furthermore, international law has failed to fulfill its *security* purpose to stabilise the situation in the OPT, and serve as an intermediary station on the path from war to peace. Nevertheless, occupation law remains as essential today as it was in the first days of the Israeli invasion in 1967. Israel's planned withdrawal from the Gaza Strip and expansion of settlement in the West Bank are stark reminders of its critical role in enhancing or jeopardising the security of Palestinians.

What went wrong?

For most observers, Israel's repeated violations of IHL are to blame for the derailment of its occupation. Israeli settlement policy, increasingly intrusive military operations against insurgents, and various instances of collective punishments against Palestinian civilians – such as the extended use of administrative detentions and house demolitions – have exacted a heavy toll on Palestinian

society. The causal link between Israeli violations and the distressing situation in the OPT, however, requires closer examination.

First, respect by Israel of the applicable rules contained in the law of occupation would not result in a major lifting of the significant restrictions imposed by Israel in September 2000 on the movement of Palestinian people and goods. Growing insecurity due to attacks in Israel since 1994 has provided legal grounds to Israel under IHL to impose strict limitations on the movements of the local population inside and outside the OPT. These restrictions are acknowledged as the main sources of social and economic decline since the onset of the second *Intifada*.

Second, the deterioration of the situation in the OPT does not result exclusively from Israel's behaviour as an Occupying Power. In many respects, the Palestinian Authority's inefficient management is also to blame for poor public services. Equally, human rights abuses and the Palestinian security services' lack of accountability are also the responsibility of the Palestinian Authority.

Finally, there is broad consensus that the central source of Palestinian hardship is not so much Israel's mismanagement of the occupation but the occupation itself. No occupation, even one managed under the highest international standards, can provide a long-term development environ-

ment for the occupied population. Many argue that Israeli military occupation should have ceased decades ago, as Israel's neighbours (Jordan, Egypt, Syria and Lebanon) no longer represented significant threats to its security. However, with the lack of sustainable peace in the region and continued military activities at Israel's borders, Israel has had, in principle, legitimate security grounds to maintain its military presence in and around the OPT for more than 30 years.

Consequently, there is no clear evidence that improved respect of the rules of IHL by Israel would have prevented the current social, economic and political situation in which Palestinians find themselves. The legal regime of occupation seems to have, in fact, little bearing on overall underdevelopment in the OPT. The chances are that, after three decades, *any* occupation would display features similar to those affecting the Palestinian population in the West Bank and Gaza Strip. This is not to say that respect of the law is unimportant, or that Israeli violations are irrelevant. Rather, a clear understanding of the strengths and limitations of current international treaties remains a critical step in the development of more appropriate tools and strategies to address the situation in the OPT.

the legal regime of occupation seems to have little bearing on overall underdevelopment in the OPT

The relevance of the law of occupation in Israel and the OPT

If Israeli violations are not the controlling factor in the current deterioration, what is? The argument presented here emphasises (i) the inadequacy of some of the current legal standards contained in the law of occupation in addressing the specific situation in the OPT; and (ii) the lack of a focused and dynamic response by the international community to the deterioration of the situation in the territory.

From the outset, two points need to be underlined.

- *The law of occupation is designed primarily to regulate security-motivated occupation*

The international law of occupation, as embodied for the most part in the Hague Regulations of 1907 and the Fourth Geneva Convention of 1949, regulates the presence of foreign military forces in a territory during an international armed conflict. These treaties were developed on the assumption that this foreign military presence is dictated primarily by the security concerns of the Occupying Power. Parties have adopted these norms on the understanding that only temporary security motives can justify an occupation, to the exclusion of attempts to annex, colonise or fundamentally transform

unilaterally-occupied territories and societies, or alternatively to draw on natural resources for the exclusive benefit of the Occupying Power. International law therefore limits how far occupation forces can permanently affect the life, livelihood and social environment of the occupied population.

- *The motives of military occupation have evolved considerably in the twentieth century, while the law of occupation has remained largely unchanged*

The nineteenth century understanding of occupation was based on the classical notion of sovereign control over a territory and population. When a sovereign, whether king or government, was displaced by an invading party, the invader did not acquire full control over the occupied territory. The occupier remained only the depository of the assets and population of the legitimate sovereign for the duration of the occupation. The former had to act as a custodian of these assets until their return to the legitimate sovereign as the result of a reversal of the military campaign, or as agreed in a peace treaty. Political and practical incentives were such that conflicts in the nineteenth century rarely resulted in the long-term military occupation of neighbouring states. The lack of proper tools to maintain centralised political control over extended territory and populations hindered expansionist ambitions. If dominant states were interested in the resources of neighbouring countries, they built or imposed alliances as part of peace agreements. Consequently, continued military control over foreign territory did not hold much strategic value.¹

The ability of states to control foreign territory expanded considerably in the twentieth century with the development of modern communication tools and transport networks. As a result, the strategic value of military occupation increased, serving the hegemonic and transformative goals of dominant states, or simply serving expansionist policies. These enterprises are best illustrated with Japanese and German expansionism in Asia and Europe during the Second World War, and the total occupation of both countries at the end of the war by the US and its allies – occupations which were aimed not only at displacing the sovereign power, but at reshaping these two nations, giving them a new political identity and, for the first time, attributing the privileges of sovereignty directly to the people.

Despite these changes in the nature of occupation, the international law of occupation remained unmodified for the greater part of the century. Through various interpretative methods, states managed to function within the traditional parameters of the law, implementing their transformative policies despite the contradictions generated in the law. In Japan and Germany, for example, the military occupations were undertaken with the understanding that traditional rules of occupation law would

¹ See, on this point, Eyal Benvenisti, *The International Law of Occupation*, Princeton, New Jersey: Princeton University Press, 1993.

be respected to the extent that they allowed the reshaping of political, legal and social institutions pertaining to the defunct Nazi or Japanese states. The sovereign having disappeared or surrendered, it was seen as the responsibility of the Occupying Power to establish the sovereignty of the people and bring the occupation to an end.²

Can IHL address the needs of the Palestinian population?

The evolution of state practice, and the static nature of the law of occupation, has resulted in a growing gulf between the law and the practice of occupation. In particular, states no longer seem to consider military occupation strictly as a security tool. Since the occupation of Germany and Japan, the transformative objective is increasingly recognised as a legitimate motive of an Occupying Power by the international community when such occupation is endorsed by the UN Security Council, as part of its response to a threat to international peace and security. The success of such transformation is even seen as a prerequisite for bringing the occupation to an end (as in Iraq, under Resolutions 1483 and 1511).

In addition, following the development of human rights and the recognition of the right of self-determination under the UN Charter, the international community no longer envisages simply handing back a territory to the former sovereign (as it did, for example, at the end of the Japanese occupation of Vietnam and Indonesia, where the two countries were returned to the French and Dutch colonial powers). The legitimacy of the new sovereign authority resides in its representation of the people living in the occupied territory.

This is of special importance in the international community's approach to the Israeli occupation of the OPT, and the conditions and strategies needed to bring it to an end. In particular, the law of occupation remains silent on:

- the methods through which the Occupying Power and the international community can build a modern, sovereign state in the occupied territory, and the limitations that they should respect;
- the role and authority of the Palestine Liberation Organisation (PLO), and the standards under which it can negotiate an end to the occupation;
- the human rights requirements and the accountability of the Palestinian Authority;
- the conditions under which an occupation can be terminated; and
- the process through which such a determination can be made.

One may argue that, considering the increasing challenges of occupation in the twenty-first century, the law of occupation may need to be revisited to ensure the highest

² See Benvenisti, op. cit., chapters 3 and 4; and Yoram Dinstein, *The Conduct of Hostilities Under the Law of International Armed Conflict*, New York: Cambridge University Press, 2004.

level of protection to the occupied population and to devise a proper and realistic path to bring an occupation to an end. This article focuses on Israel; other cases, such as the US and British occupation of Iraq, could serve as fertile research ground.

Israel's occupation policies in the OPT: from security to territorial expansionism

Israel invaded the West Bank and Gaza Strip in the course of the Six Day War in June 1967. The invasion and subsequent occupation of Arab territories were dictated by Israel's security concerns at the time. Israel argued from the outset, however, that since the sovereignty of Egypt and Jordan over the Gaza Strip and the West Bank was disputed, it was not under an obligation to return these territories.³ Despite the request of the UN Security Council in Resolution 242 for Israel to withdraw from the occupied territories, Israel extended its control over the West Bank and Gaza Strip through the annexation of East Jerusalem and the establishment of civilian colonies and military outposts inside the OPT.

In this light, the Israeli military occupation of the West Bank and Gaza Strip differed substantially from what was envisaged in the Hague Regulations and the Fourth Geneva Convention. Especially after the settlement of the conflict with Egypt and Jordan, one may argue that the maintenance of an Israeli military presence in the OPT became, in these circumstances, essentially a tool for expansion, rather than a way of strengthening border security.

What use might IHL then have if the fundamental interest of the Occupying Power differs substantially from the underlying values and interests of the applicable treaties? Arguably, the Palestinian population living in the OPT is in dire need of a protection regime. In a formal sense, the law remains valid regardless of the motives of the Occupying Power until the agreed return of the sovereign. Given the inability of the parties to the conflict to agree on the conditions to bring the occupation to an end, as well as the international community's unwillingness to impose serious enforcement measures against Israel's violations and expansionist policy in the OPT, how can one promote, and demand Israeli compliance with, a legal regime that contradicts its implied political goals? Should the international community continue to insist on the implementation of the law of occupation, or should it consider other intermediary regimes to ensure proper protection of the Palestinian population (e.g. international civil administration, or trusteeship)?

Developing proper compliance strategies

Given that enforcement measures are unlikely against Israel for its violations of the law of occupation, compliance strategies must be based on (i) solid understanding

³ See Meir Shamgar, "Legal Concepts and Problems of the Israeli Military Government – The Initial Stage", in Meir Shamgar, *Military Government in the Territories Administered by Israel, 1967-1980: The Legal Aspects*, Jerusalem: Hebrew University, Harry Sacher Institute for Legislation Research and Comparative Law, 1982.

of the motives and interests of Israel in the OPT; (ii) good control over the potential ambiguities of the law that may be used by the deviant state; and (iii) appropriate strategies for, and targeting of, international interventions. In other words, if the international community hopes to have an impact on Israel's behaviour in the OPT, there are few alternatives to engaging with the stakeholders of Israeli government policies, domestically and abroad, and negotiating proper arrangements for the implementation of the law and/or the development of an alternative regime. This will mean going beyond a holistic and discursive approach to the violations of IHL by Israel and engaging political parties, civil society organisations and the general public in a debate on the political goals underlying Israeli policies and their (in)compatibility with specific humanitarian and security imperatives as embodied in international law. The examples below illustrate this issue.

if the international community hopes to have an impact on Israel's behaviour in the OPT, there are few alternatives to engaging with the stakeholders of Israeli government policies

The humanitarian consequences of Israeli settlement policy

The Israeli government has been engaged for more than 35 years in the relocation of Israeli nationals to the territories it occupied as a result of the 1967 war. It has done this through programmes facilitating, supporting, encouraging and/or enabling the establishment of Israeli settlements in the OPT. The legality of these settlements has been challenged by the other parties to the conflict, other parties to the Geneva Conventions, and international organisations such as the UN. Among all aspects of Israeli policy in the OPT, the establishment of Israeli settlements has generated the most significant tensions between the parties, and it has been a constant source of pressure on the occupied Palestinian population.

Israeli settlement policy has been acknowledged by a great majority of states, scholars and international organisations as a violation of IHL. Paragraph 6 of Article 49 of the Fourth Geneva Convention states that '[t]he Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies'. This provision implies the following.

- This obligation suffers no exception. No circumstances can justify the Occupying Power's deportation or transfer of its population to the occupied territory.
- This obligation applies only to the Occupying Power. It does not prohibit voluntary migration of the Occupying Power's nationals into the occupied territory; it only

forbids the Occupying Power's participation in, or contribution to, this process.

Article 49 was adopted with the objective of preserving the basic demographic and social configuration of the occupied territory. According to the ICRC Commentary, the purpose of Article 49 paragraph 6 was precisely 'to prevent a practice adopted during the Second World War by certain Powers, which transferred portions of their own population to occupied territory for political and racial reasons or in order, as they claimed, to colonize those territories. Such transfers worsened the economic situation of the native population and endangered their separate existence as a race'.

The current blanket denunciation by the international community of Israeli settlement policy is, by itself, unlikely to have a significant impact, either on the policy or on the livelihood of Palestinians. Instead, international interventions should engage with the Israeli authorities and Israeli society over the damage incurred by Palestinian communities in the establishment and expansion of settlements. This pragmatic approach needs to be complemented with more targeted interventions on specific cases, for political audiences who can have an influence on these issues. For example:

- Proper data should be maintained on the locations and population profile of settlements in the OPT.
- Independent evaluations of the social and economic impact of selected settlements should be undertaken, with recommendations on how to correct this impact.
- Information and advocacy campaigns should be undertaken on the illegality of settlements and their impact on Palestinian communities. These campaigns should target government constituencies in Israel and abroad. They should be undertaken by agencies and organisations unrelated to the parties to the conflict.
- International agencies should agree on strategic targets in slowing down settlement expansion, and measure the results of their activities regularly.

In the absence of a proper response from the Israeli government to such interventions, the international community should look beyond IHL. Ultimately, the inefficacy of the international community in bringing Israel into compliance with the law of occupation on the settlement issue is the most cogent argument in favour of developing an alternative protection regime that will limit the further expansion of Israeli settlements in the West Bank and Gaza Strip. In present circumstances, it is hardly imaginable that the international community continues to recognise Israel's fiduciary authority over Palestinian public land as stipulated in the law of occupation. Insisting on the implementation of the law of occupation implies maintaining the legal authority of the Israeli government and courts over Palestinian private and public land, which is at the core of Israeli settlement policies.

Movement restrictions as a collective punishment

After Israeli settlement policy, the movement restrictions imposed on Palestinians appear to be one of the most

damaging Israeli policies in the OPT. Since the beginning of the *Intifada* in September 2000, the Israel Defense Force (IDF) has introduced a number of measures restricting the movement of Palestinians *within* the OPT, including curfews, internal closures, roadblocks and checkpoints, closed military areas, the separation barrier, and the encirclement of communities located on the west side of the barrier.

The law of occupation contains only a limited number of provisions of direct relevance to the general freedom of movement of the local population in an occupied territory. Nevertheless, the existence of such a right is hardly contested. The general obligation of the occupant to respect the fundamental rights of protected persons under Article 27 of the Fourth Geneva Convention implicitly includes the right to move about freely.⁴ This right, however, is not absolute. According to Article 27, the Occupying Power ‘may take such measures of control and security in regard to protected persons as may be necessary as a result of the war’.

The ICRC Commentary to the Fourth Geneva Convention explains further both the right to free movement and its limitations. According to the Commentary, ‘the right to personal liberty, and in particular, the right to move about freely, can naturally be made subject in war time to certain restrictions made necessary by circumstances’. The Commentary goes on to explain that ‘a great deal is left to the discretion’ of the Occupying Power in terms of its choice of security measures. The Commentary does state, however, that ‘the regulations concerning occupation ... are based on the idea of the personal freedom of civilians remaining in general unimpaired’. The right to free movement is further supported by the growing tendency to read International Humanitarian Law in the light of international human rights instruments (see Article 12 of the International Covenant on Civil and Political Rights).⁵

any measure to enforce limitations upon freedom of movement should be necessary and proportional

Any measure to enforce limitations upon freedom of movement should be necessary and proportional. Extensive general movement restrictions may affect the ability of the local population to satisfy basic needs. Under the law of occupation, the Occupying Power is obliged to ensure that the occupied population has access to basic humanitarian supplies. Article 55(1) of the Fourth Geneva Convention

⁴ Jean Pictet, ed., *Commentary on the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention)*, Geneva: 1960, pp. 201-202.

⁵ For discussion of this trend, see Orna Ben-Naftali and Yuval Shany “Living in Denial: The Application of Human Rights in the Occupied Territories,” *Israeli Law Review* 37, summer 2004, forthcoming.

states: ‘[T]o the fullest extent of the means available to it, the Occupying Power has the duty of ensuring the food and medical supplies of the population; it should, in particular, bring in the necessary foodstuffs, medical stores, and other articles if the resources of the occupied territory are inadequate’. Since movement restrictions are a complex domain and the law is particularly unspecific about it, lawyers and policy-makers should engage Israel in expert dialogue on these issues to provide a technical determination applicable in the OPT. In particular:

- States should ensure continued support to mapping efforts regarding movement restrictions, such as the ones undertaken by the UN Office for the Coordination of Humanitarian Affairs (OCHA).
- The impact of the movement restrictions should be properly evaluated by independent organisations, using credible methodologies.
- This impact should be discussed by international IHL experts to evaluate the adequacy and proportionality of such measures compared to their portrayed purpose. These experts should produce practical recommendations on measures to alleviate the impact of movement restrictions on the Palestinian population.
- As with the proposed international response to Israel’s settlement policies, these recommendations should be presented to the various stakeholders of Israeli security policies.

Ultimately, as long as the law of occupation continues to apply in the OPT, Israel’s security considerations will remain the yardstick of all the security measures imposed on the Palestinian population, with no relief in sight for the latter’s social and economic needs. While the international community must insist on Israel’s full compliance with the rules stipulated in the law of occupation, it must also contemplate alternative regimes that could better serve the security needs of both Palestinian and Israeli populations.

Conclusion

The two examples above illustrate practical areas where states and international agencies could focus their efforts to ensure the protection of the Palestinian population living in the OPT. The fundamental issue remains that, while the current situation in the Middle East no longer warrants the Israeli occupation of the OPT, the continued application of the law of occupation provides for a series of prerogatives for the maintenance of Israeli security in, and control over, the OPT. The lack of commitment of the international community towards the enforcement of the rules of IHL has allowed Israel to implement expansionist policies, and has further endangered the security of the Palestinian population living in the territories.

This article suggests a series of measures to engage the Israeli government and civil society on IHL. Alternative strategies also need to be developed. The international community will have to choose between taking the necessary measures to ensure respect for the law occupation, or deciding on the implementation of an alternative legal

regime that could better serve the human security objectives of both sides, such as an international civil administration. The continued inability of the parties to the conflict to settle their differences cannot by itself justify the maintenance of the Israeli military occupation. The international community should invest its energy in engaging the Israeli government, civil society and the media in developing

practical measures to alleviate the impact of Israeli occupation on the Palestinian population and, ultimately, to bring the longest occupation in living memory to an end.

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International humanitarian aid to the Palestinians

Avraham Lavine, Ministry of Social Affairs, State of Israel

Avraham Lavine has been responsible for liaison between the Israeli government and international organisations working on behalf of the Palestinians for the past 35 years. Here he discusses the nature and scope of international humanitarian assistance to the Palestinian territories.

Overnight, following the Six Day War in June 1967, Israel became responsible for populations living in the West Bank and Gaza, but without any experience in establishing an administration to provide them with basic services. At that time, few development activities, if any, were being undertaken, while most rural areas of the West Bank were cut off from the mainstream of society, lacking the most basic infrastructure and civil services.

The importance of international aid

From the outset, Israel considered the activities of international aid agencies to be crucial in complementing the Civil Administration's efforts to deliver services and promote social and economic development. International aid agencies working in the West Bank were asked to continue providing the same assistance under the terms of existing contracts with the Jordanian government. Five international aid organisations responded positively:

Catholic Relief Services, the Lutheran World Federation, the Near East Christian Council, the Mennonite Central Committee and the Swedish Organisation for Individual Relief. Material assistance was mostly in the form of surplus food commodities from the US. Health services for Palestinian refugees were provided by the Lutheran World Federation, under contract to the UN Relief and Works Agency (UNRWA), at the Augusta Victoria Hospital in Jerusalem. Meanwhile, the aid organisation CARE-USA, which had been working in Israel since 1948, undertook US government-funded emergency feeding and food-for-work programmes in Sinai, the West Bank and the Gaza Strip. The UNRWA, with the agreement of the Israeli government, continued to provide services to the refugee camps in the West Bank and Gaza.

These and other international aid agencies all enjoy exemptions from taxes and customs duty on all their programme and administrative needs, directed at both refugee and non-refugee populations. These exemptions have, together with joint Israeli funding of selected projects, amounted to millions of dollars budgeted by the Israeli government for development activities in the administered territories.

Neither UNRWA nor, for that matter, any other international agency or foreign government, has been willing to undertake or participate in projects designed to improve the unacceptable living conditions and overcrowding in the refugee camps, particularly in the Gaza Strip, and to effectively rehabilitate the Palestinian refugee population. To give one example. In the 1970s and 1980s, the Israeli Civil Administration undertook new housing projects in Gaza, allowing the eventual relocation of more than 11,500 families away from the hardships of the refugee camps. Despite appeals by the Israeli authorities, no international humanitarian assistance was forthcoming to enable the rehabilitation of significantly larger numbers of refugee families.

overnight in 1967, Israel became responsible for populations living in the West Bank and Gaza

In a rare international effort, the American Save the Children Federation and the Civil Administration's Department of Social Affairs undertook a joint community work project in the new Dekel neighbourhood of Rafah. The work, which began in 1972, was intended for 10,000 residents from the Rafah refugee camp. The project included the construction of a community centre and the introduction of the new residents to the principles of community organisation using community work techniques.

Despite the international consensus around maintaining the status quo of the refugee population, and despite often divergent political views, the relationship between the government of Israel and the international aid agencies has, I believe, been friendly and cooperative. The basis of this relationship has been the common goal of advancing the well-being and social and economic development of the population of the Palestinian territories. The Department of International Relations of the Ministry of Social Affairs has, from the outset, been the government's official liaison with international aid organisations working in the Palestinian territories. The government's policy has been to coordinate their activities, in order to maximise the use of aid resources and avoid duplication, while engaging them in programmes designed to reduce the dependency of individuals and families; to promote the development of seriously deficient infrastructures such as access roads, water supplies and electricity; to reinforce health, educational and social services; to encourage economic activity; and to produce a significant rise in standards of living. The latter goal was achieved, in part, also by the employment of 120,000 Palestinian commuter workers by Israeli firms and enterprises. (The current security situation has virtually closed the door on this possibility, thus contributing to the on-going humanitarian crisis.)

Frequently, international agencies were approached by the Department of Social Services of the Civil Administration with requests to assist in the development of innovative services or programmes, within the context of strategic

planning of services for the administered territories. Organisations, while obviously not obliged to do so, would often agree to undertake such new activities. For example, when UNICEF's Middle East and North Africa Regional Office applied to the Ministry of Labour and Social Affairs in 1980 to carry out a programme on behalf of Palestinian children and mothers, not only was the initiative welcomed, but innovative projects were proposed by the Ministry that would augment existing services. A proposal to establish four child development centres, in Ramallah, Jenin, Hebron and Gaza, with the assistance of an Israeli expert consultant, was accepted by UNICEF and implemented jointly with the Ministry. The centres identify and treat congenital and other disabilities in babies and children up to six years of age. Another programme, proposed to UNICEF by the Civil Administration's Department of Health for joint implementation, established 50 health centres in outlying rural areas, and trained health workers to staff them. These still act today as primary ports of call for those in need of medical care, with subsequent referral, if necessary, to clinics or hospitals in urban areas.

By 1994, when responsibility for all civilian services in the West Bank and Gaza was handed over to the newly established Palestinian Authority, great progress had been achieved, with the considerable assistance of 26 international aid agencies then registered with the Ministry. At that time, the social and economic situation in the Palestinian territories augured well for continued progress towards eventual economic self-sufficiency, albeit within the context of regional interaction and cooperation. The necessity for some international agencies to once again provide emergency humanitarian aid to the population in the Palestinian territories, in contrast to the programmes of sustainable development that characterised most of the previous three and a half decades, is thus an unwelcome regression. The complicated security situation has made it more difficult for international humanitarian agencies to function. However, the Israeli government's policy since 1967, to promote and encourage the work of these organisations, has not changed. Everything possible is done to protect their contractual privileges, to facilitate their activities and to ease the movement of their personnel, both in and out of the country, as well as in and around the Palestinian territories. Representatives of international organisations have reported to us that there are relatively few major delays for their international personnel at checkpoints. When delays do occur, there is usually someone to turn to for help, either the Coordinator for Social Affairs and International Organizations in the Liaison Office with the Palestinian Authority, or Israel Defense Force (IDF) officers specially appointed to liaise with international organisations.

The perception of international humanitarian aid as a practical and rational expression of humankind's universal, mutual responsibility, rather than as a mere tool of foreign policy, raises questions about the large number of international humanitarian organisations providing assistance to a relatively small Palestinian population. Whether their decision to do so is driven by religious, political or exclusively humanitarian motives, it is difficult to reconcile the seemingly disproportionate allocation of aid resources,

when far greater needs exist in many other parts of the world. According to the Geneva-based organisation UN Watch, for example, the UN provides over 12 times more in subsidies per beneficiary to the Palestinian economy than to the combined economies of six southern African countries.

CARE-USA withdrew its presence from the West Bank and Gaza in the 1980s because it considered the level of the economy and standard of living in those areas to be too high to justify diverting resources from other more needy regions of the world. (CARE returned to the West Bank and Gaza in 1994.) In 1993, an understanding was reached between the Ministry of Social Affairs and Catholic Relief Services, which had taken over all US government feeding programmes in the West Bank and Gaza, to end the distribution of food rations as both unnecessary and as an obstacle to the reduction of dependency. However, the Palestinian Authority asked for a continuation of food distribution for what was intended to be a limited interim period. Since then, in the wake of the virtual collapse of the Palestinian economy and the effects of the *intifadah*, additional food distribution programmes were implemented by the ICRC and the World Food Programme.

At the time of writing, 44 international humanitarian organisations working in the Palestinian territories are registered with the Ministry of Social Affairs. This accounts only for those organisations with offices and representations in Israel; the number of international organisations actually working in the Palestinian territories is, in fact, much higher. AIDA, an informal association of international aid agencies serving the Palestinian population, currently has 72 members.

A possible argument in favour of a proliferation of international aid agencies in the Palestinian territories might be that the actual implementation of projects by these agencies themselves helps to obviate the need for accountability, considered by many as essential in following up the use of cash funds transferred to the Palestinian Authority. The accountability issue remains to be resolved to the satisfaction of donor governments and international

donors. (A more pertinent question, perhaps, is how the allocation of major resources can be rationalised when the present situation is a man-made emergency that could easily have been avoided from the outset.) Given the constellation of current international affairs, it is impossible to conclude that all humanitarian aid to the Palestinian territories is indeed devoid of foreign policy considerations, whether they be those of governments, international bodies or international humanitarian organisations.

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HPG project on cash and vouchers

Aid agencies still overwhelmingly give people things (food, shelter materials, buckets, seeds) rather than the money to buy them. There is, however, a growing body of experience with cash- and voucher-based approaches, and an increasing willingness to consider their appropriateness.

Proponents argue that cash and vouchers can be more cost-effective and timely, allow recipients greater choice and dignity, and have beneficial knock-on effects on local economic activity. Sceptics fear that they are impractical due to additional risks of insecurity and corruption, and because targeting may be more difficult with cash than with commodities. There are also concerns that women may be less able to access cash, that it may be misused by recipients and that it may have negative effects on local economies. Others feel that cash- or voucher-based responses sound interesting, but in practice commodities are what is available and what relief agencies have the skills and experience to deliver.

This project aims to review the empirical evidence for these viewpoints and assess when and where cash- and voucher-based responses are appropriate; discuss whether they should be seen as complementary to, or replacements for, commodity-based approaches; and detail the practical operational challenges involved.

As part of this project, we are trying to collect examples of the use of cash and vouchers in emergency responses from around the world, and to gather opinions about the appropriateness, effectiveness and impact of cash and vouchers. Any information about cash- and voucher-based responses or opinions should be sent to p.harvey@odi.org.uk.

The search for truth: human rights documentation in the war of representation

Jessica Montell, B'Tselem

The humanitarian crisis in the West Bank and Gaza Strip is not a natural disaster. This crisis is very much man-made. Israel's severe restrictions on Palestinian movement – whether inside the occupied territory (OPT), or between the OPT and Israel or other countries – is a primary cause of wide-scale Palestinian unemployment, poverty and hardship. Other Israeli policies exacerbate this hardship, including relaxed rules of engagement, which result in civilian deaths and injuries, and the mass demolition of Palestinian houses. In turn, attacks by Palestinian militants against Israeli civilians increase Israeli public support for these harsh responses.

In this environment, ensuring respect for human rights is crucial to efforts to alleviate humanitarian suffering. The work of humanitarian actors must be closely linked to a human rights agenda. Indeed, many humanitarian organisations working in the OPT have adopted a rights-based approach, advocating for respect for human rights in addition to providing direct assistance to those harmed by the violation of their rights.

For both human rights and humanitarian actors, an accurate analysis of the situation is the first step to formulating an effective strategy for positive change. Yet such an analysis is confounded by the climate of disinformation. In the conflict between Israel and the Palestinians, it is clear that Israel has *military* superiority. The question of who has *rhetorical* superiority is still undecided, and both sides invest significant resources in presenting reality in a manner that suits their interests. Facts are in fierce dispute, as both Israelis and Palestinians manipulate information in order to support their own agendas.

The Palestinian side is guilty of blatant hyperbole and distortion. Over the past four years, Palestinian spokespeople have portrayed armed fighters as non-violent demonstrators, and have tried to blame Israel for Palestinians killed in car crashes and other accidents. However, this article concentrates on Israeli actors in the war of representation, as B'Tselem is an Israeli organisation concerned primarily with holding its own government accountable.

Propaganda and the IDF

The Israeli Defense Force (IDF) Spokesperson's Office is a central actor in the propaganda war, with an extensive website in English, updated almost hourly. In responding to allegations of harm to Palestinians, the response of the Spokesperson invariably begins with what it sees as the proper framing of the discussion: terrorist threats against Israelis and the country's desperate efforts to protect its citizens from these barbarous attacks. This tactic is invoked regardless of the specific allegation.

in the conflict between Israel and the Palestinians, Israel has military superiority. The question of who has rhetorical superiority is still undecided

In December 2003, B'Tselem published a report documenting cases of abuse by soldiers at a checkpoint outside the city of Nablus. Over the course of five days, nine Palestinians were beaten and abused by IDF soldiers at the checkpoint, and then released after several hours. As it does with every report it publishes, B'Tselem submitted this one to the IDF Spokesperson for its response. The response began: 'The city of Nablus has, for the past few years, served as a primary source for the planning and execution of terrorist attacks against Israeli citizens'. It continued in this vein for several paragraphs. Although there was no suggestion that, in this specific case, the victims of violence were involved in terrorism, the tactic of the IDF Spokesperson's Office was to reassert the victim status of Israel as a way to deflect criticism from unjustifiable acts of violence.

The automatic invocation of security to justify all military and government policies is not unique to the IDF Spokesperson's Office. All echelons of the military, the government, and society justify almost everything in the name of security. The effect is to shut down analysis, discussion, even rational thinking. Here are two examples chosen at random from B'Tselem's work.

1. In addition to its research and documentation, B'Tselem operates a mobile team to intervene in cases of human rights violations, particularly surrounding checkpoints in the West Bank. In the case mentioned above, B'Tselem notified the IDF's Humanitarian Hotline to report the first incident of violence at the checkpoint. The initial explanation provided was that the Palestinian tried to grab the soldier's gun. Yet the individual who apparently perpetrated such a serious offence was released without undergoing interrogation, or facing criminal charges (though the individual was severely beaten). Only after B'Tselem publicised the case to the press was a military police investigation opened.
2. B'Tselem conducts an extensive correspondence with the Judge Advocate's General Office in order to hold accountable individual soldiers suspected of human rights violations. Here too the Chief Military

Prosecutor invariably claims that cases do not warrant military police investigation because soldiers are operating appropriately under the circumstances. In several cases, B'Tselem has managed to collect circumstantial evidence indicating severe wrongdoing. B'Tselem's ability to conduct such investigations is much more limited than the IDF's, given the lack of access to eye-witnesses who are soldiers, and the restrictions the IDF places on the organisation's movements. Nevertheless, in many cases, a formal IDF investigation will only be opened in cases where B'Tselem or another NGO has succeeded in building a *prima facie* case.



*Israeli checkpoints in the occupied Palestinian territory
(above and below right)*

Facts and fictions

One of B'Tselem's primary roles is ensuring accountability – whether legal or political – for the individuals and institutions responsible for human rights violations. Here too documentation of the facts is crucial. Thus, the first task for B'Tselem is to weed out truth from fiction in the sea of mutual recriminations.

Many argue that the facts do not matter. Indeed, when confronted with an error in his reporting, one prominent Palestinian human rights activist responded that these were 'merely details'. For this activist and those like him, who argue that the specific details are unimportant, the broad picture is clear: Israel's policies in the occupied territory are brutal and repressive. What does it matter if 2,200 Palestinians have been killed, or 3,100 Palestinians have been killed?

many argue that the facts do not matter – but the devil is in these details

But the devil is in these details. Are people being killed in premeditated wilful killings, as Palestinians assert, or as the tragic but inevitable result of clashes with armed and dangerous terrorists, as Israel asserts? In fact, the answer is both and neither. On the one hand, there are gun battles between Israeli soldiers and armed Palestinians. At least 723 of the Palestinians killed in this *intifada* were armed and participating in hostilities when killed. On the other hand, Israel has killed at least 175 Palestinians in premeditated, targeted assassinations. An additional 105 Palestinian bystanders (29 of them children) were also killed in these assassinations.

But these two extremes represent the minority of casualties. Altogether, 2,854 Palestinians have been killed by the Israeli security forces in the four years of the *intifada* (30 September 2000–30 September 2004). It is known that at least 1,586 of these took no part in hostilities. The majority of Palestinians killed were not intentionally targeted – contrary to the claims of Palestinian spokespeople, Israel is not perpetrating massacres. However, most of the Palestinians killed were unarmed civilians. The principal reason for these deaths is the Israeli policy of allowing lethal gunfire in situations where soldiers are not in danger. The relaxed rules of engagement and the lack of enforcement of these rules is one of B'Tselem's primary areas of concern. This is however qualitatively different from wilful killing – and any serious effort to protect Palestinian lives must engage with the actual problem, rather than its rhetorical representation.

A central rhetorical battleground is the legal definition of the situation. For Palestinians, this is a military occupation of a civilian population, whereas Israel defines the current situation as an armed conflict, i.e. a war. The 11 September attacks in the US and the war in Iraq have strengthened Israel's representations of this conflict as part of a larger 'war on terror'.

While there are certainly isolated incidents that reach the level of an armed conflict, the entire situation in the West Bank and Gaza Strip cannot be classified as a war. In many cases soldiers are performing standard policing functions, such as they did during the Oslo process and the first *intifada*. This includes staffing checkpoints, conducting house searches and arrests.

Two of the most contentious issues – and where the rhetorical debate is most fierce – concern the movement of ambulances, and harm to children.

Ambulances

In January 2002, the IDF Spokesperson published a statement claiming that a Palestinian wanted for questioning was arrested inside an ambulance while disguised as a doctor. The Spokesperson concluded with the statement 'The IDF sees severely any cynical or false use of humanitarian cases and medical emergencies'. In fact, the man arrested in the ambulance was a doctor, Dr Abd al-Karim Ali Abdallah, an anaesthesiologist at Rafidia hospital. Only after an appeal by B'Tselem did the IDF Spokesperson amend his announcement and admit that Dr Abdallah was indeed a physician.

This is only one of many cases in which the IDF dodges criticism of its siege policy by alleging the Palestinian abuse of ambulances. While B'Tselem has also criticised the abuse of ambulances by Palestinians – in at least one well-documented case an ambulance was used to smuggle explosives – this does not justify the collective harassment of ambulances and medical personnel.

Recently, Israel released aerial photos purportedly showing Palestinians using an UNRWA ambulance to transport Qassam rockets in the Gaza Strip. In this case, the war of representation was waged over the course of several days between UNRWA Commissioner-General Peter Hansen and the IDF before the IDF acknowledged that the photographs were not conclusive.

Harm to children

In the first months of this *intifada*, a leading Israeli publicist advocated a public relations strategy 'to reduce the gap between the cold logic on Israel's side and the bloody photograph giving Palestinians the edge ... A planned and creative PR campaign would attack Arafat from an unexpected direction – that he sacrifices

children ... If all officials repeated this contention, some of those graphic photos would work against Arafat'.

The Israeli media – and Israel's supporters worldwide – adopted this strategy. Newspapers tell of mothers who raise their children to be martyrs. Mass e-mails repeat this allegation, or assert that Palestinian gunmen are using children as human shields, shifting the discourse from the soldiers who kill children to a critique of Palestinian society, a 'pagan' society (according to one controversial article) that practices child sacrifice.

This year, there were two highly publicised cases of children from Nablus being recruited to aid or even carry out suicide attacks. The press is right to focus on these cases, which constitute war crimes under the Rome Statute of the International Criminal Court. Palestinian society – and all of us – must be extremely concerned about armed groups exploiting children in this way. But these cases cannot be used to deflect attention away from Israeli actions and policies that result in severe harm to children.

Conclusions

Ironically, the intensity of the rhetorical war increases the power of human rights organisations. B'Tselem's Public Shaming efforts are more effective because Israel assigns so much importance to the way it is perceived. This opens up additional channels through which human rights advocates can act and exert influence.

The importance Israel attaches to public relations also increases the viciousness of the attacks against human rights organisations – though here too it is important to emphasise that these are so far only verbal attacks, at least in regard to Israeli organisations. Human rights organisations are rightly perceived as undermining the propaganda efforts of Israel abroad. It is a testament to their effectiveness that they engender such condemnation.

The strength of human rights advocacy rests on the accuracy of the information and analysis. But information by itself is not enough; even when people know the facts about human-rights abuses, they argue about their interpretation, or contend that these actions are justified. But reliable, accurate information is the first step to engaging with the interpretations and justifications for human rights abuses, and for formulating effective strategies to end these abuses.

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Palestinian NGOs and the second *Intifada*

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The second *Intifada* has highlighted the inability of international humanitarian NGOs to act as witnesses in a period of crisis and war. In the first months of the *Intifada*, donor governments and international organisations such as UNDP evacuated their staff from the Palestinian territories. Although many later returned, few of the international organisations that have remained in the Palestinian territories have acted as solidarity groups. These organisations may do good, professional relief work, but they are not documenting what is going on, nor are they speaking out. International NGOs like Médecins Sans Frontières (MSF) have sent missions and published reports on human rights violations, but they do not contest the fundamental issue, which is the Israeli occupation.

For their part, Palestinian NGOs themselves have failed to develop local grassroots networks and strategies for action; like their international counterparts, they rely on a few professional specialists. They have not established a rapport with the wider Palestinian population, or with other political and social organisations, reverting instead to a familiar pattern of short-term relief. This reflects the absence of a long-term vision or strategy for how NGOs and social organisations can contribute to political change.

international NGOs do not contest the fundamental issue, which is the Israeli occupation

The actions of these NGOs betray a lack of awareness that they are in occupied land. NGO leaders are from the urban middle class, but the *Intifada* is taking place in the refugee camps and remote towns in the north and south of the West Bank and in the south of Gaza, rather than in urban centres like Ramallah. The *Intifada* is not simply political, but social and economic, and it is propelled by people who did not gain from the peace process. It expresses cumulative popular anger, both at the violence of the Israeli occupation and at the meagre achievements of the Palestinian National Authority (PNA) in the peace process, and its poor management of public affairs.

NGO leaders confuse the 'political' with the 'national', and refuse to commit to the Palestinian national cause under the pretence of refusing to conduct political activities. Yet many NGOs are increasingly politicised internally; communiqués circulating among NGOs during the first year of the *Intifada* asked for personal signatures, not the endorsement of organisations. Clearly, NGOs are not seen as taking on a leadership role on national issues. Consider

the following example, from the beginning of the *Intifada*. In 2001, the local USAID head, Larry Garber, announced that US aid to the Palestinians would stop if the PNA declared Palestinian independence, and made further aid conditional on positive political developments. Some NGOs refused to call for a boycott of USAID funding in response on the grounds that several hundred Palestinian families enjoyed USAID salaries.

the *Intifada* is not simply political, but social and economic

This is more than a case of short-term funding supplanting long-term vision: there seems to be a tension between vested group interests and overriding national political imperatives. Very early in the *Intifada*, NGOs, municipal representatives, civil society groups and members of the Palestinian Legislative Council met in Ramallah in an effort to fill the leadership vacuum within Palestinian civil affairs. However, most of the meeting was reportedly taken up with arguments over leadership role and structure, and the initiative collapsed. According to George Giacaman, director of Muwatin (the Palestinian Institute for the Study of Democracy) and a professor of philosophy at Birzeit University, the initiative did not succeed partly because of the NGOs' lack of legitimacy, and the absence of a legal and administrative structure to ensure this legitimacy.

It has been argued that the lack of a mass base makes NGOs incapable of organising on a popular level. However, the Union of Palestinian Medical Relief Committees was able to mobilise 10,000 supporters from among its beneficiaries in the few months before the *Intifada* began. Why were these same people not organised thereafter?

Although NGOs lack the potential for national mobilisation, they do play a pivotal role as professional bodies. The *Intifada* is replete with examples illustrating the contributions they have made, ranging from the timely release of information on human rights violations to efforts to confront the image of the *Intifada* in the Western media. The Red Crescent Society provides accurate and up-to-date statistics on the number and type of injuries inflicted on Palestinians, as well as on the number of deaths that have occurred during the uprising. The Health, Development, Information and Policy Institute (HDIP) has produced a report on the effects of the *Intifada* on health-care. The Union of Palestinian Medical Relief Committees and the Institute of Community and Public Health at

Birzeit University have produced videos for Western audiences to address the misperceptions and stereotypes around the uprising. Healthcare workers and ambulance staff have over the past decade received very useful training in emergency procedures. The ambulance and first-aid teams that have attended to the injured are more professional now than they were during the first *Intifada*. People at demonstrations have also been able to provide first aid for the wounded while waiting for ambulances to arrive. This shows the importance of the training courses health organisations ran before the *Intifada*.

Overall, Palestinian NGOs have fulfilled an important function, acting as highly professional and competent intermediaries between their society and the international public, by disseminating information, making alternative forms of knowledge available and receiving foreign delegations in Palestine. Partly because of this work, the Palestinian population has been able to carry on in the *Intifada*. Before the Israeli invasion of the West Bank in March 2002, good-quality services in health, education and nutrition were being maintained, unlike other conflict areas and despite the closure and ‘bantustanisation’ of Palestinian territory.

But it is also clear that, despite this useful and effective professional work, Palestinian NGOs have not established links with the mass of the Palestinian people. Muwatin has been a pioneer in initiating debates on the *Intifada*, and has sponsored a large conference attended by about 600 people, including representatives from the PNA. But this and similar public forums have yet to channel Palestinian

energies in any particular direction. Palestinian human rights organisations are unable to coordinate their work in order to conduct joint activities, and little has been done by other organisations to mobilise people, encourage voluntarism or direct the public by providing a leadership role.

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The international politics of aid in the occupied Palestinian territory

Anne Le More, Oxford University

When international donors embarked on a substantial assistance programme to the West Bank and Gaza Strip following the signing of the Oslo peace agreement in 1993, they had three declared objectives. First, international funds were sought to support the implementation of the agreement and to sustain the Palestinian–Israeli peace process. Second, aid would contribute to Palestinian socio-economic development. At the time, an optimistic conception dominated the economic aspects of peace in the Middle East. According to this approach, aid would help to promote development and enhance regional cooperation, which in turn would consolidate peace through ‘spillover’ effects. In particular, aid would contribute to sustaining Palestinian domestic stability and the momentum of the peace process by creating tangible and rapid improvements in basic infrastructure and in Palestinian living conditions – the so-called ‘peace dividend’ which the population of the occupied Palestinian territory (OPT) was supposed to reap. Third,

donors aimed to build Palestinian institutions. Although not explicitly stated at the time as pertaining to final status negotiations between the two parties, most within the international community envisaged institution-building as a first step towards establishing an independent Palestinian state.

From the outset, international assistance in the context of the Oslo process was thus an eminently political enterprise. Since then, the relationship between aid and politics has been complex and intricate. Not only has politics had a disproportionate impact on the strategic orientation and effectiveness of the assistance programme, but aid has also influenced the dynamics of the conflict. However, at no point, including the present, has the overall international response to the Palestinian–Israeli conflict been influenced by an integrated policy framework, in which aid and political actors pursue a mutually supportive peace strategy.

The aid coordination structure: a political framework for assistance

Nothing embodies more clearly the way aid and diplomacy have been inextricably linked than the coordination structure set up to manage donor funds. Several coordination bodies were established, including the Ad Hoc Liaison Committee (AHLC), the main capital-level body mandated to design the overall aid strategy; the Local Aid Coordination Committee (LACC), to provide regular coordination in the field; the Joint Liaison Committee (JLC), designed to address problems in tripartite relations between the donors, the Palestinian National Authority (PA) and the Israeli government; and the Task Force on Project Implementation (TFPI), tasked with resolving implementation problems, notably access issues. Since the beginning of the second *intifada*, new bodies have been created to deal specifically with the emergency situation, such as the Humanitarian and Emergency Policy Group (HEPG) and the Task Force on Palestinian Reform (TFPR).

from the outset, international assistance has been a political enterprise

One of the main features of this aid management structure is that it was initially conceived as a trilateral mechanism involving donors, the PA and the Israeli government. This reflected the fact that the Palestinian–Israeli peace process provided the political framework for international assistance to the West Bank and Gaza Strip. Moreover, although the Palestinian population had been granted a degree of autonomy in some of the areas established by the Oslo Agreement, Israel retained control of East Jerusalem, 60% of the West Bank and a large proportion of Gaza. The PA thus lacked sovereignty and such critical state attributes as control over its borders, its foreign policy, its currency, its fiscal and monetary policy and its natural resources. Accordingly, Israel also remained the aid community’s ‘host’ – international aid agency staff working in the OPT arrive at and depart from Tel Aviv airport, the Israeli Ministry of Foreign Affairs delivers work visas and most international organisations, including UN agencies and NGOs, operate in the Palestinian territories on the basis of an agreement concluded with the Israeli government.

That Israel had to be involved in every aspect of the aid process was inevitable given both the absence of Palestinian sovereignty and the political incentives for international assistance. Yet this also imposed critical limita-



A food distribution in Yatta Village, Hebron, July 2004

©David Furr/WFP

tions on donors, particularly as the relationship between the parties deteriorated after 1996 and the peace implementation process stalled. On the ground, the division of the West Bank and Gaza Strip into different areas and the restrictions imposed by Israel on the movement of Palestinian goods and people have impeded both the access of aid agency staff and the delivery of services, including humanitarian relief. Closure and movement restrictions have also resulted in donor projects being less effective in their implementation, more time-consuming and more costly. Furthermore, the division of the OPT has limited the geographical scope of donors’ projects. In accordance with the Oslo framework, donors have predominantly financed projects in the main cities of the West Bank and Gaza under full Palestinian control, to the detriment of projects in East Jerusalem and rural areas, which have been largely neglected. This inadvertently reinforced the process of Palestinian territorial fragmentation which took place during the 1990s as a result of Israeli closure policy and such measures as the expansion of Israeli settlements and by-pass roads in the occupied territory.

Second, and more fundamentally, Israel’s involvement has resulted in the aid process being over-politicised. In effect, the international aid agenda for the OPT has been determined less by Palestinian development needs than by the competing political agendas of the main donors – in particular the United States and the European Union – as they relate to the perceived requirements of the Middle East peace process. This has also meant that the aid process has been heavily dominated by donors (and in particular the ‘friends of the LACC’ comprising the US, EU, UN, Norway and the World Bank) contrary to best practice guidelines, which have long emphasised the importance of recipient countries ‘owning’ their development process.

Is aid perpetuating a harmful political status quo?

As a result of the *intifada* and the further deterioration of the Israeli–Palestinian relationship, Israel has withdrawn

from aid management at the local level and the coordination set-up has become more bilateral. Nevertheless, donors have continued to interact with both parties through separate channels – as seen most recently in the upsurge of donor activity in the context of the talks between the international community and the two parties surrounding Israeli disengagement plans. It is also becoming increasingly difficult for donors to obscure the reality of the occupation and the related obligations of Israel under international humanitarian law (IHL). As long as the peace process seemed on track and aid was mainly developmental, donors preferred to downplay the occupation rather than antagonise Israel. However, the worsening of the humanitarian crisis, the intensification of Israeli military activity, the reoccupation of most West Bank and Gaza cities and the construction of the separation wall in the West Bank have forced IHL back onto the international agenda.

Israel has withdrawn from aid management at the local level

Lively discussions around the question of ‘should the international community continue to finance Israeli occupation and the destruction of Palestinian livelihood’ have been recurrent features of donor and UN meetings in Jerusalem over the last couple of years. Yet while those debates have served as a useful channel to ventilate the high level of frustration and loss of hope of the aid community on the ground, they have remained to date both sterile and without policy repercussions. The lack of unity among the aid and diplomatic community, the desire not to embarrass Israel for some, and the belief held by most that, were the international community to withdraw its assistance, it is unlikely that Israel would step in to supply adequate relief explain why there has been no substantive reassessment of the international aid response to the West Bank and Gaza Strip.

In effect, for the last four years, most donors have pursued a mixed and *ad hoc* strategy, trying to maintain a development perspective while injecting a huge amount of emergency assistance in response to the crisis. Relief aid has included budget support for the PA and the municipalities, food aid, job creation programmes and cash assistance. Within the ‘development’ category, European donors have tended to re-channel their aid towards institution-building. This is partly because the widespread destruction of the infrastructure that the donor community had financed in the period up to 2000 has made donors reluctant to reinvest in this sector. For instance, the European Commission has estimated the financial loss incurred by European projects at more than €39 million between 2002 and 2004. Moreover, a focus on institutions, notably the PA, has been attractive for political reasons. It has been assumed that supporting the PA – while simultaneously ‘reforming’ it to make it more transparent and accountable – is the best way to ensure the maintenance of a Palestinian negotiating partner, as well as some kind of proto-state

institutions upon which to build a future Palestine. The PA was thus buttressed by a high level of budgetary assistance. In 2002, the World Bank estimated that, out of more than \$1,000m disbursed to the West Bank and Gaza Strip, 50% (\$519m) went on budget support to the PA.

Whilst all this is on paper consistent with the two-state solution outlined in the Roadmap, it is arguably less so given the territorial, socio-economic and political reality of the OPT. Over the last decade, Israel has pursued a policy of expansion into the occupied territory through settlement growth, road and infrastructure construction and the building of the separation barrier in the West Bank. These measures have resulted in a multi-faceted process of fragmentation, whereby the West Bank, East Jerusalem and the Gaza Strip have become a collection of isolated regions and enclaves. This is in sharp contradiction to the *sine qua non* of territorial contiguity as the basis for an economically and politically viable Palestinian state. Closure and fragmentation have also been regarded as the proximate cause for the socio-economic and humanitarian crisis in the West Bank and Gaza Strip. Meanwhile, loss of security control, factional disputes and internecine struggles within *Fatah*, the dominant Palestinian political faction, have come to characterise an increasingly chaotic internal political scene in which the PA has lost much of its legitimacy and Islamist movements have gained substantial popular support. This reality, however, is not integrated into donors’ strategic thinking and policy making. An understanding of the multifaceted impact of ten years of international assistance on the Palestinian domestic scene, on Israeli policy and, more generally, on the dynamics of the conflict is also critically missing.

the PA has lost much of its legitimacy and Islamist movements have gained substantial popular support

Towards a more integrated peace-building approach

Clearly, aid did not succeed in its key priority, sustaining the peace process, but, as in most post-conflict/in-conflict situations, development and relief assistance can only help to buttress and enhance a political process: they cannot be a substitute for it. What is less clear, however, is how aid has influenced the dynamics of the conflict by creating incentives and disincentives for peace or violence in both Israel and the OPT. In particular, the interface between aid, politics and security remains under-researched. Equally, the full implications of unilateral Israeli actions and its policy of territorial expansion for the possibilities for peace, security and development, and for the emergence of an independent Palestinian state, remain to be assessed. There have been some recent initiatives, such as a colloquium organised by the Royal Institute of International Affairs in June 2004 on the disconnects between aid, diplomacy and ‘facts on the

ground'. Mary B. Anderson has also undertaken a short study, applying her 'do no harm' approach to the conflict and looking at the impact of aid on both Israeli/Palestinian relations and on relations among Palestinian groups and within Palestinian society. However, these initiatives have yet to result in further in-depth research, nor have they been translated into an articulated international strategy.

The paradox of the last decade is that, although the explicit aim of donor assistance has been to support the Palestinian–Israeli peace process, donors have nonetheless acted as if the development effort in the West Bank and Gaza Strip could proceed independently of the evolution of the bilateral political process and developments in Israel and the OPT. Israel has been included in the aid process, but only in so far as it has related to donors' work in the Palestinian areas, not as one out of the two parties to which the process of peace implementation applied and at which the international intervention could have been targeted. There has thus been a fundamental contradiction between the aid enterprise's ambitious political *raison d'être* and a minimalist technical interpretation of the role and mandate of the donor community – Palestinian socio-economic development and institution-building. In other words, there has been no integrated and coherent international peace strategy, where aid and political actors pursue a mutually supportive common policy aimed at consolidating peace, development and human security. Ten years on, and at a time when the two-state solution seems increasingly less

likely given Palestinian territorial fragmentation and socio-economic and political disintegration, it is time to start thinking about resolving this contradiction.

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New reports from the Humanitarian Policy Group

Measuring the Impact of Humanitarian Aid: A Review of Current Practice

Charles-Antoine Hofmann, Les Roberts, Jeremy Shoham and Paul Harvey

HPG Report 17, June 2004

This report is concerned with how the impact of humanitarian aid can be measured, why this is increasingly being demanded and whether it is possible to do it better. It also explores the benefits, dangers and costs that paying greater attention to impact might entail. It concludes that, if donors and agencies alike want to be able to demonstrate impact more robustly, they need to invest more in the skills and capacities required to do this. Many of the changes identified in this report would have wider benefits beyond simply the practice of impact assessment: greater emphasis on the participation of the affected population, the need for clearer objectives for humanitarian aid, more robust assessments of risk and need and more research into what works and what does not would be to the advantage of the system as a whole.

Beyond the Continuum: The Changing Role of Aid Policy in Protracted Crises

Edited by Adele Harmer and Joanna Macrae

HPG Report 18, July 2004

This report, the third in HPG's annual series looking at trends in the international humanitarian system, focuses on the increasing engagement of the international development aid system in situations which have traditionally been seen as the preserve of the humanitarian community. The report reviews the changing relationship between the ideas, instruments and financing of the humanitarian system and of mainstream development cooperation in situations of protracted crisis.

The report looks in particular at four key areas:

- the evolution of the UN's capacity to respond to situations of protracted crisis; the evolving role of the international financial institutions (IFIs), the World Bank and International Monetary Fund (IMF);
- the role of the US as the major donor and dominant geopolitical actor in situations of political crisis; and
- trends in financing aid responses to situations of protracted crisis.

Printed copies of these reports are available from the ODI (publications@odi.org.uk), and from the HPG website (www.odi.org.uk/hpg).

Humanitarian response in the occupied Palestinian territory: a donor perspective

Charlotte Dunn, Department for International Development (DFID), Jerusalem

The Israeli–Palestinian conflict is one of the world’s longest-running conflicts. It is characterised by political instability, violence, intense international attention and media scrutiny and unprecedented amounts of aid. The occupied Palestinian territory (OPT) has become exceptionally aid dependent, receiving around \$1 billion a year, or on average \$315 per capita. But despite this, conflict and occupation, particularly in the last few years, have severely constrained Palestinian development, to the point where some social indicators in the OPT are comparable to parts of Sub-Saharan Africa.

As a result, there is widespread agreement amongst assistance providers that, in the current conditions of conflict, conventional aid alone will not solve the problem of Palestinian development. Only a political settlement can do this. But with no such settlement near, and with increasing humanitarian needs on the ground, the aid community faces a number of complex and challenging dilemmas. Does the continuation of aid prolong the conflict? How can aid be sustainable if there is no long-term perspective? How can agencies maintain a development outlook if needs are primarily humanitarian?

This article looks at how one donor – the UK’s Department for International Development (DFID) – has responded to the particular challenge of maintaining a development perspective, while at the same time providing an appropriate and timely response to the humanitarian crisis in the OPT.

DFID’s work in the OPT

DFID established a field presence in the OPT in 1994, shortly after the Oslo peace accords were signed. The Oslo agreement provided the political and developmental framework for the transition to Palestinian statehood, which was expected to last five years. Like other donors, DFID’s programme was based on the key assumption that stability and socio-economic development would follow a negotiated peace agreement, which in turn would lead to the establishment of a viable, sovereign Palestinian state. To this end, DFID’s assistance focused on strengthening institutions, rather than developing infrastructure. Activities included supported for the Middle East peace process; capacity-building for the nascent Palestinian Authority (PA); and improvements to the delivery of basic public services (namely water, health and education). Technical assistance was provided to the PA, in addition to financial support to civil society organisations and the UN Relief and Works Agency (UNRWA), which is continuing to support the refugee population. Since 1994, DFID’s bilateral aid programme to the West Bank and Gaza Strip has grown from £3 million to £20m a year.

Donor response to the *Intifada*

Following the start of the second Palestinian uprising (*Al-Aqsa Intifada*) in September 2000, Israel imposed increasingly severe restrictions on Palestinian movement. As a result, economic activity in the OPT ground to a halt, and many Palestinians lost access to their livelihoods and basic social services. These restrictions also made it difficult for donors and aid agencies to operate.

As humanitarian needs grew, donors began to shift the focus of their programmes from development and institution-building to emergency support. Humanitarian needs increased so rapidly that, in less than two years, the ratio of development to emergency assistance had moved from 7:1 in 2000 to 1:5 in 2002.¹ Changes at both the political and the operational level, including the stagnation of the Oslo framework, the emergence of an operating environment inimical to development and the increased need for humanitarian relief, meant that, in principle and in practice, the rationale for development was becoming increasingly untenable.

DFID’s response to the *Intifada*

For a development agency like DFID, the logical response to these changing circumstances might have been to withdraw. However, DFID chose to continue because it believed that aid still had an important role to play in support of the overall peace effort by maintaining the institutions and conditions required for peace. DFID initially responded by adding an emergency component to its existing programme to cover new and urgent needs arising from the *Intifada*. It increased funding for UNRWA Emergency Appeals, and expanded its assistance to the non-refugee population through local NGO partners. Activities included the provision of emergency mental health services and trauma counselling for children in Gaza, and mobile health clinics in the West Bank for people who could no longer reach healthcare facilities.

DFID maintained its development perspective by adopting a ‘twin-track’ approach, covering immediate needs while maintaining medium-term development efforts in anticipation of peace. Following publication of the Roadmap in early 2003, setting out specific steps towards a final settlement based on the Oslo agreements, DFID assisted the PA’s ‘Quick Impact Intervention Programme’ (QIIP), which aimed at building public confidence in the peace process by responding to people’s urgent needs. Although this had an immediate impact, the rationale was strategic,

¹ *Twenty Seven Months – Intifada, Closures and Palestinian Economic Crisis: An Assessment*, World Bank, May 2003, p. 51, <http://www.worldbank.org>.

because without the PA, the potential for political progress would diminish even further. DFID continues to support the PA through direct emergency budget support, and a three-year technical assistance programme for public administration and civil service reform. This has sustained the PA's ability to deliver services and pay salaries, which has had an immediate and positive impact on people's livelihoods. But it has also helped the PA to build its capacity as an efficient and accountable governing institution.

DFID's Country Assistance Plan for Palestinians

In May 2004, DFID published its Country Assistance Plan for Palestinians (CAP). This represents an honest effort to make sense of the complexities of the 'post-Intifada' working environment, and to begin to address some of the challenges and dilemmas in a more systematic way. Few other donors have attempted this kind of process since the start of the *Intifada*.

DFID's key assumption remains that the only viable prospect for stability, development and sustainable poverty reduction in the OPT is a negotiated peace settlement supported by both Israelis and Palestinians. What has changed, however, is the emphasis. DFID has refocused its programme towards supporting the PA on technical issues related to governance, as the basis for bringing about conditions conducive to peacebuilding and the more effective delivery of humanitarian assistance. For example, DFID has re-established a programme of long-term support to the Palestinian civil and public order police, which will help address some of the problems of legitimacy and capacity that the police face. This is crucial, not just in terms of law and order and public confidence, but also to help the PA to meet its security obligations under the Roadmap.

DFID continues to work in the OPT because it believes that aid still has an important role to play in support of the overall peace effort

The experience of the last few years has shown that this type of support is less likely to be directly affected by the daily ebbs and flows of the conflict and the volatile humanitarian situation. Indeed, the need to inject a sense



A DFID police advisor in Jenin, West Bank

of stability and realism into programming is as important today as it was at the outset of the *Intifada*.

Conclusions

In its work in the OPT, DFID has maintained a development perspective, whilst at the same time providing an appropriate and timely response to the humanitarian crisis there. By responding to events with a 'twin-track' approach, DFID has retained the flexibility to respond to the volatile political, social and economic environment, while at the same time employing a range of technical and financial instruments to support the PA and other partners in ensuring that both short- and longer-term needs are provided for.

Like DFID, it is clear that the majority of donors are willing and able to continue operating under these unstable conditions. They will stay because, without emergency assistance, substantially more Palestinians would be living in subsistence poverty. But they will also continue to mobilise funds for development and institution-building because without an effective governing structure, the prospects for peace, and ultimately poverty reduction, will be severely undermined.

Without development assistance and a long-term perspective, emergency aid will at best only mitigate the effects of the humanitarian crisis until the prospects for the creation of a viable Palestinian state improve. A political process that results in the ending of Israel's closure policy would have an immediate and positive impact on individual Palestinian livelihoods, and on the prospects for sustained macro-economic recovery.² The humanitarian and development challenge for

² *Disengagement, the Palestinian Economy and the Settlements*, World Bank, 23 June 2004, p. 5.

Palestinians is thus intimately linked with progress in the peace process, and ultimately the resolution of the conflict with Israel. But even in the absence of real political advance, and despite the volatility of the situation, sustainable development is both possible and necessary.

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Why humanitarian assistance is not a long-term solution in the occupied Palestinian territory

Simon Schorno, ICRC

Neutrality, independence and impartiality drive the action of the International Committee of the Red Cross (ICRC) and of the whole Red Cross/Red Crescent Movement worldwide. These core principles result from the ICRC's double role as custodian of international humanitarian law, and a humanitarian organisation seeking to protect and assist all victims of armed conflict. Whether visiting Palestinians held in Israeli detention, speaking to Israel Defense Force (IDF) commanders on behalf of victims or making institutional decisions that affect the livelihoods of thousands, a strictly neutral, independent and impartial stance provides the ICRC with the legitimacy required to remind the government of Israel and the Palestinian National Authority of their obligations under international humanitarian law.

The Fourth 1949 Geneva Convention, ratified by Israel in 1951, protects civilians in times of war and deals specifically with situations of military occupation. Since 1967, the situation in the Palestinian territories is one of 'belligerent occupation', enabling ICRC delegates to operate in Israel and in the Occupied and Autonomous Palestinian Territories within a clear legal framework.

The main activity of the ICRC Delegation, one of the largest in the world, is to monitor the implementation of, and respect for, international humanitarian law by both Israeli and Palestinian actors. This is achieved through a range of programmes, including visits to Palestinians detained in Israel and in the territories, monitoring humanitarian issues in the field, providing training in international humanitarian law and offering emergency relief.

A difficult decision

The stance of the ICRC regarding relief assistance for Palestinians living in occupied territory is best illustrated by the difficult decision it had to make in late 2003, when it decided to terminate two major relief programmes.

Drastic measures aimed at restricting the movement of the Palestinian population were imposed by Israel in 2002. These measures resulted in lack of access to income-generating activities and, consequently, to basic goods and services. This provoked the general collapse of the Palestinian economy. In May 2002, the ICRC responded by launching, for the first time since it began

working in the region, two temporary large-scale emergency programmes for the most vulnerable segments of the population. In cooperation with the Palestinian Ministry of Social Affairs and local committees, 20,000 vulnerable families living in West Bank cities were selected. Every six weeks, these families could exchange a voucher for food and household items at their local stores. In addition, together with the World Food Programme, the ICRC regularly distributed food and household items to 30,000 families in need living in rural areas. The two programmes provided assistance for 300,000 people.

The ICRC terminated these two programmes in December 2003. The painful decision taken then brought a number of crucial issues to the fore. Was relief assistance sufficient to have a positive impact? How long could an emergency last? Who was responsible for the well-being of the population? Who else could assist those in need? The ICRC acted in what it still thinks was the best interest of the victims: the gravity of the situation demanded that the ICRC shift its emphasis from humanitarian assistance provider to custodian of international humanitarian law.

humanitarian aid should never be more than an exceptional measure

The essence of the law of occupation, and of the ICRC position, is simple: the Occupying Power has the right to protect itself, but the measures used to do so must allow the occupied population to live as normal a life as possible. The ICRC therefore reminded Israel of its obligations under the Fourth Geneva Convention, requesting that it protect everyone living under its occupation from any form of brutality, reprisal or collective punishment, and guarantee access to food, water and medical assistance, as well as employment and education at all times. In short, the ICRC reminded the Israeli authorities to balance their security concerns with the needs of the occupied population.

In this context and elsewhere, the ICRC believes that humanitarian aid should never be more than an exceptional



An ICRC food distribution in Bethlehem, July 2003

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measure designed to help the most vulnerable members of a society facing an acute humanitarian crisis. In the West Bank, the ICRC responded rapidly and massively to a major humanitarian crisis. It provided assistance over a reasonable period, while making clear to both Israelis and Palestinians that this was a short-term response. It refused to take over the obligations of the Occupying Power, explaining that under no circumstances would its aid become a substitute for the policies necessary to ensure a minimum level of economic stability. It spoke the law and explained its position, stressing that the obligation to take care of civilians living under occupation did not lie with humanitarian organisations, but was the primary responsibility of the Occupying Power. When an emergency clearly falling within its mandate turned into a

lasting crisis for which its response had become inappropriate, it decided to address the causes of that crisis. This was, and still is, done by systematically documenting the destruction of infrastructure and the humanitarian effects of closures, checkpoints and other policies aimed at restricting freedom of movement for Palestinians. It is also done by reminding the Israeli authorities and the international community of their obligations under international humanitarian law.

The West Bank barrier

The position taken by the ICRC regarding the construction and operation of the West Bank barrier further illustrates its position with regard to the continuing crisis affecting the occupied territories. On 18 February 2004, the ICRC issued a communiqué calling upon Israel not to plan, construct or maintain the barrier within occupied territory. It also stated that the barrier deprived thousands of West Bank residents of adequate access to basic services and sources of income, and that it gave rise to widespread appropriation of, and damage to, Palestinian property. In the communiqué, the ICRC clearly expressed its legal opinion, stating that the barrier, as far as its route extended into occupied territory, was contrary to international humanitarian law. Once again, the ICRC played the dual role it has been assigned by the international community: first, it protected and assisted the population affected by the construction and operation of the barrier through its work in the field; second, as the custodian of international humanitarian law, it gave a clear legal reading on a pressing humanitarian issue.

The outlook in the West Bank remains bleak, and the ICRC stands ready, if need be, to re-evaluate its assistance policy. But in complex conflict environments, tangible results take time to achieve. The ICRC does not give up. Instead, it continues to work as closely as possible with the Israeli authorities, sharing its concerns about the most pressing problems facing Palestinians living in the territories. Only when restrictions on movement are eased, and the Israeli authorities ensure that the basic needs of the occupied population are met, can the Palestinian National Authority, with the support of the international community, take up its share of responsibility in rebuilding Palestinian society.

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Food security in the occupied Palestinian territory

Jean-Luc Siblot, Genevieve Wills and Tareq Abu ElHaj, WFP

Levels of food insecurity in the occupied Palestinian territory (OPT) are high: over a million Palestinians are food-insecure, and another 975,000 are at risk of becoming so. This food insecurity is caused primarily by Israel's closure policy and movement restrictions, which have resulted in massive increases in unemployment and underemployment (up to 30% in the West Bank and 40% in the Gaza Strip). The World Bank estimates that two out of five Palestinians are living below the poverty line; 16% are living in absolute poverty. The social safety nets and coping strategies employed by the Palestinian people are accordingly stretched to their limits. The most vulnerable are completely dependent on external aid.

WFP in the occupied Palestinian territory

WFP began operating in the OPT in 1991, with small-scale interventions targeting specific vulnerable groups, implemented through local Palestinian institutions. With the establishment of the Palestinian Authority in 1993, the Ministry of Social Affairs (MSA) called for longer-term WFP assistance for its social welfare programme, and the WFP OPT office was established in 1995. WFP's activities were geared towards helping the MSA to develop good-quality social welfare schemes.

WFP launched its first emergency operation in 1996, following the introduction of closure measures by Israel in



A girl in a WFP warehouse during a food distribution in Abu Dis village, August 2004

the early 1990s. The operation targeted 10,000 families in the Gaza Strip. Throughout the 1990s and up to 2002, WFP's activities ranged from targeted emergency operations to relief, recovery and development.

In mid-2002, in response to a series of lethal suicide attacks on Israeli civilians, the Israeli Defense Force (IDF) launched a large-scale military offensive in the West Bank. The closure regime was considerably tightened, effectively dissecting the OPT into a series of small pockets isolated from each other, and from employment and markets in Israel. Military

incursions and closures rendered the Palestinian Authority less capable of addressing the pressing needs of the Palestinian population. In response, WFP launched an emergency operation targeting the most vulnerable non-refugee Palestinians (500,000 beneficiaries) with emergency food aid. This was renewed throughout 2003 and 2004.

WFP's initial goals – to provide technical and financial assistance to the newly established Palestinian Authority – were thus replaced with the more pressing need to save the livelihoods of the Palestinian people. This was part of a broader assistance pattern: in 1999–2000, emergency aid comprised only 9.4% of donor contributions; by mid-2003, the figure was 27.6%, and contributions to development projects were one-third what they had been in 1999–2000. While the humanitarian community in the OPT agrees that Israel is obliged, under International Humanitarian Law, to provide humanitarian assistance to the affected Palestinian population, it is not likely to do so; with the humanitarian crisis entering its fourth year, and with no political solution in prospect, the international aid community is left with no other choice than to help cushion the effects of the crisis by providing humanitarian assistance.¹

the social safety nets and coping strategies employed by the Palestinian people are stretched to their limits

WFP vulnerability analysis in the OPT

Between mid-2002 and 2004, WFP sought to increase the quality of its monitoring indicators by establishing the Vulnerability Analysis and Mapping/Monitoring and Evaluation (VAM/M&E) programme. The primary goal is to provide timely, accurate and relevant information about the nature of food insecurity and vulnerability among the impoverished Palestinian population. This information is explicitly intended to support WFP's programme design.

Findings

The VAM/M&E programme in June 2004 confirmed that 37% of the Palestinian population in the OPT – 1.3m people – are food-insecure, and another 27%, or 975,000, are at risk. These figures represent a slight reduction on 2003, when 40% of the population was estimated as food-insecure, and 31% as vulnerable. Out of the total estimate of 1.3m food-insecure Palestinians, 560,000 are refugees and 750,000 non-refugees. Half of the governorates of the West Bank and Gaza have remained at the same levels of food insecurity, a quarter have become

more food insecure and a quarter have improved. Indicators show that the prevalence of food insecurity diminishes in areas which have a wide variety of income sources.

for the third consecutive year, WFP is implementing a large-scale food aid programme

The assessment also confirmed that there is a direct correlation between closures and restrictions and coping strategies. The households of daily wage earners in remote rural areas have frequently resorted to severe coping strategies. Members of this group are in general discouraged from seeking employment due to the risks, high costs and uncertainty involved in travelling from rural to urban areas. Daily wage earners who used to work in Israel have almost completely lost access to their traditional job market in Israel and the settlements, and have had to adapt to the low wages provided in the OPT.

The assessment also showed that there is a greater dependence on external aid in the Gaza Strip than in the West Bank. Humanitarian assistance constitutes the major part of the household food basket in Gaza, whereas in the West Bank employment and casual labour still constitute the main source of household income and food.

WFP emergency operations in the OPT in 2004–2005

On 1 September 2004, WFP launched an emergency operation targeting 480,000 beneficiaries with over 78,000 tons of basic food commodities, at a total cost of \$42m. Whereas in 2002 the objectives of the emergency operation were to provide food assistance to a population whose access to basic commodities was jeopardised, the 2004–2005 operation aims to protect livelihoods, maintain the nutritional status of children and enhance the resilience of the targeted population. WFP has established two categories of non-refugee food-insecure households (food aid for the refugee population in the OPT is distributed by the UN Relief and Works Agency – UNRWA).

- **Chronic Poor.** These are predominantly female-headed households, widows with a large number of children, orphans, the elderly and the chronically ill. These households lack an able-bodied male breadwinner, have limited or no access to income-earning opportunities, no productive or disposable assets, and a high level of dependency on external aid.
- **New Poor.** This category includes farmers who have lost their agricultural produce due to confiscation, land-levelling or inaccessibility to markets, and daily wage earners who have lost jobs because of movement restrictions. Also in this category are vulnerable fishermen and Bedouin communities in the Gaza Strip.

¹ Occupied Palestinian Territories Consolidated Appeals Process (CAP), UN Office for the Coordination of Humanitarian Affairs (OCHA), October 2003.



A Palestinian woman in a WFP warehouse during a food distribution in Yatta village, Hebron, July 2004

for deliveries into Gaza. Back-to-back transshipment from Israeli to Palestinian trucks is compulsory. UN trucks are not allowed into Gaza. The Israeli authorities have imposed a limit of five containers a day into the Strip, up to a maximum of 20 a week, with a fee of \$67 per container. This does not satisfy WFP's needs, and the agency has bought most of its wheat flour in Gaza. While this is currently a cost-competitive option, it is not a suitable alternative for WFP in the long term. Although deliveries from Israeli ports to the West Bank do not face the same restrictions as those bound for Gaza, the construction of the separation barrier means that similar problems are in prospect.

Despite these difficulties, WFP has managed to deliver more than 110,000 tons of food commodities over the last two years.

WFP is providing assistance through Food-for-Work and Food-for-Training schemes, as well as through direct food aid.

Challenges facing WFP in the OPT

The measures imposed by the Israeli government's defence apparatus have presented WFP with challenges at all levels.

Logistic challenges

The two major issues inhibiting humanitarian deliveries in the OPT are Israeli import regulations for West Bank/Gaza Strip-bound cargo, and the external and internal movement restrictions imposed by Israel. As the OPT has neither its own ports nor freight-handling airports, all goods destined for the OPT must go through Israeli, Jordanian or Egyptian ports. All goods bound for the West Bank/Gaza Strip are inspected. These inspections are both expensive (\$58 per container checked) and time-consuming: cargo might be held up for extended periods at Israeli ports, incurring extra charges.

Transporting goods from Israeli ports to Gaza has been extremely difficult because of the tight blockade imposed by Israel since March 2004 following a lethal bombing in Ashdod, which used two empty containers coming from Gaza. Only one entry point, Karni Terminal, is authorised

Security and staffing

WFP staff members work and live in a problematic and dangerous environment of violent demonstrations, crossfire, suicide bombings and aerial attacks. Restrictions on staff movement within the West Bank and Gaza Strip pose serious challenges. But restrictions on the movement of national staff to and from the Gaza Strip are of most concern. Since March 2004, only two WFP national staff members have been allowed to enter the Gaza Strip.

Conclusions

For a third consecutive year, WFP is implementing a large-scale food aid programme targeting approximately half a million destitute Palestinians. The lack of progress in the political sphere implies that the Palestinian population will find it increasingly difficult to cope with their impoverishment and, in the long term, to recover from it. This makes it virtually impossible for WFP to plan an exit strategy for its interventions in the OPT.

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Mental health needs in Palestine

Abdel Hamid Afana, Samir Qouta and Eyad El Sarraj, Gaza Community Mental Health Programme

Mental health disorders constitute one of the largest – and least acknowledged – health problems in the occupied Palestinian territory (OPT). Around a third of Palestinians are in need of mental health interventions, yet mental health services are among the most under-resourced areas of health provision. This article explores the scale, nature and causes of the mental-health problems confronting Palestinian men, women and children in the OPT. It argues the case for a comprehensive mental health plan that involves all relevant community institutions. Policy-makers and health planners must genuinely and clearly adopt a community mental health approach to tackle the overwhelming, and increasing, mental health problems being experienced by the Palestinian population. This should include both therapeutic measures to expand and improve diagnosis and care, and efforts to address those factors in the political environment that contribute to mental ill-health.

Mental health in the OPT

As throughout most of the Middle East, Palestinian culture has its own traditional explanations for mental disorders. The common belief is that mental illness is the result of possession by supernatural forces. This possession has religious roots, and cannot be explained in psychological or psychiatric terms. In many developing countries, Palestine included, mental disorders are often a source of fear. In some cases, this leads to rejection of the mentally ill. Because illness carries a stigma, patients tend to present emotional or psychological distress in the form of physical symptoms such as headaches, colic and back pain. This suggests that the extent of mental illness is being significantly under-reported. Health workers have only recently begun to acknowledge the political and environmental factors involved in mental ill-health.

The Palestinian population has been exposed to a series of traumatic events, including imprisonment, torture and human rights abuse, house demolitions, land confiscation, movement restrictions and the indignities of unemployment and under-employment. Wages are low and travel hours long, reducing family time. Land confiscation in particular is a source of much frustration and tension, while house demolitions, used as a collective punishment by the Israeli army, can have an immense psychological impact. The home is not just a shelter, but the heart of family life. Losing one's home is more than a physical disaster, because it evokes the traumatic experiences associated with being a refugee. Shelling of Palestinian areas and the demolition of Palestinian homes also bring back memories of Palestinian losses in the 1948 war, a particularly acute and deep-seated source of fear and insecurity. Adults who are exposed to house demolitions show a higher

Palestinians have been exposed to a series of traumatic events, including imprisonment, torture and human rights abuse, house demolitions, land confiscation, movement restrictions and the indignities of unemployment and under-employment

level of anxiety, depression and paranoia than other groups.

As men lose faith and confidence in the face of their traumatic experiences, women often bear the brunt in physical abuse. Up to a quarter of Palestinian women in the Gaza Strip have been exposed to domestic violence and abuse at some point in their lives, mainly from their blood relatives and husbands. Women also exhibit a higher prevalence of mental disorder than men. One explanation for this could be to do with how the conflict has changed women's roles in ways that are often very difficult to accommodate. Traditionally, Palestinian society was authoritarian and patriarchal. With the advent of the *intifada*, however, women have been politically active alongside men. The structure of Palestinian homes has also changed because husbands are often absent, whether for work in Israel, in Israeli detention or dead, or suffering from the effects of trauma.

For children, the psychological effects of violence are severe and traumatising. While many injured children have acquired a permanent physical disability, many more have developed psychological impairments. The prevalence of neurotic symptoms and behavioural problems among children, such as disobedience or irritability, is high. According to recent research in the Gaza Strip, some 32.7% of children suffer from severe levels of post-traumatic stress disorder, 49% moderate levels and 16% low levels.

The state of mental health care

Mental health care is provided by the government, and by the non-governmental sector. Government provision is offered through the Bethlehem Psychiatric Hospital in the West Bank, which has a bed capacity of 320 patients, of whom 30% are chronic epileptic patients. Gaza Hospital, established in 1979 and rehabilitated in 1994, has 40 beds. Both hospitals use a traditional biological approach, with conventional pharmacological therapies

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A Palestinian walks through the rubble of homes destroyed during an Israeli raid on Rafah refugee camp, Gaza, in May 2004

and, at Bethlehem, electroshock therapy. However, patients and their families tend to lack confidence in mental hospitals, which are usually seen as custodial institutions in which troublesome and frightening people are sequestered.

One of the few non-governmental and non-profit organisations working in this field is the Gaza Community Mental Health Programme (GCMHP). The GCMHP adopts a community-based approach to tackle mental health problems. It has centres across the whole Gaza Strip. The GCMHP offers community and clinical mental health services through its multidisciplinary teams, produces research studies, publishes articles in international journals, and gives training courses in community mental health. It has established a postgraduate diploma in community mental health and human rights that is unique in the Middle East. The GCMHP also offers special services for women exposed to domestic and political violence through its women's empowerment centres.

Other mental health service providers include:

- the Shamas Center, which supports rehabilitation initiatives for brain-damaged or severely handicapped children;
- the Union of International Churches;
- a small network of psychological support and counselling services comprising the Union of Medical Relief Committees, the Palestinian Happy Child Centre and the Palestinian Counselling Centre, offering programmes for children and young people;
- a Médecins Sans Frontières centre for the support and rehabilitation of political prisoners in Hebron, in collaboration with the Ministry of Social Affairs, plus cooperation activities with Terre des Hommes for psychological assistance for infants; and
- a programme of rehabilitation support in Hebron for chronic mentally-handicapped patients.

Meeting the mental health needs of Palestinians

To meet the growing mental health needs of the Palestinian population, a comprehensive mental health plan involving all relevant community institutions is crucial. A first step would be to integrate mental health services into primary healthcare. This will increase access, reduce stigma, increase acceptability and strengthen monitoring and information systems. It is also a more cost-effective approach, since the premises and staff would already be in place, and

specialised psychiatric staff are very expensive.

Second, health professionals working in primary care and social welfare services should receive training in mental health issues. In particular, there should be more emphasis on training primary healthcare professionals and school counsellors on the early detection of mental health problems.

Third, the existing community mental health services should be strengthened, and their initiatives supported. Mental health needs to be 'de-institutionalised', and inter-sectoral collaboration should be improved, both within health services and between the health sector and allied professions and community institutions that contribute directly or indirectly to health and ill-health, such as law enforcement agencies, schools and religious institutions. Finally, there is a need for political action to ease the environmental factors that contribute to mental problems, by pressing politicians to resume peace talks and end the occupation.

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research department. **Eyad El Sarraj**, a psychiatrist and human rights and peace activist, is the founder and chairman of the GCMHP.

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The communications revolution in the Palestinian territories

Iain Guest, Georgetown University

The *intifada* has had a paradoxical impact on information and communications technology (ICT) in the occupied Palestinian territory (OPT). On the one hand, the conflict has caused immense destruction. But on the other, it has produced huge demand for communications. This in turn has generated a mini-boom in the Palestinian ICT sector, even as the rest of the economy has collapsed. ICT is helping Palestinians to reduce the impact of the conflict in two distinct ways: it is providing a means for Palestinians to mitigate the effects of the physical fragmentation created by Israel's 'closure' policy and the separation barrier; and it is helping to build the human, social and economic capital indispensable for any future Palestinian state.

The growth in ICT

In little more than a decade, the Palestinians have gone from total isolation to connection. In 1993, there were an estimated 90,000 telephone lines in the OPT. Today, there are 327,000. Palestinians have 750,000 mobile-phone accounts. Internet use has soared since the outbreak of the *intifada* in 2000, and an estimated 13% of Palestinians now regularly use the Internet.

The ICT infrastructure in the occupied Palestinian territory was put in place in 1995, as part of the Oslo Accords, which entrusted the new Palestinian Authority (PNA) with the task of providing over 95% of the Palestinian population with essential services. Taking advantage of generous tax breaks, a weak Ministry, and the lack of any central regulatory authority, a group of Palestinian private investors raised \$65 million to form the Palestinian

Telecommunications Corporation (Paltel). Paltel built a modern telecommunications infrastructure able to provide access to all of the familiar digital technologies – mobile phones, e-mail, Instant Messaging, Text Messaging (SMS) and video hook-ups. Meanwhile, universities began training Palestinians in the skills needed to adapt software to the Palestinian market, design websites and service computers.

in a decade, the Palestinians have gone from total isolation to connection

This was encouraged by Israel. The Israeli government insisted on controlling all outgoing communications from the OPT, including uplinks to satellites and access to the World Wide Web. At the same time, Israel was content to see a strong indigenous Palestinian ICT sector. Israel's own IT sector was booming, and Israeli companies were looking for skilled but low-cost workers. Several promising joint Israeli–Palestinian ventures were being developed when the *intifada* began.

Mitigating the impact of war

Palestinians are taking advantage of the features of ICT which make it such a powerful networking tool. Palestinian human rights groups are using mobile phones, e-mail,

video cameras and walky-talkies to collect information from the Gaza Strip, which is increasingly inaccessible, and publish their information to the world through websites and e-mail newsletters. More and more Palestinians are using web diaries and weblogs ('blogs') as a form of personal therapy, to relieve the sense of isolation many feel.

Mobile phones have become a necessity rather than a luxury in a country where even ambulances and pregnant women can be delayed at roadblocks for hours, and suspects are summarily detained. Text-messaging (SMS) has also proven its value in circumstances where talking loudly on a mobile phone can attract unwelcome attention. (Some members of the International Solidarity Movement, which mounts non-violent protests against Israeli operations in the OPT, have used SMS to discreetly alert their base after being arrested.) In January 2003, video-conferencing enabled Palestinian legislators to talk face-to-face with the British Foreign Secretary Jack Straw after the Israelis refused to allow them visas to travel to Britain for a meeting of the 'Quartet' (the UN, the US, the European Union and Russia).

ICT is also helping to build bridges between Palestinian and Israeli civil society. This has become increasingly important with the collapse of official contacts between the two governments, and Israeli Prime Minister Ariel Sharon's declaration in June 2004 that Israel has no peace partner on the Palestinian side. Two major civil society initiatives have been launched to show that this is not the case, and both are using ICT to communicate with each other and promote their message in Israel and the OPT. A quarter of a million Israelis have registered online for a six-point statement of principles, drawn up by the Palestinian president of Al-Quds university, Sari Nusseibeh, and Ami Ayalon, the former head of the Israeli intelligence service Shin Beit (see www.mifkad.org.il/en/principles.asp). In addition to building trust on both sides, and laying the basis for future political agreements, such Israeli-Palestinian initiatives are based on equality between the two sides. This differs from the Oslo model of 'people-to-people' projects, which were inspired by the prospect of donor funding, and often dominated by Israelis.

Palestinians have also used ICT to contact sympathisers in the Palestinian diaspora, in the international human rights community and even in the anti-globalisation movement (which has increasingly embraced the Palestinian cause). One of the most active groups is PENGON, a coalition of Palestinian environmentalists which puts out a weekly e-mail newsletter and runs a sophisticated website. PENGON has been able to attract a network of supporters in Europe for its Stop the Wall campaign (see www.stophthewall.org).

Laying the foundations for a Palestinian state

Palestinians have one of the highest literacy rates in the Arab world, but the *intifada* has taken a heavy toll on Palestinian schools, teachers, pupils and parents. Spurred on by a growing sense of national unease, the Palestinian

Authority (PNA) and its donors are using ICT in an effort to restore standards. Computers are being introduced into every school, and 11 universities and technical colleges have introduced IT-related courses or departments.

This has led to several innovative experiments. A series of curfews in 2002 prevented students at Bir Zeit university from attending classes. The university's computer centre worked around-the-clock to produce a new portal ('Ritaj') that allowed students to read class material, submit papers and communicate with professors – all online. Students were able to take exams, and the academic year was saved. Bir Zeit university has since used the Ritaj technology to improve several other aspects of its administration.

The Palestinian economy has been another beneficiary of the ICT boom. Although the IT sector directly produces only about 3,000 jobs, Paltel and its mobile-phone subsidiary Jawwal produced combined profits of \$14m in 2003. The growing demand for electronic communications has also benefited Palestinian Internet Service Providers (there are 14 ISPs), software companies and hardware retailers. IT is one of the only sectors (along with NGOs) that has been creating jobs and offering a consistently good wage.

The threat to ICT

In short, ICT represents one of the very few hopeful developments in an otherwise hopeless situation. The question is whether this momentum can be maintained, because ICT is under pressure from many different sources, internal and external.

Since the outbreak of the *intifada*, Israel has discouraged joint ICT ventures and Israeli-Palestinian contacts. It has also restricted the Palestinians' ability to update their technical infrastructure by holding up the delivery of new equipment. It is widely assumed that Israel is trying to create an opportunity for Israeli providers in the OPT, where – unlike in Israel – demand is still strong.

The second source of pressure comes from the weakness of the PNA. The minister responsible for ICT, Azzam Al-Ahmad, is struggling to develop a national ICT strategy and introduce measures to protect patents. Both are desperately needed. All foreign-made software in the OPT is pirated, discouraging would-be investors. No aid agencies are providing risk capital for ICT start-ups.

The profitable IT private sector is threatened by a serious internal dispute. In 1996, Paltel secured a ten-year monopoly from Palestinian leader Yasser Arafat, allowing it to charge several times more than Israeli firms for leased lines and dial-up connections. As a result, Palestinian ISPs are increasingly bypassing Paltel and setting up wireless connections to their clients from East Jerusalem (where they can open accounts directly with Israeli ISPs). Meanwhile, the digital gap is widening within the OPT. A survey of Ramallah and surrounding villages, conducted by the Palestinian NGO Panorama in June 2003, found that just 3.5% of people questioned in rural areas had access to the Internet, compared with 49.5% in town.

Whether the IT boom continues will depend on the ability of consumers to pay for it. More and more Palestinians have exhausted their savings, and visiting an internet cafe or buying a mobile phone may soon be viewed as an unaffordable luxury. Even now, the price of computers and a telephone connection is beyond the means of most Palestinians, particularly in rural areas.

whether the IT boom continues will depend on the ability of consumers to pay for it

Finally, there is the international community. Donors have provided roughly \$1 billion a year to prop up the PNA and civil society since 2000, but they seem unable to understand the opportunity presented by ICT. No major bilateral or multilateral donor has an ICT policy specialist on its staff. There is no regular coordination between donors on ICT or ICT-related projects. Indeed, by providing project funding instead of institutional funds, donors are making it harder for NGOs to make effective use of ICT, which requires core funds to hire IT specialists to manage websites and build networks.

The outlines of a strategy

ICT is deeply, and probably irreversibly, integrated into Palestinian life. The question is whether it could be more effectively applied to addressing the challenge of building peace. The answer depends on usage and application. Innovative experiments like Bir Zeit's web portal are *ad hoc* and not linked into any national strategy. The private sector, while profitable, seems indifferent to any larger responsibilities in a collapsing society. NGOs put up

websites without having the skills to maintain them. Donors fund expensive computer centres in a village, and then realise too late that women and girls cannot visit them at night or travel to them from nearby villages, for security reasons. Internet cafes spring up, adding to the impression of a vibrant ICT sector, but much of the time is spent on video games and chatting. There is a clear place for virtual entertainment and communications in a beleaguered society, but the Internet can also help Palestinian communities to address serious social problems (like the growing incidence of incest), or generate income through micro-enterprise. Nobody learns from anyone else. No best practices are written up. No online courses are taught in how to surf the Web.

Like so much about Palestinian nation-building, the ICT experiment is driven by desperation rather than design. It need not be like this. If the Palestinians and their donors could develop a coherent, coordinated plan for ICT, this could provide a practical point of entry into many of the difficult challenges that lie ahead: strengthening the economy, increasing the efficiency and transparency of Palestinian civil society, building bridges between Israelis and Palestinians, developing a culture of law, attracting foreign investment and reviving community life in isolated rural villages. Taken together, as part of a national strategy, these steps could make a tangible difference, and even inject some optimism into the stalled peace process.

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The Humanitarian Practice Network provides an opportunity for people to share to share knowledge and experience. All the articles and papers published by HPN are written by HPN members, readers or others working with national and international NGOs, UN agencies, government and donor institutions, or by academics, independent consultants and others.

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Private military companies: a word of caution

Claude Voillat, ICRC

Since the gruesome killing of four American private military contractors in Falluja, Iraq, in March 2004, the major Western media outlets have been replete with articles on private military and security companies. Little by little, the public has been discovering the breadth and depth of the involvement of private contractors in some of today's conflicts. In Iraq, private contractors are, for example, running large parts of the logistical chain on behalf of the multinational forces; providing protection for military compounds, for public buildings and for officials; manning checkpoints; and operating weapon systems. When the Abu Ghraib prison scandal broke in early 2004, the public learned that private contractors had even been hired to interrogate prisoners and gather intelligence. This article does not try to weigh the pros and cons of this trend.

Rather, it aims to identify some of the humanitarian consequences of the privatisation of military services. This focus on threats should not be understood as negating the potential benefits and opportunities offered by the private military industry.

How large a business is it?

No one seems able to provide an accurate and verifiable figure of how many companies and individuals are involved in the private military and security business, even in places as closely monitored by the media as Iraq. Current estimates for Iraq put the figure at some 20,000 private contractors, and rising. Although it is often said that private contractors form the second-largest military contingent in Iraq after the US armed forces, this is misleading. These contractors constitute a very disparate collection of companies or units, contracted for very different missions. They follow very different rules of engagement (when these exist). They integrate in very different ways within the multinational military and with Iraqi forces. Some of these private forces are long-established companies with demonstrated operational experience and transparent business structures. Others seem to be little more than loose groups of adventurers. And individuals come from very disparate military or security backgrounds.



A bodyguard in civilian clothing accompanies Iraq's former US administrator, Paul Bremer, in April 2004

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Potential threats

These differences in terms of professionalism and reliability open up troubling possibilities. They permit the delivery of poor-quality services to creep in. In the military field, in particular in tense security environments, this can easily turn into a direct threat to the civilian population. This article looks at five main points.

1. The multiplicity of armed forces, both public and private, siding with one party to a conflict and operating in a single geographical space along different sets of rules is disconcerting. The various military forces do not fall under the same command and do not follow the same *modus operandi*. It may well be the case that, to fulfil their contractual obligations, some private military actors may engage in tactical operations that ultimately complicate or delay the realisation of the overall military objective set by the formal military. In certain circumstances, their interests may, in fact, diverge. Peter Warren Singer, a Fellow at the Brookings Institution in Washington and a specialist in this area, has underlined this tension in an article analysing the impact of private contractors in the Abu Ghraib scandal. Quoting an excerpt from the Fay report, the US army investigation into the scandal, Singer writes: 'Soldiers didn't

know how to handle contractors in order to “protect the Army’s interests”¹. Once transposed into villages and cities, the confusion caused by disparate *modi operandi* and by conflicts of interest between various armed forces may create misunderstandings, tensions and possibly armed incidents. The civilian population is likely to bear the brunt.

2. Another cause for concern is the poor training in international humanitarian law that some of these private actors receive, if they are trained at all. The International Committee of the Red Cross (ICRC) knows well how difficult it is for armed forces to integrate respect for international humanitarian law into each and every dimension of military life. The emergence of private contractors only adds to this challenge. These companies typically have very few permanent staff, with most employees hired on short contracts as needed. One of their market advantages – very rapid deployment capacity – and the pressure for profitability are not conducive to the solid integration of international humanitarian law into their business practices. It is known that unprepared armed personnel tend to be dangerous to themselves and to their immediate environment. Civilians are likely to be their first casualties.
3. If some private contractors are poorly trained, others seem to offer a wealth of experience, but in dubious military operations. Private military companies claim that they have proper vetting procedures for the personnel they hire. Similarly, the entities (be they public or private) contracting out military services to private companies claim that they have proper vetting procedures for the companies they engage. There are instances where this welcome sense of responsibility has not apparently resisted the pressure and urgency of market demand. The presence in the field of individuals with tainted military records clearly represents an extra threat to the civilian population.
4. One of the pillars of international humanitarian law is the distinction between civilian and military, between combatants and non-combatants. Yet private military companies cannot be slotted easily into either category. Their position depends on a range of factors, including the nature of their contracts, their level of integration within the structure of the public armed forces involved and their actual operations. Even private contractors who are not integrated into the armed forces, and who are thus civilian, lose the protection granted to civilians under international humanitarian law (most notably immunity from attack) as soon as, and for as long as, they directly participate in hostilities. However, there is no universal agreement as to exactly what constitutes ‘direct participation in hostilities’. There is a lack of precise information on a large part of the activities carried out by the private military sector, and there is no clear-cut legal position as to whether these acts amount to taking a direct part

in hostilities. The situation is complicated further by the fact that private military contractors in the field dress in the way that best suits their own interests. A private contractor who was sentenced in September 2004 for torturing Afghans and running a private prison in Kabul is said to have duped the NATO-led international peacekeeping force in Afghanistan (ISAF) into offering him punctual assistance. According to a BBC report, the ISAF forces ‘were fooled by the US-style uniforms and professional approach of the men’.² In the same country, other private military contractors are wearing civilian clothes and driving civilian cars with number-plates normally reserved for humanitarian organisations. Some private contractors thus take advantage of the difficulty around clearly considering them as either combatants or non-combatants. This opportunistic attitude reinforces the impression of a continuum between military and humanitarian actions. This blurs the roles of military and humanitarian actors in a way that clearly threatens neutral and impartial humanitarian action, as it renders the environment unsafe for humanitarian workers, forcing them to leave or to impose limitations on where and how they work. Ultimately, this has damaging effects for the civilian population, for instance in terms of lost humanitarian services.

one of the pillars of international humanitarian law is the distinction between civilian and military, between combatants and non-combatants

5. While it is clear that private military companies and their employees, as well as the states that hire them, are responsible for any violations of international humanitarian law which may be committed, in practice mechanisms for holding them accountable, and if necessary bringing these companies and their employees to justice, often do not exist. Companies and their staff may have been granted immunity from prosecution before the courts of the countries where they work, or courts may not be operating because of the conflict. Similarly, it may be difficult to bring proceedings before the courts of the states where the private military companies are registered as the violations are likely to have taken place abroad, and most national courts have only limited extra-territorial jurisdiction.

This situation may be changing in the wake of the involvement of private contractors in Abu Ghraib. This scandal has highlighted the need for a system that will sanction companies or individuals violating provisions of international humanitarian law. Without a solid framework of accountability, rogue elements may feel immune from

¹ P. W. Singer, ‘The Contract the Military Needs to Break’, *Washington Post*, 12 September 2004.

² ‘Bounty Hunters Duped Us – NATO’, *BBC News*, 14 July 2004, http://news.bbc.co.uk/go/pr/fr/-/2/hi/south_asia/3893113.stm.

prosecution. In such circumstances they become more prone to commit violations, for which the civilian population is likely to pay the price.

Developing a dialogue

The full scale of private military contractors' impact, both positive and negative, on the overall humanitarian situation remains to be determined. As far as ICRC is aware, there is no official data as to the number and circumstances of Iraqi civilian deaths due to the use of force by private contractors. Nor are there data as to the number of private military contractors killed in Iraq.

at a minimum, private military companies should operate within a more defined framework for vetting, training and accountability

This article has focused on the concerns of humanitarian actors. It aims to identify risks, in order to be better able to manage them in the future. The lessons from environments such as Iraq and Afghanistan show that, at a minimum, private military companies should operate within a more defined framework with regard to vetting and training, and with regard to accountability mechanisms. The present haziness allows for unprofessional service delivery. This is not satisfactory for civilian populations and humanitarian workers in conflict zones (because of the increased security risks, among other things); for long-established private security companies (because of the risk of damage to the whole industry's reputation); and for the states and other actors contracting them (because of the risks created by poor service delivery).

The ICRC has taken stock of this. It has decided to develop a dialogue with private military companies, with a view to reminding them that, whenever they are involved in a conflict, they do not operate in a legal void. International humanitarian law applies to them, conferring upon them obligations as well as rights.

This dialogue with the private military sector will be complemented by a parallel dialogue with the state entities directly linked to the phenomenon, because they hire private military contractors, because they benefit from their services, or because they are the state where the companies are registered. Common Article 1 to the four Geneva Conventions requires that High Contracting Parties undertake to 'respect' and 'ensure respect for' the Conventions 'in all circumstances'. Moreover, it is a generally accepted principle of international law that states are responsible not only for their acts and those of their organs, but also for acts committed by entities that have been empowered to exercise elements of governmental authority. This is the case for instance when a state entity contracts out a task or an operation to a private military company. Finally, it is generally accepted that states must exercise 'due diligence'

to prevent and punish violations by private individuals or entities operating on, or from, their territory.

While the principle of responsibility is well-established at international level, its implementation at national level is still rudimentary. Some states have adopted domestic laws dealing, often indirectly, with the provision of private military services. Mechanisms of control (in the form of regulation, notification or licensing schemes) are often found in laws that regulate the sale and export of weapons. However, these few laws could not fully deliver on their promises. Indeed, despite having a tough and specific set of laws meant to control the phenomenon, South Africa struggles to contain the flow of its nationals being hired to provide private military services abroad, to the point that there is 'growing consternation in Pretoria about the role of South Africa in the Iraq war and March's alleged coup plot against Equatorial Guinea'.³ Domestic regulatory frameworks are, in other words, piecemeal and ill-suited to reality on the ground. Even the best national legislation will not suffice given the international character of the private military industry, which is quick to cross borders in search of friendlier business environments.

This reminds us that a regulatory framework must be supported by a committed willingness to implement it. A solid and comprehensive regulatory framework supported by all stakeholders is still a long way off. In the meantime, the ICRC will continue to encourage states and private military companies to work on the following two issues, which it considers priorities from a humanitarian point of view: first, that private military contractors deployed in conflict situations are properly trained in the basic provisions of international humanitarian law; and second, that transparent accountability processes exist to prevent and punish violations of these provisions.

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Community-Based Therapeutic Care: A New Paradigm for Selective Feeding in Nutritional Crises

Steve Collins

Network Paper 48, November 2004

Traditional approaches to therapeutic feeding in emergencies depend on therapeutic feeding centres (TFCs) as their primary mode of intervention. Such centres provide intensive, high-quality care for severely malnourished individuals. However, there are major drawbacks with the TFC approach, which have limited its population-level impacts on the mortality and morbidity associated with severe acute malnutrition.

This paper describes a new approach: Community-based Therapeutic Care (CTC). CTC programmes aim to treat the entire severely malnourished population, with the majority being treated at home, rather than in TFCs or in Nutritional Rehabilitation Units (NRUs). CTC is rooted in public health principles of coverage, population-level impact and cost-effectiveness, and focuses on the sociological, epidemiological and food technology aspects of nutritional interventions. The aim is to utilise and build on existing capacities, thereby helping to equip communities to deal with future periods of vulnerability.

Disaster Preparedness Programmes in India: A Cost Benefit Analysis

Courtenay Cabot Venton and Paul Venton

Network Paper 49, November 2004

Historically, the response to disasters has focused on relief, with governments, donors and NGOs providing post-disaster resources and aid. Whilst this work is essential to respond to people in need, the focus of disaster response has been shifting to encompass the wider issue of disaster preparedness, engaging NGOs and other stakeholders in preparing for the impacts of hazards.

This Network Paper is intended to inform the growing discussion on risk reduction in a number of ways. First, it aims to provide evidence-based research to confirm that investment in DMP initiatives is money well spent from an economic point of view. Second, it intends to show how cost benefit analysis can be used as an analytical tool to choose between different types of DMP intervention. Third, it aims to provide evidence of the potential for using DMP as a significant element in both humanitarian relief and development programming. Such evidence can also be used to advocate for increasing the resources allocated to specific DMP interventions.

Printed copies of these Network Papers are available from the HPN (hpn@odi.org.uk) and from the HPN website (www.odihpn.org).

Cost-recovery in the health sector: continuing the debate

In the March 2004 edition of *Humanitarian Exchange* (issue number 26), Timothy Poletti of the London School of Hygiene and Tropical Medicine (LSHTM) took issue with cost-sharing in healthcare programmes in complex emergencies, arguing that it raised little revenue and threatened access for the poorest. Below, we print a response to his article from Richard Hands of ECHO, along with a rejoinder from Poletti and colleagues at the LSHTM.

Cost recovery in humanitarian healthcare programmes: a donor's perspective

Richard Hands, ECHO

No humanitarian would take issue with the substantive thesis of Timothy Poletti's recent HPN article – that cost-recovery systems should not be used in humanitarian healthcare programmes. Nor would many NGOs disagree that donors like the European Commission Humanitarian Aid Office (ECHO) 'have significant leverage over health policy' in such situations. However, the author is incorrect in his assertion that ECHO requires its health partners in the Democratic Republic of Congo (DRC) to include cost-sharing mechanisms in their programmes.

In attempting to rectify this misapprehension, it might be helpful to start by reviewing some of the strategic and operational constraints facing humanitarians working in complex emergencies.

1. 'Complex emergency' is a euphemism for 'nasty civil war which goes on for a very long time'. One of the defining features of humanitarian action since the end of the Cold War is precisely its chronic nature: Sudan, Angola, Burundi, Somalia, Coastal West Africa and the DRC have been in a state of complex emergency for years. In such cases, with normal development cooperation (implemented by governments) suspended or much reduced in scope, humanitarian assistance (implemented by international agencies) faces challenges with which the traditional, top-down relief model is not designed to cope. If we are to avoid crushing what remains of the public health system in countries like the DRC, we must adopt a longer-term approach, working with, and through, local capacity.
2. It is important to bear in mind how the health economies of very poor countries actually work in practice. With many African states in particular finding it difficult if not impossible to fund public services, the laudable objective of *la santé pour et par tous* has progressively degenerated into a perverse system which, in the absence of outside assistance of some kind, is financed solely by the ever-dwindling resources of the paying customer. In most cases this twisted mutation of 'cost recovery' is the established practice in African countries in which humanitarian/health agencies are now intervening. It is therefore disingenuous to refer (as Poletti does) to the 'introduction' of such policies in complex emergencies; cost recovery is a given, already entrenched when humanitarians engage.
3. It is also worth recalling that international law recognises no humanitarian 'right to intervene'; NGO staff by and large work on tourist visas, and agencies have to deal with national policies – and recalcitrant local authorities – as best they can. This has significant practical consequences, which in some cases can undermine not only the implementation of healthcare programmes, but also the safety of humanitarian personnel. For example, try explaining to a district medical officer in some remote bush location, who for years has survived on his wits without receiving a penny from the Ministry of Health, that he must stop charging his patients because it offends our humanitarian principles. However regularly we supply the drugs and pay his 'incentives', he knows that one day we will leave, and he does not believe there will be a government salary to replace us. He may well be right.
4. By no means all healthcare NGOs are well-resourced emergency specialists; some are religious bodies, others are small, single-issue associations, and many have been where they are for so long that they have taken root. Such partners understandably react with hostility to the attempts of johnny-come-lately humanitarians to put the sacred cow of cost recovery out to pasture. But a country like DRC is the size of Western Europe, and perhaps half its population of 60 million lives in areas directly and continuously affected by conflict since 1997. As the capacity of the humanitarian machine is finite, the relief donor's choice is straightforward: engage with these reluctant partners and attempt to cajole them into reflecting on the public health consequences of maintaining a cost recovery system in a conflict zone – or abandon the population of that zone to its fate.
5. Despite its bad press, cost recovery in fact works pretty well, even in emergencies – as long as the aim is to ensure the survival of a system that provides healthcare of doubtful quality to the most affluent 10% of the population. This was the system that ECHO

inherited in the DRC in the late 1990s – and Congolese healthcare staff and their partners were on the whole quite happy with it. The system is of course perfectly indefensible even in a stable, ‘development’ environment; in a ‘humanitarian’ (conflict) situation, with mortality rates at unprecedented heights, it is downright immoral.

6. The practice of ‘cost recovery’ as it has evolved requires that the patient be charged the real cost of a given service, plus whatever margin is required to keep the structure going. Given that the average all-in cost of a disease episode at peripheral level in the DRC is around €1.5, and that this sum represents the monthly family revenue of the poorest half of the four million people of North Kivu (itself a relatively well-to-do province), ECHO has never advocated or operated a ‘cost recovery’ system in the DRC.
7. On the other hand, not everything about the Bamako Initiative is obsolete or inappropriate in crisis situations; after a great deal of reflection, ECHO and its partners have concluded that there is merit in retaining and indeed encouraging the concept of ‘community participation’. In doing so, our main aim is to preserve the concept of ownership – the idea of a public health system as a thing of value, which belongs to the community. One key component of this approach is the reinvigoration of the Comité de Santé (COSA), a committee of local notables responsible for running the local health centre. The other is the policy of charging patients a fee which is used to contribute to the health delivery system’s running costs.

For present purposes, the salient features of this policy are:

- ECHO is supporting healthcare in some 55 of the worst-affected of the DRC’s 306 health districts in 2004. The funds allocated to these programmes cover the full cost of providing a clearly defined package consisting of all curative and preventive healthcare at primary level, and selected activities at secondary (referral) level. Costs covered include all drugs and consumables, logistical and technical support, essential equipment and refurbishment, and staff ‘incentives’ (the word used to describe civil service salaries when they are paid by humanitarian agencies).
- With the health delivery system thus in effect fully funded, the fees charged to patients for the purposes of promoting ownership are established not in relation to the actual cost of the service, but on the basis of the purchasing power of the community. This is continuously assessed by tracking the impact of tariff changes on utilisation rates, and by means of the socio-economic and health-seeking behaviour surveys routinely conducted by ECHO’s health partners. Encouragingly, these surveys tend to confirm that even the poorest communities are willing to contribute financially to a healthcare system that they consider to be accessible and effective.
- The fee charged is generally little more than symbolic (15 euro-cents or less in many ECHO-supported

programmes), and typically takes the form of a flat-rate, per-episode payment agreed in MoUs concluded with local health authorities and displayed in all health centres. Such is the simplicity of this system, little or no cost is attached to collecting the fees, which are managed centrally by the COSA and redistributed in line with agreed priorities – mainly to supplement the staff ‘incentives’ paid by ECHO. In some more stable areas, it may indeed be the case that revenues generated by patients’ contributions are sufficient to cover part or even all of the structure’s running costs. However, this has never been a condition of, or an objective for, ECHO support; the overarching priority is to guarantee access (both physical and economic) to healthcare. Where circumstances require, tariffs are waived altogether.

- The MoUs also stipulate that preventive healthcare services (including antenatal and EPI clinics) must be provided free of charge to all comers. Similarly, the poorest sections of the community are recognised and registered as ‘indigents’ by their COSAs, and are entitled to free healthcare (all services). Non-paying ‘indigents’ must account for a minimum of 10% of patients treated in ECHO-funded programmes. This level is frequently exceeded.
- Finally, a further safety net is provided by the Pool d’Urgence Congo (PUC). The PUC is a standing, nationwide surveillance and rapid-reaction capacity ECHO has been funding in the DRC for several years through Médecins Sans Frontières. It is a classic relief instrument, which intervenes in unashamedly top-down fashion when local healthcare capacity is overwhelmed by large-scale public health emergencies.

The pertinence of this strategy can be gauged by the fact that, in the health districts supported by ECHO, average utilisation rates have risen from fewer than 0.1 new contacts per person per year in 2000 to around 0.6 now, and exceed 1.0 in some areas. These figures have been achieved in a conflict situation, by working with and through existing Congolese healthcare staff and facilities, and compare extremely favourably with utilisation rates in African countries unaffected by crisis.

ECHO recognises (and indeed would emphasise) that many aspects of this approach push at the outer limits of the humanitarian mandate. Indeed, given the institutional constraints within which ECHO is obliged to operate, it has taken some ingenuity and a certain amount of determination to develop and implement this model. The work – and the debate – goes on, but ECHO and its partners believe that the DRC healthcare strategy is appropriate, fair and properly ‘humanitarian’ in intent and outcome.

We are, however, under no illusions as to the ‘sustainability’ of this system. On the one hand, ECHO has, in effect, obliged disgruntled Congolese health staff to work ten times as hard for the same income; on the other, the Congolese population plainly lacks the means to support the cost of even a pared-down public health system without substantial help, and the DRC government will not be in a position to provide such help for some years to come.

By way of illustration, for planning purposes ECHO uses an all-in unit cost bracket of €3–4 per direct beneficiary (disease episode) per year. On the basis of a target utilisation rate of one new contact per person per year, using the ECHO model it would cost approaching €200 million per annum to provide a minimal healthcare package to the Congolese population as a whole – considerably more if the full range of referral-level activities and central (ministry) costs is included. In the absence of a ‘Marshall Plan’ for the DRC, this level of funding is simply not available, nor will it be in the foreseeable future.

As the DRC enters a transitional phase which will, hopefully, put a permanent end to the conflict and create a stable political environment, ECHO thus finds itself actively engaged in a debate with development donors

with a view to agreeing a viable ‘transitional model’ for funding healthcare in the DRC. It is broadly acknowledged that cost-recovery in countries with weak or absent state structures is unjust and impractical, and that if there is to be anything resembling a *public* health system in the DRC, it will need to be strongly subsidised for years to come. That ECHO has achieved this informal consensus around the ‘humanitarian language’ of access is in itself quite a success.

These are serious and difficult matters, and if ECHO’s continuing efforts to grapple with them are to succeed, we will need the constructive, open-minded and informed input of all parties.

Richard Hands is Head of Sector, ECHO Central Africa/ Great Lakes.

Health may be a human right, but someone has to pay

Egbert Sondorp, Tim Poletti and Olga Bornemisza, London School of Hygiene and Tropical Medicine, and Linda Doull, Merlin

A recent World Health Organisation (WHO) report states that ‘health is an intrinsic human right as well as a central input to poverty reduction and socioeconomic development’. If we agree with this statement, it follows that everyone in the world should have access to a ‘Basic Package of Health Services’ addressing the major causes of illness and premature death. The World Bank has estimated that the annual cost of implementing a basic package of priority health interventions in the least-developed countries would be \$11 per capita annually. However, it has found that the median annual per capita government expenditure on health in Africa is only \$6, with an average \$3 per capita in the lowest-income countries. Someone will have to pay this cost if such a package is to be made available to everyone.

For any country, there are only two possible sources of funds to pay for a basic package of healthcare: funds that are generated within the country (taxation, insurance revenue and user-fees) or funds that come from outside the country (funds from donors). Taxation and insurance systems have the advantage of risk-pooling and the promotion of equity. However, they require good governance, sophisticated management systems and a reasonable tax base. Unfortunately, these conditions are rare in many developing countries, and non-existent in complex emergencies.



*Makeni hospital, Sierra Leone, April 2004.
Admission fees are displayed to the right of the entrance*

Out-of-pocket payments or user fees are the only other option for generating funds within a country to pay for healthcare. They have been advocated since the mid-1980s to supplement scarce public resources, with the aim of generating 15–20% of total expenditure and increasing efficiency. However, these hoped-for benefits have not been achieved; revenue is usually less than 5% of total recurrent expenditure, efficiency does not improve and, despite attempts to design and implement effective exemption mechanisms, access to healthcare for the poorest and most disadvantaged decreases. It can be concluded that only outside sources will be able to ensure

some form of basic, equitable healthcare for the majority of African countries, and in particular for those that are in conflict, or just emerging from it.

This health financing gap applies to the Democratic Republic of Congo. Large parts of the country are highly unstable, with no effective governance, poverty is widespread and the health status of the population is extremely poor. Tax revenues, insurance and user fees will not generate sufficient resources to pay for healthcare, and so external funding is required if a basic package of essential services is to be made accessible to the majority of the people.

Fortunately, in parts of the country, there is significant external funding for healthcare. ECHO now provides the full cost, excluding salary costs, of a clearly defined package consisting of 'all curative and preventive health care at primary level and selected activities at secondary level' in 55 health districts. However, ECHO defends cost-sharing of a flat fee of about 15 euro-cents per disease episode. It argues that such user fees are only symbolic, and justifiable on the basis that they promote community ownership. It also argues that abolishing them would deny health staff income, and that their use ensures that some form of healthcare will continue should ECHO withdraw or hand over to development donors.

While enhancing community ownership is clearly a worthwhile objective, there are ways to promote it, such as reinvigorating the *Comités de Santé*, without introducing user fees. People are also unlikely to feel 'ownership' of a service that they cannot afford to access. Even at 15 euro-cents, user fees may well be unaffordable for a large proportion of the population; this represents 10% of a monthly family income for the poorest half of the population.

Arguing that such a fee is affordable based on increasing utilisation rates is suspect for two reasons. First, there is significant evidence that people will pay to access healthcare even when they cannot afford to, as many sell valuable household assets resulting in catastrophic health expenditure. Second, a utilisation rate is an average. Community surveys by Merlin have revealed that many people could not afford to access care, and that the 'well off' were the main users of their health services.

Instead of being dependent on user fees to supplement their income, health staff are likely to welcome direct payment to cover their basic cost of living. Staff incentives are probably the most important factor in the provision of good-quality health services, which are accessible to those most in need. Providing such services should be the prime objective for humanitarian agencies in conflict and transitional areas.

Any health service in this kind of environment will collapse if it is not supported by external funds. ECHO is providing funds in parts of the DRC. However, we feel it could maximise its resources to reach those most in need if it discouraged user fees. In the meantime, let us hope that development donors fill the health financing gap in years to come. Recent experience in 'transitional countries' like Burundi, Sierra Leone and Afghanistan, however, does not offer much hope that this will happen.

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The case for cash: Goma after the Nyiragongo eruption

Barry Sesnan, UNDP

The Mount Nyiragongo eruption on 17 January 2002 destroyed a large part of the centre of Goma, a busy commercial centre in the eastern Democratic Republic of Congo (DRC). Homes, schools, churches and businesses were ruined. An estimated 80,000 people – about 16,000 households – became homeless, and a very large number lost their workplace, their employment and their income, as well as assets and savings. The aid response, both by the UN and NGOs, focused on this loss of shelter, and defined entitlement to assistance according to its loss. But the most damaging loss was not to people's homes, but to their livelihoods. What they needed was not commodities but cash.

The aid response

As aid responses go, Goma was not badly served. Many UN and NGO bodies, though often themselves affected by the destruction (UNICEF lost a warehouse full of medicines and school supplies worth \$700,000), were already in place in Goma, and several new agencies came in to help. After a few days, a system of joint UN and NGO coordination 'commissions' was well in place, notably for health, education and child protection, and food and 'non-food' aid.

There was no immediate danger of starvation. Goma is well supplied with food, which is normally quite cheap; the problem was the money to buy it with. The town is a



Lava moving towards Lake Kivu

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and UNDP sent an expert in income-generating activities, but no one was able to respond with the requisite urgency, and some of the projects discussed never happened. Nevertheless, it was abundantly clear that, after the eruption, the one thing the people of Goma needed was money. And that was the one thing aid agencies would not, indeed could not, give.

The fear of giving cash

New aid workers are warned by older and wiser colleagues never to give cash to beneficiaries. Complex justifications are developed. Some, like the fear of setting a precedent, might be more plausible than others, like 'they'll just spend it' or 'they'll misuse it'. The fear of giving money is almost pathological among aid agencies, even though, or

maybe because, it would be simpler and cheaper to give than any other form of help. No lorries or stores are needed, and the logistics are certainly simpler. Dropping \$20 notes from a helicopter would stimulate trade and save an awful lot of food transport costs. It is arguable that losses would be no less than they are in massive food distributions.

While there may be genuine and well-founded fears around cash aid, there is only one real conclusion to be drawn: we do not believe what we say about working for the beneficiaries and responding to their expressed needs. If the beneficiaries tell us clearly, as they did, time and again in Goma, that what they needed was cash, why did aid agencies persist in giving them goods? It was no secret that they were going to sell the goods, and that the ensuing flood of cheap aluminium pots or plastic sheets would debase the local market and make things worse for small traders. Yet the aid community in Goma continued to hold to some moral high ground about giving cash.

The people of Goma were clearly right: only the flexibility of cash could solve all the various problems facing them. Yet aid workers persisted in treating people like children who could not be trusted with their pocket money. Families were made to line up for hours to collect meticulously counted and packaged items, and the length of the procedure alone led to frustration, and ultimately to temptation and impersonation. Who could ever tell that someone had gone round twice, or that a family was represented at three different distribution points? Or that the unpaid intermediary, called a 'volunteer' because agencies would not pay him, not because he really volunteered, was going to make sure he got paid one way or another?

If we had given money ...

There is abundant evidence from around the globe that post-disaster economies revive quickly if everyone has a little money to spend. People can then spend it according to their own priorities and needs, something which the aid

busy commercial centre, a hive of economic activity and the main point of entry for goods from the outside world for much of eastern Congo. Markets quickly reopened after the eruption, and supplies of vegetables and fruit were soon re-established. Despite this, agencies gave food, and the addition of food aid to the market depressed prices and impoverished those who were already selling in the market. Family kits, providing household items, were important and greatly needed, but everything in the kit could be bought in Goma.

Surprisingly, even the need for shelter was not as bad as feared, as most of the 80,000 displaced people moved in with relatives for the first few days. For this major and crucial need, only cash would do. Houses for rent were available, and those who had money rented rooms and space towards the west of the town. A significant population did find it difficult and temporary camps grew up in some of the untouched schools and church compounds, which later had to be evacuated as a major effort was made to restart education. This became a problem in itself, as agencies had become used to the convenience of doing distributions inside a compound, and were reluctant to stop supporting people in the schools.

family kits were important and greatly needed, but everything in the kit could be bought in Goma

The most obvious need was to re-establish Goma's economy to enable people to be self-reliant again. But in the first days of the response, as the 'aid machine' swung into action, this was not even discussed. After a week or so, discussions began around rebuilding and the term '*relancement de l'économie*' entered the vocabulary; I travelled to Nairobi to meet representatives of Habitat, UNESCO and the International Labour Organisation (ILO),



Lava cooling

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world claims to support, and which is specifically mentioned in all its manuals and seminars.

Would the misuse of money in Goma have been any worse than the misuse of goods? Exactly the same problems of identification and duplication would have occurred. Perhaps goods should have been given only to women, as at one point UNICEF had decided to do, or only to children, or only through churches.

But perhaps the aid community could be radical and say that people, especially adults, have a right to misuse their cash. If it circulates in the economy somewhere then it is doing its job. Money does not even have to be given free (though the food, pots and sheets were). Work projects could have satisfied the work ethic. There was a lot of lava to clear from the airport runway, for instance; there were roads to be reopened. Eventually, some of this was done.

agencies continue to supply these items, even when it was obvious that they had become currency, and a debased one at that, as the continuing supply of new sheets and pots reduced their sale value to virtually zero and impoverished the people who normally sold them? Why did aid agencies ignore all their rhetoric about responding to the needs of people, and just give what they thought the people needed, not what they said they wanted? Could the clue be in the agency stickers plastering every aid vehicle in Goma, and the agency logos everywhere? Could it be that we were satisfying our needs as organisations, rather than people's needs as beneficiaries?

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Developing micro-enterprise in refugee camps: ARC's experience in West Africa

Ton de Klerk, independent consultant, and Tim Nourse, American Refugee Committee

In recent years, there have been several studies of micro-finance in post-conflict situations. However, very little attention has been paid to micro-finance (or micro-credit) in refugee camps. This article describes a micro-enterprise programme in refugee camps in Guinea, implemented by the American Refugee Committee (ARC). It is based on an evaluation of the programme carried out in April 2004, which focused on two camps, Laine and Kola, located in Guinea's Nzérékoré region. As part of the evaluation, a survey was conducted among 120 beneficiaries of the programme, and among a control group of 80 non-beneficiaries. Laine camp was established in September 2002 for new arrivals from Liberia; it houses some 32,000 registered refugees. The older Kola camp is home to 6,500 registered Liberian refugees. Both are well-established, are situated close to local markets and enjoy a wide range of social and educational services. ARC also implements a similar micro-enterprise programme for Liberian refugees in the Kissidougou region. Due to time constraints, however, the evaluation focused only on the Nzérékoré region.

The ARC programme

The ARC started its micro-enterprise development programmes for Sierra Leonean and Liberian refugees in Guinea in 1997. The programme began with a focus on Sierra Leonean refugees in the Gueckedou and Kissidougou region, then changed to Liberians in the Kissidougou and Nzérékoré region once the Sierra Leoneans had returned to Sierra Leone. Since the programme started, over 20,000 refugees have received grants, loans and business training services. The programme has evolved over time, adopting and adapting good practice in micro-finance, and incorporating lessons learned from earlier pilot work. Through its unique Refugee to Return (R2R) element, ARC tries to link beneficiaries with micro-finance programmes in their own countries after their return home.

The three-step model

ARC's programme uses a 'three-step' model:

- First, start-up grants are provided for recently arrived refugees who have lost their assets and need to develop a livelihood in a new economic environment. These people are typically very poor and support a



A pictorial representation of the Three Step Programme

number of dependants. Only women were eligible for start-up grants since they were the most vulnerable, especially the large percentage of female-headed households. Grants are equivalent to \$25, and are intended to enable beneficiaries to start up micro-businesses quickly. This first, start-up, phase can be omitted if economic conditions allow. This was the case in Kola camp, where refugees had already been in Guinea for some years.

- In the second stage, clients who have successfully completed the grant phase, and less vulnerable entrepreneurs who were able to begin businesses through other means, are eligible for ARC's micro-credit services. Although women are still targeted with these services (they comprise 80% of recipients), male household heads also benefit. Clients receive an initial interest-free basic loan, equivalent to \$50, to be repaid over six months.
- In the third stage, once these basic loans are repaid, a minimal-interest-bearing advanced loan (of \$75) is available to enable clients to grow and develop their existing micro-businesses.

Throughout the process, clients' businesses are supervised closely to ensure proper controls, prevent exploitation and provide monitoring services. This supervision requires 50% more staff members than are found in a typical micro-credit programme, implemented in a stable country context.

through its unique Refuge to Return (R2R) element, ARC tries to link beneficiaries with micro-finance programmes in their own countries after their return home

Transparency

ARC discovered early on that transparency was essential. During the evaluation, local staff who had been working in the programme from the start explained that it had encountered many problems in its early years, mainly related to a lack of control of staff in direct contact with loan clients, and a lack of transparency in the procedures by which beneficiaries were selected. This allowed for fraudulent and exploitative behaviour by staff, with negative effects on the repayment behaviour of clients.

In response to these problems, ARC introduced strict control mechanisms and measures to ensure proper transparency:

- Criteria for eligibility for the programme were well-defined and control mechanisms put in place to ensure that these criteria were observed. Criteria, selection procedures and selection results were clearly communicated to beneficiaries.
- Tasks were strictly divided, so that agents responsible for selecting, monitoring and advising clients did not have contact with loan funds except in exceptional cases. A proper administrative system allowed for effective control of all money-handling.
- A new monitoring and evaluation (M&E) department was created. Beyond their normal duties, M&E officers were tasked with supervising the work of the other agents.

The Refuge to Return (R2R) model

In response to improvements in the political situation in Sierra Leone and Liberia, and as a complement to its refugee programmes, ARC started micro-finance programmes for returnees in Liberia and Sierra Leone. The Liberia programme began in 1998, but was closed after three years due to the re-emergence of conflict and poor partner selection. The programme in Sierra Leone, which began in 2001, before peace and governance had been firmly established, showed impressive results. Former ARC staff from Guinea were hired, and branches were opened in return areas: over 30% of all clients during the programme's first two years were former ARC beneficiaries from Liberia and Guinea. By early 2004, the programme had reached 7,160 people, with an active portfolio of \$430,000 and a portfolio at risk (one day or more past due) of less than 1%.

The R2R strategy aimed to fill a gap in the refugee context, whereby when organised repatriation starts, loan

clients have no incentive to repay their outstanding debts. By holding out the prospect of further loans once clients have returned home, ARC provided an effective means to induce clients to repay existing loans, especially in the last programme phase before return.

The certificate system

Clients who successfully repaid their loan received a certificate awarding them a credit rating of 'A', 'B' or 'C'. An 'A' rating was assigned to people who made all their repayments on time; a 'B' rating was given to those who made only two to three late repayments; and a 'C' rating was assigned to those who repaid their loan only after some time. The certificate system is linked with the R2R strategy, in that it promises preferential loan treatment for repatriated clients with a good credit rating. Since ARC's micro-finance programmes are not available in all return areas, the agency has encouraged other micro-finance organisations to acknowledge these certificates.

Loan portfolio management

ARC used standard micro-finance performance reports to track arrears and performance at risk, allowing for timely warning of repayment problems. Beyond their value in tracking the portfolio, these reports also signalled to staff that the programme was not a relief hand-out, but a serious lending operation.

Programme achievements

The evaluation looked at the period 2003–2004. Between January and August 2003, 480 start-up grants were disbursed to women in Laine camp. In Laine and Kola camps, 1,200 clients benefited from basic loans in 2003. In 2004, the programme emphasis shifted to disbursing advanced loans for clients who had successfully paid back their basic loans. At the end of the first quarter of 2004, 176 clients had received an advanced loan. The majority of the clients were involved in petty trade.

At the end of the evaluation, in March 2004, the repayment figures for the loan programme were 70% in Kola camp and 90% in Laine camp. The lower performance in Kola was attributed to saturation of the market in this relatively small camp: similar micro-credit programmes were implemented by two agencies, leading to competition and subsequently poorer client selection by local staff. ARC has responded by reducing its activity in Kola camp, and focusing on collection; by the end of July, on-time repayment had increased to 94%, and continued to improve thereafter. These figures, while good for refugee camps, are slightly lower than ARC's typical performance. At its closure in 2003, ARC's micro-credit programme for Sierra Leonean refugees in Kissidougou region had attained an extraordinary repayment figure of 98%. Clients complied with their contractual obligations even though they were repatriated to Sierra Leone in the first half of 2003.

Programme impact

ARC's programme targeted vulnerable but economically active refugees. By providing capital and training, the agency aimed to supply them with the tools to become more self-reliant and to improve their living conditions.



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A loan beneficiary displays her wares

The target for the percentage of stage one start-up clients who would be eligible for stage two basic loans was set at 50%. However, when the evaluation was conducted in March 2004, only 28% of the clients who received a start-up grant in 2003 had applied for a basic loan. Several factors explained this low figure. Some clients had returned to Liberia, others had started vocational training courses offered by other agencies in the camp, and so stopped their business activities, whilst others were satisfied with what they had established with the start-up grant and did not want to apply for a loan to expand their businesses. Another major reason was that some of the clients selected were not able to sustain or develop their businesses. In the Kissidougou camps, staff targeted slightly less vulnerable clients, and 52% of them moved on to basic loans.

repayment figures for the loan programme were 70% and 90%

In terms of the impact on income, the evaluation demonstrated strong results. Capital assets (used as a proxy indicator for income) significantly increased among clients who progressed from start-up grants to loans. Capital assets owned by grant clients who did not advance to loans totalled on average \$16. Clients who advanced to basic loans owned \$41, and those who went on to take advanced loans had on average \$84. These figures indicate that clients' businesses increased significantly as they progressed from start-up grants to basic loans to advanced loans.

In the evaluation survey, 81% of start-up grant clients who did not advance to loans mentioned business as a main source of income when asked to indicate their three main

sources of income. A quarter (26%) of respondents mentioned as a main source of income farming/gardening, 22% selling food rations, 19% daily contracts with farmers, 15% gifts from relatives, and 4% employment of a family member. In contrast, all of the start-up grant clients advancing to loans, and 91% of the clients who took out basic loans without first receiving grants, mentioned business as a main source of income. These figures indicate the importance of business activities as a source of income, even for grant clients who did not advance to the loan programme.

Engaging in business had a social impact. For example, 55% of basic loan clients noted

that their social status had increased, 60% said they had gained pride, 60% were able to buy better clothes, 45% said they had more food and 24% reported a better variety of food. In addition, 47% said they had become more self-reliant, 33% said they were healthier and 38% no longer had to borrow money.

The survey's 80-strong control group comprised people doing business, but who had not received a grant or a loan. The average size of the capital assets owned by this group differed, though not significantly, in comparison with the assets owned by the clients of the grant or loan programme. There was thus no hard evidence that the growth in clients' businesses was the result of access to grants or micro-credit through the scheme. However, it was assumed that the more successful of the respondents in the control group – of whom 90% had never applied for a loan or a grant – disposed of private financial resources. It would have been difficult, if not impossible, for the more vulnerable among the refugees to develop their businesses without the programme's assistance.

Conclusions

The programme evaluation indicates that:

- Even amid the severely limiting economic conditions of a refugee camp, it is possible to initiate income-generating activities that result in increases in income and assets. Beyond their economic impact, the evaluation found that the services also had a significant social impact.
- Despite the relief mentality of refugee camps, it is possible to apply best practice in micro-finance, and to realise proper repayment figures. Transparent programme procedures and management, along with proper internal controls and appropriate conduct (and motivation) of local staff, created a base for performance. This

foundation was supplemented with the Refuge to Return strategy and the certificate system. Standard micro-finance performance reports tracked repayment arrears and monitored the quality of the loan portfolio.

- The use of grants to enable beneficiaries to start economic activities in the early phase of a newly established refugee camp was found to be appropriate. However, the evaluation also found that significant impact depended on selecting economically active clients, and on the progression of start-up grant clients to the loan programme.
- The high staff ratio was believed necessary to build clients' capacity, instil credit discipline for future

programmes and allow for proper internal control. However, together with the absence of (or minimal) interest rates, it did not allow for sustainable programme design. Nevertheless, this was deemed valid under the economic conditions that prevailed, and in relation to broader programme objectives.

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Where there is no information: IDP vulnerability in Sri Lanka's 'uncleared' areas

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Despite a ceasefire agreement in February 2002 and a gradual transition from war to peace, Sri Lanka still has a significant internally displaced population. Although numbers have declined considerably in the past two years, there are still some 360,000 internally displaced people (IDPs) – including, according to UNHCR, over 80,000 in nearly 300 welfare centres in the north and east. While there have been numerous attempts to describe and analyse this population, very little is actually known about the risks and vulnerabilities facing Sri Lanka's IDPs, in particular the 200,000 or so in parts of the country still nominally controlled by the Liberation Tigers of Tamil Eelam (LTTE) – the so-called 'uncleared' (according to the government) or 'liberated' (according to the LTTE) areas.

There have been several attempts to appraise the risks and vulnerabilities facing Sri Lanka's IDPs, including studies by the US Committee for Refugees, the Colombo-based Centre for Policy Alternatives and Oxfam-GB's Listening to the Displaced project, as well as work by individual forced-migration analysts like Roberta Cohen, Marc Vincent and Birgitte Sorensen. The UN's Special Representative for IDPs, Francis Deng, visited the country in 1993, and a team of specialists from OCHA issued a report in 2002. Moreover, the UNHCR has undertaken a range of demographic surveys of IDPs together with the responsible ministries, while the World Bank has launched a major socio-economic assessment of 'vulnerable groups' in the north and east. However, the majority of these studies and initiatives are undermined by the



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IDP children

logistical and resource constraints typical to work in conflict and post-conflict contexts, and few, if any, have paid adequate attention to the situation of IDPs in Sri Lanka's 'liberated' areas.

little is actually known about the types and scale of vulnerability IDPs face

This article describes an initiative in 2002 to measure the protection and assistance needs of IDPs in Sri Lanka's 'uncleared' areas. The project's central goal was to expand the analytical lens in relation to assessing and ultimately strengthening inter-agency approaches to IDP protection and assistance. Over a short period, it demonstrated a capacity for generating responsive and policy-oriented analysis. By appraising protection needs *in situ*, the project introduced a pragmatic strategy to generate detailed information on the risks and needs facing an extraordinarily diverse and heterogeneous population. For example, the project found that existing approaches to 'protection' and 'assistance' did not meet Sphere standards, and that IDPs in so-called 'liberated' areas experienced differentiated access to public goods such as water, schooling and health services. It also detected considerable confusion in relation to 'programmatic' responses to IDP 'protection' and 'assistance': interventions appeared in some cases to have disempowered IDPs and fuelled mistrust and resistance to collaboration with humanitarian agencies.

Analysing displacement

The UN's *Guiding Principles on Internal Displacement* 'identify the rights and guarantees relevant to the protection of persons from forced displacement'. The 30 princi-

ples reflect progressive thinking in international human rights law, humanitarian law and refugee law, and offer normative and prescriptive guidelines for intervention. Although there is dispute over when displacement actually ends, and over the responsibilities associated with the provision of IDPs' rights, there is consensus that the displaced face a range of risks and vulnerabilities that demand attention. But what are these risks? How are they actually experienced? Although Sri Lanka has seen numerous attempts to apply the *Guiding Principles* in practice, as an analytical tool they are unwieldy, and efforts to operationalise the *Principles* as a toolkit for research have been only partially successful.

Among the many challenges facing those responding to internal displacement is the question of information: despite the consensus on the rights

and entitlements of internally displaced people, little is actually known about the types and scale of vulnerability they face. Surveillance capacities in areas affected by war-induced displacement are often limited, if they exist at all, and local resources are rarely up to gathering the kind of data required. In the rare cases where action research is undertaken, it is often case- or sector-specific, or in the form of one-off appraisals. The full dimensions of displacement are rarely assessed holistically.

Designing an IDP vulnerability assessment tool

Against this background, the Brookings Institute Project on IDPs commissioned the Consortium of Humanitarian Agencies (CHA) in Sri Lanka to undertake a low-cost and focused assessment of the risks and vulnerabilities facing IDPs. The vulnerability assessment study, which was part of a larger IDP protection and assistance programme implemented by CHA, was conducted over 12 months, between January and December 2002. Its objective was to generate valid and appropriate data on IDPs residing outside government areas. Eight districts were targeted in Sri Lanka's north and east: Trincomalee, Vavuniya, Killinochchi, Mullativue, Jaffna, Mannar, Batticaloa and Ampara. At the time of the study, these IDPs comprised a quarter of the country's total caseload.

The assessment tool was developed in consultation with representatives from the humanitarian and development sector, including UN agencies (e.g. WFP, UNICEF and UNHCR), the Sri Lankan government, Colombo University, independent specialists and international NGOs (e.g. Save the Children-Norway, Action Contre la Faim and Helvitas). Two additional observers were also involved from Oxfam-GB and Save the Children-UK.

The approach envisaged departed from the *Guiding Principles* in that it used just eight key variables (as

Table 1: IDPs in areas of UNHCR field presence

	Total population	Non-displaced	Resettled	Total IDPs	IDPs as % of total population
DISTRICT*					
<i>Uncleared</i>					
Kilinochchi	148,173	27,510	11,833	108,830	73
Mullaitivu	178,863	51,171		127,692	71
Mannar	34,141	3,914		30,227	89
Vavuniya	9,890	244		9,646	98
Sub-total	371,067	82,839	11,833	276,395	74
<i>Cleared</i>					
Mannar	63,844	43,959		19,885	31
Vavuniya	151,320	73,925		77,395	51
Jaffna	501,664	363,650		138,014	28
Trincomalee	350,628	324,828		25,800	7
Sub-total	1,067,456	806,362		261,094	24
Grand total	1,438,523	889,201	11,833	537,489	37

Note: *Districts such as Mannar and Vavuniya have both ‘cleared’ and ‘uncleared’ areas in their territory.
Source: Government Agents

opposed to 30 principles), devised by a ‘project formulation group’. These variables covered core elements of IDP protection and assistance: health, food, education, water, sanitation, psychosocial health, shelter and safe movement. Each variable included quantitative and qualitative indicators thought to be important in the Sri Lankan context (see Table 2). These indicators were intended to be illustrative, rather than exhaustive.

Officials from the North East Provincial Council (NEPC) were seconded to the project and deployed to each district in order to collect data on a monthly basis. The data was then analysed by a Colombo-based advisory group. In under 12 months, some 250 representatives of local NGOs, community-based organisations (CBOs) and civil servants involved with IDP protection and assistance-related work in the uncleared areas were trained in research and data collection methods.

Each of the eight assessment sectors included a data-gathering tool and a corresponding training module. The NEPC and Government Agents from the project districts provided coordination and offered recommendations as to participant selection. The LTTE was represented by the Tamil Rehabilitation Organisation (TRO), which was chiefly responsible for organising training workshops and other field arrangements. Other non-governmental agencies such as FORUT, Helvitas, SEDEC and Caritas Sri Lanka and ‘District Coordinators’ from the CHA provided logistical support and training resources, and the NEPC oversaw and directed the data-gathering team.

Some reflections

The project was extremely ambitious, and a number of key obstacles prevented the smooth and effective generation of

data and dissemination anticipated at the project’s inception. The skills and capacities of the locally recruited participants were inadequate to appraise the primary data, and in Sri Lanka, as elsewhere, many humanitarian agencies are themselves unable to invest enough time and resources to carefully consider ‘findings’ from the field. Despite notable exceptions, the emphasis on delivery often militates against reflection and empirical analysis. Without adequate support among senior managers, whatever evidence is ultimately marshalled often goes unnoticed. Although the project devoted considerable energy to analysis by creating the advisory group in Colombo, the full body found it difficult to meet on a regular basis. Indeed, a strong case could be made for a smaller, more focused consultative group, comprising those who are most supportive of the project, in order to increase the transmission and dissemination of information.

accurate information is vital for informed policy-making

But the fact remains that accurate information is vital for informed policy-making. The project demonstrated a capacity to generate voluminous data over a short period, particularly in areas where data is hard to come by. But it was also the case that, despite a significant investment of time and energy in training, the ‘data collectors’ were not always equipped to carry out the assessment to completion. Ultimately, the generation of information is a necessary, but insufficient, condition for progressive policy development in relation to protecting and assisting IDPs. Analysis and dissemination are crucial, if frequently overlooked, elements of any information management effort.

Table 2: IDP vulnerability assessment tools

Variable	Suggested indicators	Sources
Health	Mortality and morbidity rates; malnutrition rates; disease caseload; prevalence of training and immunisation; availability of external assistance	Hospitals; NGOs; community surveys
Food and nutrition	Presence and distribution of food assistance programmes; appropriate and equitable distribution; and 'appropriateness' of diet	NGOs; community surveys; key informants
Education	Presence, distribution and access to education facilities; per capita teaching staff; teacher qualifications; enrolment and attendance rates (primary, secondary); literacy rates	Schools and libraries; NGOs; community mapping; community surveys; key informants
Water	Type and source of water (consumption, bathing); number; distribution and access of water points (Sphere standards); water consumption ratios	NGOs; community mapping; community surveys; key informants
Psychosocial factors	Critical livelihood issues; rates of depression/mental illness; success stories; types and ranking of community problems; poverty concerns; host-guest relations; social work/therapy/psychosocial-related programmes	Hospitals and clinics; village leaders, key informants; NGOs
Sanitation	Health and hygiene habits; ratio of toilets to population; management and maintenance of facilities; gender sensitivity; location of toilets; waste disposal (Sphere standards)	Government Agents; NGOs; community mapping; community surveys; key informants
Safe movement	Distribution of mines and unexploded ordnance; access and presence of agricultural/subsistence land; injury rates; distribution and profile; presence of demining and awareness programmes	NGOs; Divisional Secretary; army; village leaders; community mapping
Shelter	Material construction of shelter (e.g. brick, thatch, tent, etc); land size and fertility; household size (Sphere); repair and maintenance support; access to key infrastructure (e.g. roads, markets, public services)	Divisional Secretary; NGOs; village leaders/camp leaders; community mapping; community surveys

Table 3: Assisting organisations and individuals

Planning and design
<ul style="list-style-type: none"> UN agencies (WFP, UNICEF, UNHCR) Colombo University (education and health faculties) Government ministries (Health, Rehabilitation, Resettlement and Refugees, Vanni Rehabilitation) Government departments (National Housing Authority, National Planning) Independent specialists (psychologist, epidemiologist) NGOs (Helvitas, SCN, Action Contre la Faim, MARC, SCF-UK, Oxfam-GB)
Coordination
<ul style="list-style-type: none"> Consortium of Humanitarian Agencies North East Provincial Council Government Agents Tamil Rehabilitation Organisation
Implementation
<ul style="list-style-type: none"> Helvitas FORUT SEDEC Caritas Sri Lanka North East Provincial Council Government Agents Consortium of Humanitarian Agencies Tamil Rehabilitation Organisation

Conclusion

Good information is vital for the articulation of good policy and programming, especially for displaced populations in inaccessible areas. Good policy is, of course, contingent on another intervening variable – political will.

The *Guiding Principles* offer a useful normative platform for understanding the risks and vulnerabilities facing IDPs, as well as their responses to them. This project created a framework to appraise protection and assistance needs *in situ*. In this way, it introduced a novel, cost-effective and pragmatic strategy to generate detailed information on specific populations over a relatively short period. But effective information management requires more than a

capacity to frame the issue. It also demands considerable attention to ‘downstream’ activities, namely analysis and dissemination. Agencies need to devise creative mechanisms to enable them to appraise the realities of IDPs in conflict and post-conflict societies. This project offers a novel template to at least begin asking the right questions.

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Good Practice Review 9

Disaster Risk Reduction: Mitigation and Preparedness in Development and Emergency Programming

John Twigg
March 2004

Natural disasters – disasters resulting from natural hazards such as cyclones, droughts, floods, earthquakes, landslides and volcanic eruptions – are widespread and numerous in developing and middle-income countries. They can cause great loss of life and immense damage to communities, infrastructure and national economies. At the same time, much can be done to protect vulnerable communities against disasters.

This Good Practice Review is for those working with vulnerable people, wherever they may be, and before, during and after disasters. Detailed analysis covers every aspect of risk management, from terms and concepts to project planning, monitoring and evaluation. Chapters cover the special needs of marginal and vulnerable people, such as children and the elderly, and the particular demands of urban risk. There are also sections on information, education, policy-making and the role of local knowledge and indigenous skills. The analysis is supported throughout by detailed case studies and illustrative examples.

Developing minimum standards for education in emergencies

Allison Anderson, Inter-Agency Network on Education in Emergencies

Wars and natural disasters deny generations the knowledge and opportunities that an education can provide. Education in emergencies, chronic crises and early reconstruction is a necessity that can be both life-sustaining and life-saving. It sustains life by offering structure, stability and hope for the future during a time of crisis, particularly for children and adolescents. It also helps to heal bad experiences and build skills, and supports conflict resolution and peace-building. Education in emergencies saves lives by directly protecting against exploitation and harm, and by disseminating key survival messages, such as landmine safety or HIV/AIDS prevention.

Traditionally, education in emergency situations has been seen, not as a humanitarian priority, but as a long-term development activity. In recent years, however, awareness has increased of the need for non-formal and formal education programmes in emergency situations. Two issues in particular have come to the fore: how to ensure a certain level of quality and accountability in emergency education; and how to 'mainstream' education as a priority humanitarian response.

The Working Group on Minimum Standards for Education in Emergencies

The Working Group on Minimum Standards for Education in Emergencies was constituted within the Inter-Agency Network on Education in Emergencies (INEE) to facilitate the development of global minimum standards for education in emergencies. INEE is an open network of UN agencies, NGOs, donors, practitioners, researchers and individuals from affected populations, working together to ensure the right to education in emergencies and post-crisis reconstruction. The network is responsible for gathering and disseminating information on education in emergencies, promoting the right to education for people affected by emergencies, and ensuring the regular exchange of information among its members and partners.

INEE is an open network of UN agencies, NGOs, donors, practitioners, researchers and individuals

In 2003, the Working Group began leading the development of standards, indicators and guidance notes that articulate a minimum level of educational quality and access in emergencies and the early reconstruction phase. The main components of this process were regional, sub-regional and national consultations; on-line consultation inputs via the INEE listserv; and a peer review process. Information gathered from each step was used to inform

Working Group members

CARE Canada
CARE USA
Catholic Relief Services
International Rescue Committee
Norwegian Church Aid
Norwegian Refugee Council and Norway United Nations Association
Save the Children UK
Save the Children USA
Refugee Education Trust
UNESCO
UNHCR
UNICEF
World Education

the next phase of the process. Funding was provided by the Canadian International Development Agency (CIDA), the International Rescue Committee, the International Save the Children Alliance, Save the Children Norway, the Swedish International Development Cooperation Agency (SIDA), UNESCO, UNHCR and UNICEF.

INEE's minimum standards are founded on the Convention on the Rights of the Child, the Dakar 2000 Education for All goals and the Sphere Project's Humanitarian Charter. Like Sphere, the standards are meant to be used as a capacity-building and training tool. INEE believes that they will also enhance accountability and predictability among humanitarian actors, and improve coordination among partners, including education authorities.

Building minimum standards from the ground up: field-based consultation

Given the humanitarian community's widespread familiarity with and use of the Sphere minimum standards, INEE adopted the Sphere Project's definitions of minimum standards, indicators and guidance notes. One concrete way in which the INEE's minimum standards process reflects the lessons learned from the Sphere Project is the inclusiveness of the initiative. While Sphere has been NGO-led, the Working Group is made up of both UN and NGO organisations (see box). The Working Group made special efforts to ensure that representatives from a variety of levels, including households, schools and communities, local authorities, ministry officials, funding agencies and implementers, were actively involved throughout the consultative process, in order to ensure relevance to, and buy-in from, all education stakeholders.

Over 2,250 individuals from more than 50 countries contributed to the development of the minimum standards. Delegates and INEE members in the regions coordinated over 110 local, national and sub-regional

consultations in 47 countries to gather input and information from over 1,900 representatives from affected communities, including students, teachers and other education personnel, NGO, government and UN staff, donors and academics. Four regional consultations were held between January and May 2004, covering Africa, Asia, Latin America and the Middle East and Europe (the final reports from the regional consultations are posted at www.ineesite.org/standards/default.asp). The 137 delegates to these regional consultations included representatives from affected populations, international and local NGOs, governments and UN agencies in 51 countries.

The Africa Collective Consultation

The Africa Collective Consultation on Minimum Standards for Education in Emergencies was held in Nairobi, Kenya, on 21–23 January 2004. It was hosted by Care Canada and Norwegian Church Aid, and supported by CIDA and SIDA. In advance of this regional meeting, 29 local consultations were held, involving over 525 people from cities, towns and refugee camps in 14 countries in Africa.

The Asia Collective Consultation

The Asia Collective Consultation was held in Kathmandu, Nepal, on 21–23 April. It was hosted by the International Save the Children Alliance and supported by UNESCO, Save the Children Norway, SIDA and the International Save the Children Alliance. Approximately 650 participants were involved in 44 local and national consultations. These consultations, which produced over 200 standards, were held in 25 different cities, villages and refugee camps in ten different countries.

The Latin America and Caribbean Collective Consultation

The Latin America and Caribbean Collective Consultation took place in Panama City from 5 to 7 May, hosted by UNICEF and supported by UNICEF and SIDA. In advance of the regional consultation, delegates held 22 national and local consultations, bringing together over 360 people in 12 countries across Latin America and the Caribbean.

The Middle East, North Africa and Europe Consultation

The Middle East, North Africa and Europe Collective Consultation was held in Amman, Jordan, from 19 to 21 May. It was co-hosted and supported by UNESCO and UNHCR. In preparation for it, delegates held 24 national and local consultations involving over 300 people in eight countries in the Middle East, North Africa and Europe.

INEE listserv online consultation process

The INEE's 800-plus members also participated in the development of minimum standards through INEE listserv consultations. The questions generated many responses, which were shared with INEE members and presented to delegates prior to each regional consultation:

- What teacher/student ratio should the standards aim for?
- Should education programmes address barriers that prevent girls from attending school?

- Does school feeding increase school enrolment, especially of girls?
- Is a code of conduct necessary for teachers in emergency situations?
- How many students should share one textbook?
- Should teachers commit themselves to delivering good-quality teaching if they are given little or no financial support?

The peer review process

The final phase of this consultative initiative was the peer review process, which took place during the summer of 2004, and involved over 40 experts. The Working Group's Drafting Group and the Peer Facilitator, Joan Sullivan-Owomoyela, analysed the four sets of regional standards and honed them into one. The Peer Facilitator then held a 'virtual consultation' with the peer review experts, a group comprising education, health, humanitarian and protection specialists from NGO and UN agencies and governments, as well as academic and research institutions. During September 2004, the final draft of the minimum standards was posted on the INEE website, and members were invited to give their feedback. Given the need to maintain the integrity of this highly consultative process, INEE only considered edits that left the essence of the standards, indicators and guidance notes intact. Because the standards are meant to be a living tool, substantive comments are being compiled for future revision.

the final phase of this consultative initiative was the peer review process

The content of the minimum standards

The Minimum Standards for Education in Emergencies comprise five categories:

- **Minimum Standards Common to All Categories:** focuses on the essential areas of community participation and assessment, response, monitoring and evaluation when applying any of the other standards.
- **Access and Learning Environment:** focuses on partnerships with stakeholders to promote access to education, as well as linkages with other sectors to enhance the security and physical, cognitive and psychological well-being of learners.
- **Teaching and Learning:** focuses on elements that promote teaching and learning, such as the curriculum, training, instruction and assessment.
- **Teachers and Other Education Personnel:** focuses on the administration and management of human resources, including recruitment and selection, conditions of service, and supervision and support.
- **Education Policy and Coordination:** focuses on policy formulation and enactment, planning and implementation and coordination.

Next steps: promoting and implementing the minimum standards

The standards will be launched at INEE's Second Global Inter-Agency Consultation on Education in Emergencies and Early Recovery, in Cape Town, South Africa, on 2–4 December 2004. The launch of the minimum standards will be accompanied by efforts to promote and implement them, through training and piloting. The Working Group is finalising specific plans for this next phase, which will take advantage not only of the lessons of the Sphere Project, but also of the networks created during the field-based consultation process.

INEE acknowledges that the minimum standards will not solve all the problems of educational response in emergencies. But they do offer a tool for humanitarian agencies, governments and local populations to enhance the effectiveness and quality of their education assistance. The standards give guidance and flexibility in responding to needs at the most important level – the community – while providing a harmonised framework to coordinate the educational activities of funding agencies and other development partners.

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User-managed public health promotion in the Mekong Delta, Vietnam

Provash Mondal, Oxfam GB, Vietnam Humanitarian Programme Coordinator

Vietnam's Mekong Delta area suffers from annual flooding, which is typically slow-onset, and inundates large areas. Floodwaters stay for up to two months before slowly receding. The Vietnamese government's disaster-management strategy for the areas has been to live with these floods. Residential clusters have been developed near highways and river dykes, and families living in low-lying villages are being relocated to these areas. However, many of these residential clusters lack important water and sanitation (watsan) facilities.

To address these needs, Oxfam GB and the Dong Thap Province People's Committee implemented a watsan public health promotion project in Dong Thap Province in

2003. One of the major objectives of the project was to persuade the government and donors to support similar watsan systems in every residential cluster. Two – Binh Phu Commune in Tan Hong District and Thanh Loi Commune in Thap Muoi District – were chosen for pilot projects. This article describes the watsan system managed by the Watsan Users' Association in Binh Phu.

The project

Binh Phu is in Tan Hong District, Dong Thap Province. It lies near a road, about 6km from the district town. The watsan project was designed to serve 300 households, as well as government offices and schools (a total of 1,900 beneficiaries). The project was implemented by a Project

Management Board (PMB) led by the Vietnam Red Cross in Dong Thap Province. A 300m-deep bore well with submersible pump was installed, along with a water tower (capacity ten cubic metres), a public tap water supply system and a sanitary system. A public health promotion component was also included, together with a management system. A baseline survey was performed at the start to collect data for subsequent use in impact assessment.

The watsan management system

Community management was an important part of the project from the start. Community participation was ensured in all areas of the project's planning, implementation, monitoring and evaluation through consultative meetings, workshops and direct participation. As a first step, a Vietnamese consultant with experience of implementing a similar commune-managed system was brought in to facilitate orientation training. The Binh Phu Watsan Users' Association was formed in February 2003, with 156 members. The Association participated in all aspects of the project, from helping to supervise construction to operational and maintenance management, financial management, health promotion and regular monitoring. A Management Board was formed, with 11 members, as well as a Supervisory Board of seven people, headed by the Vice-Chairman of the Commune People's Committee. The Management Board is responsible for the day-to-day management of the Association, while the Supervisory Board has overall control. The management structure is depicted in Figure 1.

Association activities

Construction monitoring

The members of the Management Board were involved in monitoring the construction of the water supply system.

They communicated with the contractor and monitored the quality of the construction, the materials and the progress of construction works. They were involved in selecting beneficiaries and monitoring latrine installation.

community management was an important part of the project from the start

Public health promotion

The public health promotion team (public health volunteers) prepared a monthly message-dissemination plan and submitted it to the Management Board. They then disseminated these messages under the guidance of the Board. They also organised group discussions and house visits. In subsequent visits, they monitored how people were applying public health knowledge.

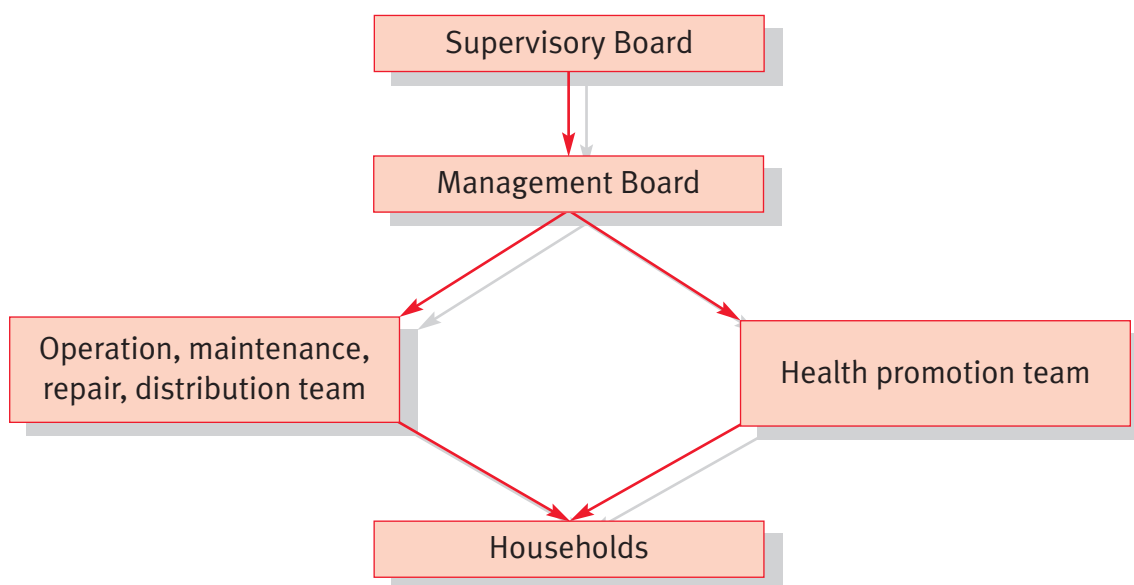
Water distribution

A participatory approach was followed in respect of water fees, and the repair and maintenance of the system.

Financial management

An accountant and a treasurer manage the Association's finances under a financial system defined by District and Commune regulations. They monitor all of the Association's expenditure and income. Every month, they reconcile financial records and submit a report to the Management Board. The Association is responsible for collecting water fees, and holds regular meetings with all its members to share financial information.

Figure 1: Structure of the Watsan Users' Association



Sewage and rubbish management

The Users' Association divided the residential cluster into five blocks. Within each block, public health volunteers are responsible for drainage arrangements to dispose of household wastewater and rainwater into the main drainage system. The volunteers have organised campaigns for constructing and maintaining open sewage canals.

Gender mainstreaming

The Association has focused on providing equal participation for both women and men in all programme activities. While the Association was being formed, detailed discussions were held in which both men and women participated. However, out of 11 members of the Management Board, only three are women as it was not possible to find more women who could take up management responsibility. Gender and equality issues were covered in the training course for public health volunteers. This has helped them to understand the value of women's contributions to the family and to society, even if they do not have money, and the importance within the family of discussion, and of sharing jobs, responsibilities, difficulties and benefits. A set of Information, Education and Communication (IEC) materials entitled 'Gender Roles' was produced for public health volunteers, the main messages of which were that both men and women can do typical household tasks like cleaning, shopping and gardening. This material was used in focus group discussions led by public health volunteers.

Project impact

All households in Binh Phu Commune now have safe water for drinking and domestic use. All recipients of sanitary latrines have improved family and individual health, and health awareness has been enhanced. There has been a



Improved public health

significant decrease in cases of diarrhoea and skin infection. Diarrhoea has gone down from 31.3% in February 2003 (according to the baseline survey) to 4.3% in August 2003, and 3.3% in October 2003 (according to impact assessments). Skin infections fell from 7.2% (August 2003) to 4.4% (October 2003).

Lessons learned

Although the Watsan Users' Association is involved in the management of the systems provided by the project, a bidding process for construction components was undertaken by the Project Management Board at the provincial level, with technical supervision by district officials. To ensure that the implementation system is and remains transparent and accountable, the participation of the Users' Association remains essential. The cooperation of other departments, such as the Women's Union,

the Health Department and the Red Cross, at the district and commune levels, is vital if the WUA is to continue maintaining these systems effectively.

Conclusion

In this public health promotion project, Oxfam provided physical watsan facilities and public health awareness to residential clusters in the Mekong Delta. The Watsan Users' Association formed at the cluster level is functioning effectively in managing both water supply and refuse disposal. District, provincial and national-level officials feel that the project has had a good impact in improving public health in these clusters. It is hoped that the national government as well as other donors will come forward to examine this experience and replicate these models in ways that are appropriate and relevant in other areas.

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Humanitarian Practice Network

The **Humanitarian Practice Network (HPN)** is an independent forum where field workers, managers and policymakers in the humanitarian sector share information, analysis and experience.

HPN's aim is to improve the performance of humanitarian action by contributing to individual and institutional learning.

HPN's activities include:

- A series of specialist publications: *Humanitarian Exchange* magazine, Network Papers and Good Practice Reviews.
- A resource website at www.odihpn.org.
- Occasional seminars and workshops bringing together practitioners, policymakers and analysts.

HPN's members and audience comprise individuals and organisations engaged in humanitarian action. They are in 80 countries worldwide, working in northern and southern NGOs, the UN and other multilateral agencies, governments and donors, academic institutions and consultancies. HPN's publications are written by a similarly wide range of contributors.

HPN's institutional location is the Humanitarian Policy Group (HPG) at the Overseas Development Institute (ODI), an independent think tank on humanitarian and development policy. HPN's publications are researched and written by a wide range of individuals and organisations, and are published by HPN in order to encourage and facilitate knowledge-sharing within the sector. *The views and opinions expressed in HPN's publications do not necessarily state or reflect those of the Humanitarian Policy Group or the Overseas Development Institute.*

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