Humanitarian Exchange

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The Humanitarian Practice Network at the Overseas Development Institute is an independent forum where field workers, managers and policymakers in the humanitarian sector share information, analysis and experience. *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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The conflicts between Israel and Lebanon and in the occupied Palestinian territories (oPt) in 2006 led to a significant international humanitarian response. They also again raised concerns about the protection of civilians and breaches of international humanitarian law. In Lebanon the conflict was unexpected and brief, but at its height it displaced a quarter of the population and led to the destruction of villages and infrastructure throughout the south of the country. In oPt the conflict followed a freezing of international aid to the Palestinian Authority and clampdowns on movement and access that had already resulted in a deterioration in humanitarian indicators.

The articles in this edition of *Humanitarian Exchange* examine some of the distinguishing features of the emergency response undertaken by international humanitarian and UN agencies, donors, human rights and advocacy groups, as well as by a raft of local actors. Despite a swift transition to early recovery after the ceasefire in Lebanon, chronic poverty, insecurity and access issues continue to affect agencies' ability to provide adequate and appropriate humanitarian relief in oPt. The political causes and economic and social after-effects of the conflict continue to impinge on the economic and physical security of populations in the Near East, and humanitarian agencies continue to face serious challenges and dilemmas, some unique to this highly charged situation, others more familiar from other humanitarian contexts.

The articles in this edition highlight some of the peculiarities of humanitarian practice in the Near East. This includes the impact of international politics and aid policy in both Lebanon and the oPt; the effectiveness of the humanitarian response in Lebanon in coping with displacement in a middle-income country; coordination and the protection and physical safety of civilians; and working with armed groups not only party to the conflict, but also on various terror lists in the context of the wider international security agenda.

This edition also presents articles on a range of other subjects of concern to policymakers and practitioners in the humanitarian sector. The policy and practice articles in this edition look at the operational issues for agencies of integrated missions in Haiti and Sudan, the Tsunami Evaluation Coalition's synthesis report and coordination through clusters during the Pakistan earthquake response. Also included are lessons learned from programmes using cash distributions in southern Somalia, shelter programming after two years of tsunami recovery in Sri Lanka and Aceh and disaster diplomacy.

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Lebanon and the Near East: new challenges, old dilemmas

Sarah Mahdi, independent consultant

The violence that broke out in Israel, Lebanon and the occupied Palestinian territories in July 2006 was unexpected and, in the case of the Israeli bombardment and invasion of Lebanon, brief, lasting only 34 days. At the height of the conflict, over 900,000 Lebanese were displaced from southern Lebanon, and 1,191 Lebanese and 158 Israelis were killed. Reconstruction estimates run into billions of dollars, and the threat of sectarian violence and insecurity persists in the region. Since the Israeli government and civil society had the capacity to respond to Israel's limited needs, the wider international scale-up of aid actors focused on Lebanon and Gaza.[1]

The humanitarian response in Lebanon

A large-scale international aid operation was launched in response to the war in Lebanon, including the government, the UN, NGOs and local civil and political groups. The operational response in Lebanon was at first hindered by difficulties in accessing areas of the conflict due to the Israeli blockade of Lebanon and Israeli restrictions on movement south of the Litani river. There were also constraints in coordinating and negotiating with local political groups affiliated with armed forces. Difficulties in accessing the south during the bombing and blockade of Lebanese ports and airspace prompted warnings of critical fuel and food shortages, and left much of the affected population cut off from urgently needed services, including medical care.

A wider humanitarian crisis was averted by the response of local community networks and organisations, and the coping mechanisms of Lebanese families and communities remembered and restored from years of prior conflict. The international humanitarian community also reacted quickly, albeit at first to a displacement scenario – the movement towards Beirut of 900,000 IDPs from the south – that quickly dissipated after the ceasefire. Lebanon's status as a middle-income country, and the rapid and large-scale support and dispersal of cash grants by local political organisations, also contributed to a speedy move into the early recovery phase. Large bilateral donations of aid and the 'sponsorship' of affected villages by Arab donors supported reconstruction plans, and Hizbollah disbursed cash grants of up to $12,000 to families whose homes were bombed.

1 Israel's world-class emergency response system coped well with the effects of the Lebanon conflict and Palestinian Quassam rockets. The government and the Magen David Adom (Israel's national chapter of the Red Cross/Red Crescent society) supported displaced and injured people, and local and national NGOs ran psychosocial activities and other support programmes in affected communities. The focus of the humanitarian response (including policy and advocacy strategies by most international NGOs) was therefore on disproportionately affected Lebanese communities and on civilians 'trapped' in Gaza.

Although most humanitarian needs were met, many considered the response to be too supply-driven, with food and non-food distributions predominating. The World Food Programme (WFP), as cluster lead in logistics, was accused of prioritising its own goods, and there were reports of unsuitable aid, including unnecessary food aid, inappropriate shelter and sub-standard blankets for displaced families. Evaluations highlighted yet again that agencies need to be more sensitive to the local context, particularly given the increasing number of humanitarian responses in middle-income countries like Lebanon; it is not enough simply to roll out distributions according to the traditional model.

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Protection and the human rights response

The term 'protection crisis' was applied to the humanitarian situation in Lebanon and Gaza. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), Lebanon was 'not, and did not become, a humanitarian crisis. It began as – and remained – a crisis of protection. People did not die from poor sanitation, hunger or disease. They died from bombs and shells'.[2]

The Inter-Agency Standing Committee (IASC) defines protection broadly as 'all activities aimed at ensuring full respect for the rights of individuals in accordance with international human rights law, international humanitarian law and refugee law'. All parties to the conflict were in breach of international law. Israel was accused of violating the principle of distinction between civilian and military targets, of proportionality and of discriminate attack. Hizbollah was accused of using civilian populations in the south as 'human shields'. International and local humanitarian and human rights agencies were vocal in their calls for a ceasefire as civilians in Israel, Lebanon and the occupied Palestinian territories (oPt) were killed.

2 OCHA, Lebanon Crisis Interim Report, *Humanitarian Response in Lebanon*, 12 July–30 August 2006.

HUMANITARIAN exchange

A family flees Israeli attack, Tyre, Southern Lebanon, July 2006

OCHA played an important advocacy role, and the human rights story was well covered by the media and in campaigns by local and international NGOs. Senior UN officials and coalitions of NGOs engaged in direct and bold advocacy and policy initiatives to call first for a ceasefire and/or humanitarian access, and later for the protection of civilians (although the Office of the High Commissioner for Human Rights (OHCHR) called for a high-level commission in 11 August, OHCHR was a notable absentee in Lebanon). This resulted in widespread reporting and condemnation of the extent of civilian deaths during the conflict. Children have been a particular focus (it has been estimated that between one-third and a half of all casualties were children). On the ground, many organisations supported the clearing up of destroyed buildings, disseminated material to raise awareness of unexploded ordnance and landmines and help with psychosocial recovery, set up safe play areas and delivered schools kits for children, many of which were brought from partner organisations and offices in the oPt. Schools restarted only a month later than they would have done had the conflict not intervened.

Local coordination

In Lebanon, as throughout the Near and Middle East, civil society plays an important role, and people have years of experience in coping with and responding to conflict and displacement. Local organisations and community groups are generally divided along religious lines and have varying degrees of external influence, including from armed groups. The international response in Lebanon raised again the issue of how humanitarian agencies engage with local actors. Many agencies struggled to define or agree a policy for engagement with partners in view of the political and security context. Coordination meetings were conducted in English, with little or no local NGO presence, despite the fact that many international staff were deployed to Lebanon from regional hubs, and despite the presence of international agencies with long-standing local partner NGOs in-country.

The occupied Palestinian territories – an emergency within an emergency

While the war in Lebanon was dominating the headlines, the Israeli army launched Operation Summer Rains in Gaza in retaliation for the kidnapping of an Israeli soldier. The action included numerous incursions by the Israeli military into Gaza, and the destruction of the power supply by the military. Palestinian Quassam rockets were repeatedly fired into Israeli towns. With Israel controlling access to the territories, the distinguishing feature of this conflict was that, unlike the population of southern Lebanon, the 1.4 million people in Gaza had nowhere to go. International aid agencies again had difficulty in accessing the area. After the bombing of Beit Hanoun on 8 November, a non-binding resolution was passed by the UN General Assembly calling for the end of Israeli military operations. Later that month, a shaky ceasefire took hold in return for Israel's withdrawal from Gaza.

Even before the violence, the humanitarian situation in the occupied Palestinian territories was deteriorating as a result of the funding freeze implemented after the election of Hamas. Ongoing restrictions on movement and access have led to a collapse of markets and basic services, including healthcare, and rampant unemployment. Humanitarian aid to the oPt is, per capita, among the highest in the world, and agencies are used to scaling up quickly in times of increased violence and crisis. In 2006, organisations provided food, water and sanitation and undertook protection activities. Many organisations are engaged in human rights documentation and humanitarian advocacy, and OCHA's role in protection is widely respected.

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Many of the prominent donors in the oPt also have a stake as agents in the negotiation process between Israel and the Palestinians. This has meant that the humanitarian and political agendas have become entwined (articles elsewhere in this edition look at the issues of aid in the occupied territories). In the absence of a political solution, the humanitarian response continues. However, it is not the role of humanitarian organisations (and indeed it is beyond their capacity) to provide basic

services to the civilian populations of the occupied territories. As the Occupying Power, ensuring protection and assistance is Israel's responsibility.

Similar, but not the same

The crisis in Lebanon highlighted the need for agencies to react more flexibly and effectively to emergencies in middle-income countries, and anticipate and respond appropriately to the new challenges of humanitarian response. Better targeting of aid is required, based on specific needs assessments. The term 'protection crisis' also needs to be defined, and agencies need to decide what it means for the operational humanitarian response, the role of OHCHR and the independence of humanitarian agencies in the light of their increasingly high-profile advocacy initiatives.

The dilemmas presented by the situation in the occupied Palestinian territories are long-standing. Aid agencies do not wish, by their actions to relieve suffering, to be seen as taking on the responsibilities of the Occupying Power or as acting as what Médecins Sans Frontières has called a 'social palliative' for European and US policies. However, they cannot ignore the effects of the collapse of basic services. Two-thirds of Palestinians are living in poverty, a rise of 30% on last year. The number of families unable to get enough food has increased by 14%, meaning that more than half of all Palestinians are now food-insecure. The health system is disintegrating. A political solution is required, but in the meantime aid continues to be delivered, and monitoring and protection activities in-country are ongoing.

Internal NGO policies and guidelines, donor policy and aid operations in the region need to be bolstered with creative, flexible and assertive humanitarian policy and programming attuned to the changing context. Advocacy to call governments to account for their duties under international humanitarian law, and to resist the politicisation and instrumentalisation of aid, are more important than

ever in the current context of the Middle East. If humanitarian organisations do not address and respond to these issues, others will. A recent report on Iraq by the Feinstein International Center highlights the risks of failing to deal with these issues: 'Protection and assistance gaps left by the incremental failure of the state and the absence of an appropriately scaled humanitarian response are being filled by militias and parties throughout the central and southern governorates. The pattern is similar to that evident in many other conflicts – Lebanon comes most recently to mind – where armed groups take up social burdens or exploit needs to gain legitimacy'.[3]

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References and further reading

OCHA Lebanon Crisis Interim Report, *Humanitarian Response in Lebanon*, 12 July–30 August 2006.

Larissa Fast, *'Aid in a Pressure Cooker': Humanitarian Action in the Occupied Palestinian Territory*, Case Study 7, Humanitarian Agenda 2015, Feinstein International Center.

Greg Hansen, *Coming to Terms with the Humanitarian Imperative in Iraq*, Humanitarian Agenda 2015 Briefing Paper, January 2007, Feinstein International Center.

International Development Committee, *Development Assistance and the Occupied Palestinian Territories*, 24 January 2007.

HPG resources on 'protection in practice': http://www.odi.org.uk/hpg/protection_practice.html.

'What Is the Responsibility of the International Community To Protect Civilians in the Lebanon Crisis?', ODI blog, http://blogs.odi.org.uk/blogs/main/archive/2006/07/21/612.aspx.

'The occupied Palestinian territory', special feature, *Humanitarian Exchange*, no. 28, November 2004.

3 Greg Hansen, *Coming to Terms with the Humanitarian Imperative in Iraq*, Humanitarian Agenda 2015 Briefing Paper, January 2007, Feinstein International Center.

Dilemmas for aid policy in Lebanon and the occupied Palestinian territories

David Shearer and Francine Pickup, OCHA

With the spotlight focused on the political causes and after-effects of the Hizbollah–Israel war and the upsurge in the Israeli–Palestinian conflict in 2006, little attention has been paid to the role played by donor assistance to the region. Aid in the Middle East has been motivated by donors' political preferences, not humanitarian needs. That intensified markedly during 2006, a shift that also

challenges the activities and agendas of aid agencies. This article examines the interconnections between aid and politics, and how they have played themselves out in Lebanon and the occupied Palestinian territories (oPt).

There are some obvious parallels between the Israeli–Palestinian and the Israeli–Hizbollah conflicts. In

both instances, Israel, with superior firepower, was responding to the abduction of its soldiers by militants within its territory. In both instances, Israel was fighting militants whose organisations had also been democratically elected to their respective governments. Hizbollah draws the bulk of its support from the Shia population, while Hamas enjoys a broader spectrum of support from Palestinians. Both are political–military organisations, both are Islamic in orientation and both operate extensive welfare networks. Both also share similar origins. Hizbollah grew out of resistance to Israel's occupation of southern Lebanon in the 1980s and 1990s, and Hamas drew on Israel's occupation of Palestinian territory to increase its influence during the 1990s.

For Western governments, the growing dominance of Hizbollah and Hamas has been deeply problematic. The US and the European Union (EU) passed legislation in 1993 and 2003, respectively, declaring Hamas a terrorist organisation and severely limiting contacts with it. Hizbollah is classed as a terrorist group in the US, but the approach in Europe is more ambivalent. The prevailing policy towards Lebanon by Western and some Arab states has been to counter Hizbollah's increasing influence and strengthen Prime Minister Faoud Siniora's government. In the oPt, the strategy has been to isolate Hamas and actively promote its rivals. A key policy tool in both cases has been aid.

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Lebanon
Western donors responded to the conflict in Lebanon by giving to an Emergency Flash Appeal, which enabled international relief programmes to be launched without delay. However, a number of donors exerted pressure on UN agencies and NGOs not to meet or provide assistance to Hizbollah. As a result, some international NGOs were accused of siding against Hizbollah by refusing to assist returnees in villages receiving Hizbollah funds. Avoiding Hizbollah was not a simple matter given its extensive network throughout southern Lebanon, however, and the bulk of the UN's emergency assistance was delivered through elected municipalities, some of whom were headed by Hizbollah. In this way, the UN's emergency response was not criticised as being politically linked to any one faction.

Hizbollah was also fully aware that aid was an important political tool. It understood that its popularity might be damaged when Shias returned to the south and confronted the reality of smashed homes and livelihoods. Hizbollah teams moved about the south making rapid damage assessments of property as soon as the fighting stopped. Cash handouts of up to $12,000 were given immediately to those hardest hit. This proved popular, and was an extremely effective means of rebuilding and getting the economy going again.

The Lebanese government responded to Hizbollah's recovery activities by seeking to show the Lebanese public that it was at the forefront of recovery efforts. It asked the humanitarian programme to wind up early and launched a fund-raising conference in Stockholm to finance its own early recovery programme. The Stockholm meeting (on 31 August), and a more substantial gathering in Paris on 24 January 2007, raised $940 million and $7.6 billion respectively, much more than was anticipated and a graphic indication of donor support and concern. Strong backing came from Saudi Arabia, Kuwait, Qatar and the United Arab Emirates to fund projects in the Shia south. These states took on Siniora's suggestion of 'adopting' heavily damaged villages, and each pledged assistance worth hundreds of millions of dollars.

The government faced an uphill battle in establishing its credibility in the south. Some government institutions, such as the state electricity authority, mobilised quickly into the south. These efforts did little to counter the persistent complaint of Shias living in Lebanon's poorer south that they do not receive a fair share of state funds and are inadequately represented. In part, the confessional make-up of the government and its centralised nature is to blame. The allocation of key political positions and ministries is done according to a formula in which different political parties each receive a predetermined share. This system aims to keep the peace between Lebanon's Sunni, Shia, Christian and Druze communities.

As a result of these factors, the south became an arena for competing regional influence among a range of entities, including the Lebanese government, Lebanese regional bodies, Hizbollah-affiliated organisations, the Iranian embassy, Arab states and more traditional aid actors, including the UN and Western NGOs.

The occupied Palestinian territories
In the oPt, politics and aid have always been intimately connected. Since the Palestinian Authority (PA) was established in 1993, the rationale for aid has been to support the peace process and build the nascent institutions of a future Palestinian state. Israel, which as the Occupying Power had until then been running the key welfare administrations in the West Bank and Gaza, stepped back from its responsibilities in favour of the donor-backed PA.

The peace process collapsed with the onset of the second *intifada* in 2000. Donor assistance doubled, from $500 million to more than $1 billion per year, in the hope that this support would tide the PA over until the peace process could be rejuvenated. Most of the increase was in the form of humanitarian assistance through the UN appeal, and support to the PA amounted to about a quarter of its total budget.

Following Hamas' victory in parliamentary elections in January 2006, aid has been allocated along more overtly political lines. Donors stopped funding to the PA and set three conditions for its resumption: the PA had to recognise Israel's right to exist, renounce violence and respect earlier agreements. At the same time, Israel withheld the customs revenues it collects on Palestinian goods entering through Israeli ports, which it is obligated to hand over. These dues account for 50% of PA revenues.

politics and aid have always been intimately connected in the oPt

Freezing funds to the PA produced entirely predictable results. Poverty rates soared, from 51% in 2005 to 67% in 2006. By the third quarter of 2006 GDP had declined by 15% compared with the same period the previous year. In response to this economic downturn, donors turned to alternative means to disburse funds that bypassed the PA institutions they had historically supported as the cornerstone of a future Palestinian state. One of these alternative channels was the UN's emergency appeal. The appeal was revised upwards by 44% in May 2006, from $216 million to $384 million for the year. By the end of 2006, it was 73% funded – higher than any other year and higher than any appeal globally. The appeal for 2007 is for $450 million in emergency assistance.

A new funding method – the Temporary International Mechanism (TIM) – was also devised. The TIM, developed and led by the EU, funds cash allowances to PA employees, meets some welfare needs and finances some services provided by Israel, such as water, electricity and fuel. By the end of 2006, the TIM had distributed approximately $180 million. However, payments are directed via the Office of the President – an overtly political move given that the president, Mahmoud Abbas, is also the leader of the Fatah party, which lost its parliamentary majority to Hamas in the 2006 elections. TIM payments are issued without consulting the PA, making coordination and forward planning difficult, and accountability has suffered because civil servants are no longer being paid salaries by the PA for the services they deliver. Absenteeism among unpaid PA employees and restricted working hours have undermined a wide range of PA services, including health and education, on which Palestinians depend. PA employees were on strike between September 2006 and January 2007 in protest at the inability of the PA to pay salaries.

A further characteristic of the TIM is that it excludes the security services, which make up half of the public sector. With the PA unable to pay their salaries, security personnel – most of whom are Fatah loyalists – have rejected the authority of the Hamas Interior Minister, Saim Sayed. At the same time, Hamas has consolidated its armed forces in opposition to the Fatah groups. Rivalry between the two has led to unprecedented factional violence. The death-toll from internal Palestinian violence for the first six weeks of 2007 was 86, including 11 children, and 486 injured. In comparison, 146 were killed in the whole of 2006, and 11 in 2005.

In 2006, the UN stated strongly that it had neither the mandate nor the ability to take on the core public sector responsibilities of the PA, such as health care and education. Nevertheless, the humanitarian response has been compelled to plug some gaps in the health sector to ensure that the PA could continue its work. Although this is perceived as a time-bound way of supporting the PA, there is a fine – sometimes indistinguishable – line between support and substitution.

The obvious answer to the dilemmas of aid in the oPt – international humanitarian law – remains missing. IHL states simply that the welfare of Palestinians is the obligation of the occupying state, which in this case is Israel. In practical terms, the formation of the PA relieved Israel of many of its responsibilities. As donors commit ever more of their taxpayers' money to keeping basic services running, while at the same time undermining the enormous investments they have made over the years in state-building, they may well want to examine Israel's obligations.

Conclusion

One unintended consequence of aid policy in the oPt may be to reinforce radical elements in the region, rather than weakening them. The Palestinian situation is regularly mentioned in Al-Qaeda broadcasts as a rallying point for sympathetic Muslims, and Islamic groups throughout the Middle East are closely watching Hamas' experiences to see whether they too should embrace democratic politics. Meanwhile, many Palestinians believe that they have been punished for their choice of government.

It seems unlikely that the announcement of a Palestinian unity government on 8 February 2007 will end the boycott of Western aid to the PA. Some Western donors, notably the US and UK, have already voiced their opposition to a joint administration that includes Hamas. These donors may choose to continue funding the TIM, and the EU has even proposed expanding its remit. Saudi Arabia, on the other hand, has reportedly promised $1 billion to the new PA administration. Ironically, the Palestinian unity government, heavily dependent on Arab money, may come to look very like its Lebanese counterpart. Hizbollah's decision on 10 November 2006 to withdraw from the Lebanese government shows the fragility of that model. Yet both Lebanon and the oPt will both depend on donor funding just to maintain minimum conditions of stability.

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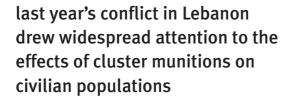
The human impact of cluster munitions

Katleen Maes, Handicap International

Lebanon, six months ago: 21-year-old Fayz is sitting in his living room, staring at the leg he cannot use anymore because the nerves have been cut as a result of a cluster submunition explosion. Fayz has undergone several operations and is waiting to receive rehabilitation and psychosocial and educational support. His case is similar to that of many young people injured in the aftermath of the 2006 conflict with Israel. Except that Fayz was injured while herding sheep in the Western Beka'a valley almost 12 years ago. He has received no assistance to enable him to overcome his trauma or return to school.[1]

Cluster munitions are imprecise weapons, designed to strike a greater surface area than many other conventional weapons by dispersing smaller, but still lethal, submunitions. Scattered on the ground, these submunitions create a large footprint. Within that footprint, they kill and injure both military personnel and civilians. Even in optimal test conditions, up to a quarter of submunitions fail to explode on impact. In real-life situations, failure rates are consistently much higher.

A cluster munitions dispenser in Lebanon showing the expiry date of the one-year warranty in 1974

©Katleen Maes/Handicap International, 2006

> last year's conflict in Lebanon drew widespread attention to the effects of cluster munitions on civilian populations

Cluster munitions: creating a lost generation in Lebanon?

Last year's conflict in Lebanon drew widespread attention to the effects of cluster munitions on civilian populations. However, it was not the first time that Lebanon had been hit by these weapons. Prior to 2006, Israel had used cluster munitions in Lebanon in 1978, 1982, 1996 and December 2005. According to UN and media reports citing Israeli Defence Force (IDF) commanders, approximately four million cluster submunitions were delivered in the July–August conflict, most of them in the last 72 hours of the war.

Overlapping footprints, the clearance of visible cluster munitions (disturbing the footprints) and incomplete surveying make it impossible to estimate the total number of cluster munitions delivered, or the overall failure rate.

1 All the case examples used in this article were collected during Handicap International field missions.

However, it is clear that estimated failure rates are higher than the official figure of 5–23%. The UN Mine Action Coordination Centre in South Lebanon (MACC-SL) estimates that between 32% and 40% fail overall. This would mean that the recent conflict added approximately 1.5 million unexploded submunitions to the mines and ordnance already on the ground from previous wars.

As of 15 January 2007, there were at least 555 recorded cluster munitions casualties in Lebanon, of which 122 were killed and 433 injured. Children make up 24% of casualties; most of them, 114, are boys. A total of 338 casualties were recorded prior to 12 July 2006, and 217 casualties were recorded between 12 July and 15 January 2007 (53 of whom were children under 18). These recorded totals do not include up to 175 unconfirmed cluster munitions casualties during or shortly after the conflict.

Most people left south Lebanon prior to 10 August, undoubtedly reducing the number of civilian cluster submunitions casualties during the conflict. Due to the nature of the conflict, the use of different types of weapons and difficulties with data collection, it is impossible to determine how many people were injured or killed by cluster submunitions during strikes. In the aftermath of the war, reporting was only possible from accessible areas, and it is also understood that most Hizbollah casualties due to cluster submunitions are not included in the data. In the post-emergency phase, a retroactive survey should be conducted to provide appropriate assistance to cluster submunitions survivors as part of a larger group of people with disabilities (PWD), and to determine the impact of cluster munitions on civilians during conflict (to

see if this weapon can rightfully be used in war) and in its immediate aftermath.

Cluster munitions are large-surface weapons. In Lebanon, they were used by Israel against a non-regular armed force (Hizbollah) in a small but relatively densely populated area, contaminating places where civilians need to go on a daily basis, such as roads, farmland, gardens and homes. Most incidents immediately after cluster munition strikes occur in or near the house, when returnees investigate damage and try to make their homes habitable again. Several months after the conflict, some people are still living in tents in front of their houses because failed submunitions litter their homes. In the longer term, a large percentage of casualties occur while farming, herding animals or carrying out other livelihood activities. In addition to the loss of life and the economic damage, cluster munitions exact a high psychosocial and educational cost. People feel unsafe every step they take, the secure bastion of the home is not always safe, schools are damaged or opened late and many children are not free to play where they want.

The 2006 conflict resulted in a soaring cluster submunition casualty rate of just over two people per day until the end of the year. The average casualty rate in the years prior to the conflict had slumped to a low two per year. At the beginning of 2007, casualties dropped to an average of three a week, according to MACC-SL. The reduction of casualties is mainly due to the impressive clearance capacity in Lebanon, which has been able to provide a rapid response to the emergency. It is estimated that this will take until the end of 2007. Afterwards, pasture lands will be cleared and pre-conflict clearance can be resumed. However, 70% of southern Lebanon's economy is based on agriculture, which means that cluster submunitions will continue to cause casualties at a steady rate.

Cluster munitions: between the immediate and the long term

Throughout the conflict, Lebanon's medical and humanitarian infrastructure, though stretched to its limits, held up, with the assistance of a vibrant civil society and international organisations. With nearly 15 years of experience in the country, Handicap International (HI) scaled up its post-conflict activities. HI prioritised equal partnership relations with long-standing local partners. A partnership approach needs to be truly equal in order to ensure sustainability, capacity-building and local ownership. This is crucial as cluster submunition survivors often need life-long support. A varied, accessible, rights-based package responding to the needs identified by the survivors, their families and communities is a necessity to fully (re)integrate them into society. Otherwise, there is a real risk that these new cluster munitions *victims* – meaning the affected individual, their families and communities – will end up as many mine and ERW *victims* before them: one of the most impoverished groups in society, facing double discrimination. So, rather than building new structures, HI chose to strengthen existing ones by supplying materials and technical advice, and assisting with coordination issues faced by local agencies. At the same time, HI has worked to ensure the financial and physical accessibility aspects of aid and reconstruction efforts, and trained community de-miners to assist in cluster munitions clearance efforts.

In parallel, HI set up disability information and referral points, to respond to the specific and general needs of PWD – medical care, physical rehabilitation, psychosocial support, economic support and equal rights. HI is also in charge of optimising the coordination of international aid efforts. In partnership with the Ministry of Social Affairs and local partners, and supported by the European Commission, a telephone platform and online database of available local and international aid services was set up.

The issue of the rehabilitation and reintegration of explosive remnants of war (ERW) survivors cannot be separated from the broader context of development in the affected country. In these efforts, non-specialist agencies would benefit from liaising with national and international agencies dealing with cluster munitions or mine action in general. Most countries affected by cluster munitions have a mine action infrastructure under UN or government auspices, and in cooperation with national and international NGOs. These agencies, in a first stage, need to be consulted to provide security and risk prevention briefings to non-specialist staff. These centres, like for example the MACC-SL and the Landmine Resource Centre, will be able to provide up-to-date information on casualties, mine risk education (MRE) and demining, and circulate this to all stakeholders upon request.

Secondly, development agencies should coordinate their crosscutting response with the technical experts and community liaison staff of the specialised agencies, to ensure complementarity of specialised and general assistance. Reconstruction sites, for example, need to be declared mine/ERW-safe before reconstruction starts. Education or psychosocial support programmes can include a standard MRE module. And reconstruction planning should take accessibility requirements for people with disabilities into account. Many large organisations, such as UNICEF, UNDP, the ICRC and the large NGOs (like HI), already integrate a standard mine/ERW component into their operations in severely affected countries, even if the focus of their work is more general.

Cluster submunitions: a worldwide generational problem

Cluster munitions have been used in 24 countries and areas,[2] and their use is suspected in at least a dozen more. In 2006, cluster munitions were deployed in Iraq, Israel and Lebanon, and are thought to have been used in Afghanistan. Apart from intermittent international protest, the issue of cluster munitions and the humanitarian impact – just like the items themselves – lay largely dormant until the Lebanon conflict.

HI research reveals that there are serious humanitarian problems with cluster munitions. Unlike the initial blasts,

2 These are: Afghanistan, Albania, Bosnia-Herzegovina, Cambodia, Chad, Croatia, Eritrea, Ethiopia, Iraq, Israel, Kosovo, Kuwait, Laos, Lebanon, Montenegro, Chechnya, Saudi Arabia, Serbia, Sierra Leone, Sudan, Syria, Tajikistan, Vietnam and the Western Sahara.

unexploded submunitions kill and injure almost exclusively civilians (98%). The research recorded more than 11,000 confirmed cluster casualties. But the real number could as high as 100,000 given that 91% casualties occurred in countries with incomplete or no data collection mechanisms, such as Iraq.

More than half the casualty toll occurs while people go about their normal daily business. Casualties are mostly male (84%), and nearly half of them are under 18 years of age. The number of casualties occurring while carrying out livelihood activities shows the direct economic impact on cluster-contaminated communities. In many of these countries, men are the traditional breadwinners. Since adult males and boys represent the majority of casualties, the socio-economic loss both in the immediate term and for the future cannot be underestimated.

Bringing HI back to its roots

HI is exploiting its field and research experience in the area of victim assistance and data collection to provide a better understanding of the human cost of cluster munitions. In mid-2006, this resulted in Belgium becoming the first country to ban the use, production, stockpiling and transfer of cluster munitions. But it was the Lebanon crisis that triggered a worldwide public and media interest in the campaign. Some 350,000 people have signed HI's petition calling for a ban. Spurred on by the Belgian ban, resolutions for a moratorium were tabled or passed in Australia, Austria, Denmark, France and Norway, and calls for a moratorium were issued in European Union and UN forums.

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there are serious humanitarian problems with cluster munitions

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On 5 November, local members of the Cluster Munition Coalition organised the first 'Say No to Cluster Bombs' day in Beirut, which was co-sponsored by HI. Hundreds of schoolchildren attended MRE sessions and tried walking with artificial limbs, and people signed a petition which was sent to Geneva, where the Third Review Conference of the UN Convention on Conventional Weapons (CCW) was convened the following week. At the CCW, then UN Secretary-General Kofi Annan stated: 'Recent events show that the atrocious, inhumane effects of these weapons … must be addressed immediately so that civilian populations can start rebuilding their lives'.

During the conference, some states recognised that the CCW framework will not respond to the human tragedy caused by cluster munitions. It has become clear that treaty negotiations outside the UN framework are inevitable. These will be led by Norway. On 22 and 23 February 2007, the Norwegian government invited 48 states, as well as UN and civil society groups, to Oslo to start a process towards an international ban. At the end of the meeting 46 governments supported a declaration for a new international treaty and a ban by 2008. This conference was the first of a series during 2007 (the next meeting was scheduled for May 2007, in Lima, Peru). The declaration states that a legally binding international instrument will be agreed by 2008 that will 'prohibit the use, production, transfer and stockpiling of cluster munitions that cause unacceptable harm to civilians, and establish a framework for cooperation and assistance that ensures adequate provision of care and rehabilitation to survivors and their communities, clearance of contaminated areas, risk education and destruction of stockpiles of prohibited cluster munitions'.

Cluster munitions: a call for action

The next step for HI is to sustain the momentum built up over the past few years. Within the legal framework, HI will be part of a treaty drafting committee. Drawing lessons from the Mine Ban Treaty, it is important that affected individuals, their families and communities are provided with an efficient and accessible rights-based assistance package, based on a twin-track approach which takes account of the specific requirements of survivors and the general development needs of the affected society.

Through continued research into the human impact of cluster munitions, HI will ensure that the plight of casualties, as well as the economic, social and psychological cost of these weapons, is fully acknowledged and documented, not only in Lebanon but in all affected countries. The research results will be disseminated to support national campaigns and to feed relevant information back into field operations. In addition, HI will work closely with national campaigns and build their capacity. The human cost of cluster munitions cannot be seen as old news – these weapons are spreading through new conflicts, destroying lives, disrupting communities and denying vulnerable populations access to the resources needed for economic recovery for generations to come.

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References and further reading

Fatal Footprint: The Global Human Impact of Cluster Munitions, http://en.handicapinternational.be/down load/Fatal_Footprint_HI_report_on_CM_casualties.1.pdf.

Handicap International's Aid Coordination Platform: www. lebanon-support.org.

Handicap International's Campaign Against Cluster Munitions: www.clusterbombs.org.

The International Campaign to Ban Landmines: www. icbl.org.

Human Right Watch's resource library on cluster munitions: http://www.hrw.org/doc/?t=arms_clusterbombs.

Infant feeding in emergencies: experiences from Lebanon

Ali Maclaine, consultant nutritionist

The provision of infant formula and milk for infants and young children is a very emotive subject, especially during emergencies.[1] NGOs have been struggling with how to tackle this problem since the early 1990s, when emergencies in countries such as Iraq revealed that a significant percentage of women had been using breastmilk substitute (BMS) before the crisis occurred.[2] Previously, relief work had focused on countries where the pre-crisis breastfeeding rate was nearly 100%; although breastfeeding practices were often less than ideal, at least that lifeline for infants was there. However, even when relief agencies knew the benefits of breastfeeding and the dangers of BMS, especially during emergencies, they felt that they had to do something to support affected infants, and so often distributed infant formula – untargeted, unmonitored and without follow-up.

A mother breastfeeding her child

©Ali Maclaine

Since then, agencies have been developing infant feeding in emergencies (IFE) policies, initiatives and training materials (see Box 1, p. 11). However, the conflict in Lebanon has again highlighted the difficulties in supporting formula-fed infants, while at the same time promoting breastfeeding. This article outlines the background to IFE, then describes the IFE response in Lebanon and the major issues that arose from it. It draws on the findings of a Save the Children mission to Lebanon to monitor IFE and support safe infant feeding practices.

Infant feeding in emergencies

IFE is little understood, even by many health and nutrition staff, never mind other sectors. There is often a belief that it is only about promoting breastfeeding, and as such is a development issue, and so not a high priority in emergencies. In places such as Lebanon, where many women use formula and 'know how to do it', many people do not understand why formula should not be freely distributed during an emergency. Moreover, as infants are often out of sight in shelters or homes it is easy to overlook their needs and potential requirements.

The importance of breastfeeding

The benefits of breastfeeding, in terms of the infant's growth, physical and psychological development and immunological protection, and in regard to the mother's health, are well-established. The World Health Organisation (WHO) recommends that an infant is exclusively breastfed[3] for the first six months of life, and continues breastfeeding for two years or more, with timely and adequate complementary foods. In terms of child survival breastfeeding is crucial: 13% of all under-5 deaths could be prevented if all infants were breastfed – more than any other preventative intervention.[4]

The dangers of artificial feeding

BMS is inferior to breastmilk; it lacks breastmilk's precise balance of nutrients, is more difficult to digest, may be wrongly prepared, does not protect against illness and, if contaminated,[5] may carry infection, leading to higher mortality. Even in the best, most hygienic conditions, artificially-fed babies are five times more likely to suffer diarrhoeal diseases.[6] In an emergency situation, even where bottle feeding is not normally associated with increased mortality in a non-emergency setting, infant feeding

1 Infants are defined as a child below 12 months of age. A young child is a child aged between 12 and 24 months.

2 Breastmilk substitute is any food marketed or otherwise represented as a partial or total replacement for breastmilk, irrespective of whether it is suitable for that purpose.

3 Exclusive breastfeeding means that the infant receives breastmilk and essential medicines *only*.

4 G. Jones et al., 'How Many Child Deaths Can We Prevent This Year?', *The Lancet*, vol 362, 5 July 2003, http://www.who.int/child-adolescent-health/New_Publications/CHILD_HEALTH/CS/CS_paper_2.pdf.

5 'Intrinsic contamination of powdered infant formula with *E. sakazakii* and *Salmonella* has been a cause of infection and illness in infants … and death.' Joint FAO/WHO Workshop on Enterobacter Sakazakii and Other Microorganisms in Powdered Infant Formula, Geneva, 2–5 Feb 2004. In unhygienic emergency conditions other contamination can easily occur.

6 *Infant Feeding in Emergencies: A Guide for Mothers*, WHO Regional Office for Europe, 1997.

methods can become an issue of life or death. Unsanitary, crowded conditions, a lack of safe water and a lack of facilities to sterilise feeding bottles and prepare formula safely and correctly means that artificially fed infants are more than 20 times more likely to die from diarrhoea and other infectious diseases than infants who are exclusively breastfed.[7] Moreover, during an emergency people may not be able to obtain enough formula to feed their baby adequately because they are cut off from markets or because of cost.

infant feeding in emergencies is little understood, even by many health and nutrition staff

How should infants be fed during an emergency?
It is important to protect and support breastfeeding mothers immediately an emergency occurs, so that they continue to breastfeed. Issues such as stress and lack of food affecting breastfeeding are often cited as reasons for needing BMS. However, these are myths and can be tackled by following the training guidance available.

Mothers with infants younger than six months who were mix feeding[8] before the crisis should be encouraged to exclusively breastfeed. If formula is needed, this should be provided and given under the conditions set out below. For infants who were primarily formula-fed before the crisis, there is a need to ensure that they have a guaranteed supply of infant formula (labelled correctly and in the local language), supplies of clean water, cooking facilities and a cup to feed the baby (cups are safer than bottles as they are easier to clean; even newborns can cup-feed).

In order to ensure that the infant is healthy and gaining weight, formula distribution must be targeted, education provided and infants regularly monitored. All BMS should be purchased following an assessment of need, and procurement managed so that formula supply is always adequate, and continues for as long as the targeted infants need it (until breastfeeding is re-established, or until at least 6–12 months of age). Mothers or grandmothers may be interested in relactation (possible even if they have not breastfed for years) or wet-nursing (where a woman other than the mother breastfeeds the infant).

Findings in Lebanon[9]
Before the conflict in Lebanon in 2006, an estimated 27% of mothers exclusively breastfed for the first four months of life.[10] While in the south exclusive breastfeeding was traditionally more predominant, mixed feeding amongst the 'young' was increasingly common. The response of many humanitarian agencies to the crisis was to bring in infant formulas and commercial complementary foods as part of their food and health kit distribution programmes. Much of this violated the Code and the Ops Guidance (as described in Box 2, p. 12).[11] In terms of the impact on mothers, all sources indicated that the conflict had negatively affected breastfeeding practices; mothers stopped breastfeeding completely, started mixed feeding and/or reduced breastfeeding.

The lessons of Lebanon for operational agencies
Lebanon underlined that operational agencies either do not regard IFE as a mainstream and important emergency issue, and/or do not know how best to tackle IFE in the field. For those agencies that undertook IFE programming, by providing formula directly or by funding local NGOs to purchase it, there is no question that the situation in Lebanon was difficult and complex. Agencies knew that many infants had been totally or partially formula-fed before the crisis, that bombing was preventing mothers from obtaining supplies and that infants needed feeding. Not providing formula to infants that required it was not an option. However, amongst humanitarian staff questioned during the monitoring mission, the level of knowledge about programme and policy implications was very poor. The short duration of the conflict meant that infants were somewhat protected from the potential negative

7 'The World Health Assembly Reaffirms the Importance of Breastfeeding for Infant World-wide', WHO Press Release WHA/10, May 1994; M. Jacobssen et al., 'Breastfeeding Status as a Predictor of Mortality among Refugee Children in an Emergency Situation in Guinea-Bissau', *Tropical Medicine and Interanational Health*, vol. 8, no. 11, November 2003.
8 Commonly breastmilk and infant formula.

9 Further details can be found in Ali Maclaine and Mary Corbett, 'Infant Feeding in Emergencies: Experiences from Indonesia and Lebanon', *Field Exchange*, no. 29, December 2006.
10 UNICEF, *The State of the World's Children 2006 – Excluded and Invisible*.
11 The term 'violation' of the Ops Guidance was used by the assessment team in this context to demonstrate a failure to adhere to or implement the recommendations.

Box 2: Examples of violations of the Code and Ops Guidance in Lebanon

By foreign governments:
- Foreign governments donated formula to the Lebanese government's aid organisation the Higher Relief Commission, with packaging that was not in Arabic *(Violation of Code Article 9.2 and Ops Guidance 6.3.6).*

By NGOs:
- One INGO distributed 'baby kits' including formula and bottles to hospitals, municipalities and directly to IDP households, and after the conflict gave each village muncipality 'village kits' containing infant formula and complementary food *(Untargeted distribution is a violation of Code Article 6.6 and Ops Guidance 6.4.1 and 6.4.3).*
- An INGO donated formula to the health care system *(violation of Code 1994 and Ops Guidance 6.4.2).*

- Formula distributed by one local NGO violated the labelling requirements of the Code in that it idealised the BMS and did not mention that it should be used only on the advice of a health worker *(violation of Code Article 9.2 and Ops Guidance 6.3.6).*
- Single tins of formula (defined as 'samples' by the Code) were distributed to mothers by health workers *(violation of Code Article 7.4)* without undertaking that the supplies would continue for as long as the infant concerned needed them *(violation of Code Article 6.7 and Ops Guidance 6.3.5).*
- Tins of formula milk imported by INGOs were in a foreign language *(violation of Code Article 9.2 and Ops Guidance 6.3.6).*

(Note: Violations refers to Ops Guidance version 2.0. Largely due to the Lebanon experience, the Ops Guidance has been revised and version 2.1 is now available.)

effects of this lack of knowledge, but the situation could have been very different if the conflict had gone on longer.

IFE is often regarded as a nutrition/health issue, when in reality it is an inter-sectoral issue – especially when handled correctly, according to the guidelines, and involving, for example, policy-makers, procurement/logistics managers and programme managers. Shelter and protection officers can support breastfeeding by ensuring that women with infants have access to privacy and safe shelter; food security officers can prioritise mothers for food, water and non-food items, so that they have time to breastfeed; psycho-social support and counselling can assist breast-feeding; and media and communications strategies provide messages on safe infant feeding practices. It is essential that sectors and staff members are aware of how IFE fits into their agendas; the significance of this was illustrated in Lebanon, where mothers used bottled water to prepare formula, but many water and sanitation staff were unaware of the potential health issues surrounding the high solute load found in some bottled water.

> **Lebanon underlined that operational agencies either do not regard IFE as a mainstream and important emergency issue, or do not know how best to tackle IFE in the field**

While inter-sectoral collaboration is essential, inter-agency cooperation is also vital in the field. UNICEF was the Nutrition Cluster lead in Lebanon, and is also the IYCF coordinating body in the field, as set out in the Ops Guidance. However, the success of a cluster rests largely with the coordinator, and in Lebanon UNICEF appeared unable to

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Tins of formula milk imported and donated by INGOs. Labels are in English or Greek, not Arabic

provide the leadership needed on IYCF issues in the initial phase. This meant that many field staff, unaware of IFE issues or the Ops Guidance, acted independently, violated the guidelines and did not perform best practice. As cluster lead, UNICEF was in an ideal position to provide agencies with guidance, and by highlighting IFE at the Health cluster and General Co-ordination meetings could have helped ensure an inter-sectoral, inter-agency response to IFE. It failed to do this and an opportunity was missed.[12]

Although inter-agency ties are normally positive, the increasing trend for agencies to work together has implications in assessing the degree of responsibility that an agency has for adhering to the Code and the Ops Guidance. The accountability for violations of the Code or Ops Guidance, whether manifested in financial contribu-

12 UNICEF's response to IFE has been good elsewhere, for instance following earthquakes in Pakistan and Java in 2005.

tions or donations of goods, must reside both with the donor agency and the implementing agency.

One benefit of the monitoring mission's work in Lebanon was that, in trying to establish INGOs' response to IYCF and their adherence to the Code and Ops Guidance, an opportunity was provided to look at the challenges of putting policy into practice in the field during an emergency. Moreover, while monitoring helped to raise the profile of IFE in the field, the findings also stimulated and informed policy guidelines. For example, the Lebanon findings have contributed to UNICEF's development of its Cluster response (and IFE responsibilities) and of the IFE component of the Nutrition Cluster toolkit and initial rapid assessment. Agencies in Lebanon have been reviewing their IFE policies, funding policies and programming responses. In addition, the Lebanon experience led to a further update of the Ops Guidance to deal with issues that arose in the field (updated Ops Guidance 2.1).

Emergencies can happen anywhere, and humanitarian response plans must be flexible, while still following guidelines. This is especially the case in IFE, where agencies need to react to the local context. Agencies must also be aware that IFE is important in all emergency settings, including middle-income countries, and has inter-sectoral implications. Emergencies by their nature happen fast and unexpectedly, which means that it is essential that NGOs and staff from all sectors ensure that IFE policies are in place, and that IFE is included in staff training and materials so that programming is of the highest standard, and infants are protected.

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Terrorist lists and humanitarian assistance

Kristina Thorne, Centre for Humanitarian Dialogue

'Terrorist lists have greatly impacted our ability to work in an increasing number of cases.' So said a senior official in a medium-sized humanitarian organisation in response to my question about how counter-terrorism measures, and terror listings in particular, had affected their work. Other humanitarians were more specific about the effect of lists, and outlined the problems as follows: staff members of particular nationalities can risk prosecution in their home countries; banking regulations in some donor countries make salary payments to staff abroad difficult; restrictive clauses in funding agreements constrain certain activities; demands on monitoring the end use of funds can be intrusive and hard to gauge.

Some humanitarian organisations have already thought hard about the operational and reputational implications of terrorist lists, and have developed policies to cope with them. Others are unsure of where they stand and what to do. There are no known cases where an organisation has been actively prevented from working as a result of terror lists or funding restrictions. But it is not possible to know whether any projects have been scrapped or not started because of a lack of funding. In short, it is hard to judge the deterrent effect on humanitarian programming of the laws as they stand.

Are the lists inhibiting humanitarian action? At the moment, the answer seems to be that the lists are a worry, rather than a deterrent. What comes through most strongly in conversations with agency and donor staff is the fear of not abiding by the law, and the frustration of not knowing what the legislation entails, or understanding its consequences. This fear and frustration is not just on the agency side. Civil servants in donor governments are also worried about not fulfilling all aspects of national law as they issue grants and contracts. This may not necessarily have an impact on the willingness or ability of donors to process agreements, but it does risk slowing the process down.

> some humanitarian organisations have already thought hard about the operational and reputational implications of terrorist lists

Working with lists

Last year's war in Lebanon focused the minds of humanitarians on the implications of terror lists. Hizbollah was listed as a terrorist organisation in the United States and Canada. Its external security organisation (labelled its 'terrorist wing') was also listed in the UK and Australia. Humanitarians on the ground handled the consequences of these listings in different ways. 'We were cautious, but in reality, not much changed', said one individual who worked for an intergovernmental organisation during the crisis. 'Our staff are more careful now', reported an NGO representative, adding that this means that the organisation's activities have slowed down as staff are wary of 'doing something wrong'.

These are not new problems: similar issues were raised in post-tsunami assistance in areas controlled by the Tamil

Tigers in Sri Lanka, and in the Palestinian territories after Hamas' election victory in January 2006. It remains to be seen whether the US designation of the Communist Party in Nepal will hamper the peace process there by discouraging humanitarian actors from working with it. It is also unclear how these issues will play out in Somalia, although early indications are that counter-terrorism measures will have an impact on the work of humanitarian agencies there as well.

What are the lists?

The practice of designating terrorist groups is by no means a new phenomenon, and was used in different forms in countries such as the UK and Germany well before 9/11. What globalised terrorism has introduced is the increased use of internationally agreed counter-terrorism measures, and an effort to strengthen existing laws or introduce new legislation to address new aspects of the threat.

Compared to other aspects of the fight against global terrorism, the designation of individuals or groups as terrorists to punish or monitor them has received comparatively little attention beyond human rights concerns. This is surprising because sanctions following from 'terror listings' not only affect the activities of targeted groups and individuals themselves, but also of anyone who engages with them. For the target, a designation can mean sanctions like travel restrictions or asset-freezing. For their part, third parties (like humanitarian agencies) have certain obligations not to provide financial services or funding to those on the lists. In some countries, the law also prohibits contacts or other association with listed subjects, as well as any activity which may be construed as 'material support' to them.

Beyond the specific lists identified in Box 2, many countries criminalise groups or their activities to such a degree that they are effectively designated. In some cases, this kind of criminal legislation may be more relevant to a

humanitarian organisation than any international or donor country listing. The detail of dealing with local authorities in these situations will be different in each case, and probably more complex as well.

Managing the consequences

Humanitarians point to a number of ways in which the impact of terror listings is felt. There is a general sense of increased bureaucracy and a reporting strain on organisations, which was not present before. There is now complex software to help monitor where funds go and cannot go, and there are increasingly frequent meetings to discuss requirements and conditions. This diversion of attention from the main humanitarian task at hand is causing unease.

Funding – especially from the US – is another concern. American legislation, like that of some other donors, imposes terrorism-related conditions on funding agreements to ensure that no funding goes to listed organisations or individuals. In simple terms, organisations with headquarters in such donor countries have no choice but to comply with these requirements. Other agencies have the option of either agreeing to the conditions and taking the funding, or turning it down. 'That would be brave', says one former funding officer. Turning down funding is not an option for every organisation. Nor is it in the interest of donors, as it risks potentially interrupting established partnerships, and disengaging the donor country from areas where it would normally work.

funding – especially from the US – is another concern

Donor practice on including constraining clauses in agreements differs. This may in turn offer agencies some options for their own approaches. With regard to negotiating funding agreements, both donor and agency representatives advise that humanitarian organisations 'stick to their principles', explain them well and demonstrate clear operational plans in an effort to anticipate and alleviate any suspicions or doubts about their motives and ability on the ground.

Another option for donors and organisations alike may be to earmark funding specifically for projects or situations where no contact with listed individuals or groups will take place. This is not a long-term solution. Some donors are not keen on reversing the trend towards increased un-earmarked funding, and it is not necessarily a reasonable option for small organisations in particular.

Humanitarian actors generally contend that counter-terrorism measures hamper their access to populations in areas under the control of listed groups. 'It is unrealistic to think you won't have to give them something', says one. Many agree, frequently citing examples such as Colombia and – especially – the Palestinian territories. There is, however, also an opposing view, which argues

that giving in to demands for funds or supplies will only make matters worse in the longer term. Negotiate is the operative advice in these situations. On the other hand, negotiating within the conditions imposed by the lists is also seen as a difficult task.

No matter how one approaches the access problem, working with and in local communities is what humanitarian actors do. Terror lists often include groups which are deeply embedded in society, and sometimes provide an alternative governance structure which may be more acceptable and certainly more accessible to the population than the 'real' government itself. In these circumstances, any additional parallel structures are unlikely to be quick, efficient or accepted by the local population, thus leaving no choice for outside organisations but to work with what is already in place. Some organisations see this as less of a problem than it may appear. 'There is a distinction between contractual relationships and presence', says one representative. 'Who you partner with determines whether you have a problem or not', says another.

The nationality of staff members may also become a problem. Legal implications for contacts with listed individuals would be of particular concern to US citizens, but may also apply to others depending on their national legislation. Surprisingly, and contrary to expectations, some organisations indicate that the nationality issue has had no impact on their field staff or on their ability to work with local partners, despite listings. It would nevertheless seem wise to take legal advice, and if possible to assign staff in ways which do not put them in jeopardy.

Humanitarian options
Efforts are currently underway in some donor countries to address the balance between counter-terrorism efforts and humanitarian commitments. The vagueness of some of the legislation, and occasionally also the listing process as such, is being challenged in courts in Europe and in the United

Box 3: Options for dealing with lists

There appear to be several short-term options available to donors and organisations who feel the impact of terror listings on their work. Some examples would be:

- Increased use of earmarked funding.
- Avoiding sub-contracting or partnering with listed organisations or individuals.
- Assigning staff in ways which diminish any risk to them.

For organisations who are averse to accepting the logic of the listings, alternative short-term options might be:

- Sticking to the organisation's principles and insisting on them in negotiations with both donors and host countries.
- Turning down funding with counter-terrorism clauses attached.

In the long term, the options are fewer:

- Exemptions granted for humanitarian work.
- Exemptions granted for specific organisations.

States. In an effort to find solutions, agencies might also raise the lists question in a consultative manner, aiming for solutions which respect security requirements while also reaffirming humanitarian commitments and principles.

A longer-term solution may be for a general humanitarian exemption to be applied in relation to funding agreements. This already exists with regard to some sanctions regimes, and is also included in specific forms like the UN and EU listing mechanisms. Humanitarian exemption would also allow for more flexibility than exemptions provided for humanitarian organisations on a case-by-case basis. Fixed lists of individual organisations risk becoming static and outdated. They eventually spark controversy around organisations which were not included, or as obvious loopholes become apparent.

None of these options is likely to address the complexity of this issue in a satisfactory manner. One option to achieve this may be for governments to comprehensively address security concerns while reaffirming humanitarian commitments and principles.

Conclusion

Terror lists are only one part of the global move to combat terrorism. Many organisations notice the impact of the more general war on terror on their work. It is felt, for example, that counter-terrorism has become an excuse used by some governments to expel certain organisations, or to harass them in other ways. What agencies see as increasing attempts to involve humanitarian assistance in a political agenda is also perceived to have contributed to a decrease in staff safety. Humanitarian organisations find themselves viewed as part of a Western project, which makes them targets. This makes it difficult for some organisations to accept requirements which further associate them with their donors, such as security measures requiring them to stay in specific compounds or abide by evacuation rules.

Within the broader context, a more security-focused approach to aid has nevertheless emerged and is having an impact on humanitarian organisations. It may take time to come to terms with this new environment and to influence the requirements it places on humanitarian organisations. In the meantime, agencies have an obligation to be well informed and comply with existing rules. For their part, governments should recognise that the multitude of lists, with their different implications, is confusing and often found to be vague. Any dialogue on the subject needs to examine ways in which legitimate security concerns around international terrorism can be addressed, while reaffirming political commitments to humanitarian principles.

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Engaging with non-state armed groups in the context of the 'Global War on Terror': observations from Lebanon and Gaza

Max P. Glaser, independent consultant

The conflicts in Gaza and Lebanon in 2006 led to heated debates within and outside the humanitarian community. The major cause of debate was the grave abuse of civilians committed by all parties to the conflict. But an additional question was the fact that Hamas and Hizbollah were labelled terrorist organisations, and hence illegitimate and illegal in the terms of the 'Global War on Terror' (GWOT). At the same time, however, both groups represented the legal

authority. Engagement with non-state armed groups by non-governmental humanitarian agencies (NGHAs) is always problematic. Under the GWOT, however, it has become even more complex.

By virtue of its mandate, the humanitarian mission is not contingent on whether certain (non-state) groups are deemed legitimate or not, or whether they are considered

legal or illegal. At the same time, however, simply dismissing the GWOT and its concomitant policies as irrelevant is not enough. NGHAs *will* be confronted with GWOT policies in the context of their operations. Governments, the public and beneficiaries themselves may all question agencies' interactions with certain armed groups, in particular if the latter are considered illegitimate or illegal. Hence, a review of engagement with armed groups that are declared terrorist seems to be useful in terms of the potential impact and consequences for humanitarian action as such, and for NGHAs.

The GWOT: policy and instruments

US President George W. Bush proclaimed the start of the Global War on Terror with his often-cited statement 'you're either with us or against us' in November 2001. The so-called Patriot Act, approved by the US Congress in October 2001, gave the president vast powers to act against terrorism at home and abroad, through a wide array of measures, including asset confiscation, wire-tapping and surveillance, as well as physical arrest. The Patriot Act was renewed for another term in March 2006. The National Security Act (known as the Homeland Security Act) followed in 2002. The US also kept a roster of terrorist organisations, to which was added a list of countries that it believed were sponsoring international terrorism, including the so-called 'Axis of Evil' of Iran, Iraq, Libya, North Korea and Syria.

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any entity or individual suspected of aiding declared terrorist entities can be considered terrorist

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Other states and groups of states followed the US lead. In 2001, the British government passed the Anti-Terrorism, Crime and Security Act, and extended the Terrorism Act, passed in 2000, in 2006. The UK also has a list of designated terrorist groups, which includes al-Qaeda, Hamas and Hizbollah. Australia, Belgium, Canada, the Netherlands and the European Union (EU) have all implemented similar measures to strengthen their legal responses to terrorism, and provide the executive with instruments to act against perceived terrorist threats.

What are the implications of these policies and legal instruments in terms of the implied duties and obligations of humanitarian organisations? The welter of legislation generated under the GWOT rubric does not necessarily affect NGHAs, nor does it necessarily constrict humanitarian access. According to the UN World Conference on Anti-Terrorism, held in 2005: 'States must ensure that any measures taken to combat terrorism comply with their obligations under international law, *in particular human rights law, refugee law and international humanitarian law*'.[1] Nonetheless, the legislation is clear in that any entity or individual suspected of aiding declared terrorist

entities *can* be considered a terrorist. GWOT policies thus leave many questions unanswered. What do they imply for humanitarian access in areas where declared terrorist groups operate? Can engagement with such groups have (legal) implications for NGHAs or, worse, for their staff? The pertinence of these questions has been demonstrated by the legal action that has been taken against individuals suspected of supporting organisations listed as terrorist groups in the US and the UK. Legal action has also been taken against foundations believed to be transferring funds to terrorist-listed entities.[2] We are therefore right to be concerned about the potential risks NGOs and humanitarian staff face in engaging with declared terrorist organisations for the sake of humanitarian access.

The crises in Lebanon, Gaza and beyond

The abduction of an Israeli soldier in Gaza in June 2006 by Hamas, and Hizbollah's kidnapping of another two Israeli troops in Lebanon in July, prompted Israel to launch massive attacks in Lebanon and Gaza. The ensuing conflict was complicated by the fact that Hamas and other Palestinian armed groups, such as Islamic Jihad, as well as Hizbollah, deliberately targeted civilians in rocket attacks and artillery shelling. Their tactics also included using civilians as human shields for military action.[3] Israel responded with ruthless attacks on civilian areas through aerial bombardment and the shelling of Palestinian and Lebanese towns and villages. The actions of all sides constitute grave breaches of the Geneva Conventions.[4]

Hizbollah is a registered political movement in Lebanon, and thus has a legitimate status. It was formed in the course of Lebanon's civil war, and rose to prominence with its violent actions during the resistance to Israel's occupation of Southern Lebanon.[5] At the same time, its social and medical community services give Hizbollah – Arabic for Party of Allah – a sound civilian basis. During the elections of 2005 Hizbollah won seats in parliament, and claimed three portfolios in the Lebanese government.[6]

Hamas' rise to power is just as controversial. Created in 1987 by Sheikh Yassin, Hamas was virulently anti-Israel, both in its political and military actions.[7] Its principled rejection of the state of Israel and its open support for suicide bombing make Hamas a difficult player in the Palestinian–Israeli conflict. At the same time, its wide network of social and medical services is highly appreciated by the Palestinian population, especially in Gaza. In January 2006, Hamas won the parliamentary elections, prompting Israel to launch an international campaign to isolate it by refusing access to

1 Emphasis added. See *Counter-Terrorism Strategy, Excerpts from the 2005 World Summit Outcome Document*, para. 85, http://www.un.org/terrorism/strategy/world-summit-outcome.html.

2 Such as the case of the Somali Al Barakat Foudation, a money-transfer institution.
3 It may be argued that Hamas has to operate this way due to topographical/geographical conditions and population density.
4 Human Rights Watch, *Questions and Answers on Hostilities between Israel and Hezbollah*, 17 July 2006, http://hrw.org/english/docs/2006/07/17/lebano13748.htm#18.
5 Hamas involvement in a series of lengthy kidnappings during the 1980s and its attacks on US and French forces in suicide bombings made it feared, as well as controversial.
6 Hizbollah won 14 out of 128 seats. It formed an alliance with Nabbi Berri's Shia Amal, which holds 35 seats.
7 See the Hamas Charter: http://www.palestinecenter.org/cpap/documents/charter.html.

international aid funds. As aid dried up, living conditions in Gaza deteriorated drastically.

The international campaign against Hamas also made it difficult for NGHAs – using institutional funds – to finance their activities. Although the EU installed an alternative mechanism by which aid to Gaza bypassed the Hamas government, and the US stated that the aid ban did not apply to UN-led programmes, this raised serious questions about the neutrality and impartiality of aid. Some agencies, such as Médecins Sans Frontières (MSF), objected to the stipulations on the grounds that they introduce an unacceptable principle of conditionality into humanitarian assistance, and thus politicise humanitarian aid. According to MSF, NGOs 'do not have the competence, the means or the responsibility to act as a substitute for the Palestinian Authority'.[8] This objection is understandable, but misses the wider point, namely that humanitarian aid often, if not by definition, compensates for the negligence or neglect of governments. If this applies in general, then under the GWOT the dilemma is even more complex.

the military tactics Hamas and Hizbollah used had the effect of embedding civilians in the conflict

Israeli military action effectively sealed off the Gaza Strip, halting humanitarian access. Likewise, in Lebanon, the Israelis called on all civilians in the south to evacuate or be regarded as enemy combatants and fired upon. This implied that anyone else in the area – including aid workers moving in convoys – would be regarded in the same way.[9] It was claimed that Hizbollah abused humanitarian convoys to move vehicle-mounted rocket launchers around. Consequently, the Israeli army stated that it could not guarantee safe passage for humanitarian aid.[10] Southern Lebanon was virtually cut off from assistance, albeit access, though difficult, was not totally impossible.[11] The military tactics Hamas and Hizbollah used had the effect of embedding civilians in the conflict, thereby provoking attacks on them by the Israeli army. There was little NGHAs or the wider humanitarian community could do other than remind the warring parties to respect the protected status of civilians, refrain from using civilians as human shields and stop targeting civilians.

The experiences in Gaza and Lebanon were not the first time NGHAs encountered problems operating on the front-

line of the GWOT. Then US Secretary of State Colin Powell's reference in October 2001 to international aid organisations as 'force multipliers' made clear how the US regarded their role and function in the GWOT. In Afghanistan, Provincial Reconstruction Teams (PRTs) were perceived as blurring the lines between humanitarian and military action. As Operation Enduring Freedom unfolded, numerous aid workers and hundreds of civilian sub-contractors were targeted by militants. In Iraq, there were numerous abductions and assassinations of aid workers, culminating in the bomb attacks on the ICRC and UN missions in Baghdad in 2003. There are, however, important differences between the Iraq/Afghanistan context and Gaza/Lebanon.[12]

The first difference is the manner in which these groups interact with official governments. In Lebanon and Gaza, Hizbollah and Hamas were *de facto* and *de jure* in power. Whether considered terrorist or not, both represented a legitimate government, however disliked by Israel and the West. In contrast, in Afghanistan post-Taliban, groups operate clandestinely, and neither represent nor participate in the official government. In Iraq, likewise, with some exceptions, the various armed groups are not included or represented in the government. If anything, in the latter cases the armed groups oppose the official administration. Hamas and Hizbollah can therefore be deemed essential and necessary counterparts for humanitarian assistance agencies because they represent the local authority, irrespective of their declared terrorist status.

Second, tactics and strategy are different. While obviously deploying violent methods, some of which indeed can be said to be aimed at spreading terror, neither Hamas nor Hizbollah has a clear-cut strategy of disruption *per se*. In fact, both organisations have vast social and medical support branches, to which they owe much of their popularity among civilians. By contrast, al-Qaeda in Iraq and other Sunni- and Shia-based armed groups have as their primary aim denying the enemy effective control over territory and people; they are, in other words, what is commonly called 'spoiler forces'.

Third, the way in which civilians are associated with the armed groups is different. Hamas and Hizbollah enjoy massive popular support. In Afghanistan and Iraq, civilian backing for armed groups may perhaps be claimed, but it is most likely artificial, and primarily utilised as a survival strategy by civilians caught up in violence. Hamas and Hizbollah, on the other hand, are seen as protectors of their respective constituencies. This immediately affects the neutrality of humanitarian entities in these contexts, since aid to civilians can be interpreted as support for the organisations that these civilians associate with. This is largely the view of the Israeli government, but other governments also appear to share it, given the international efforts to isolate Hamas.

Legal, political and operational implications

The debate on the GWOT is dominated by the meaning and applicability of the terms 'terror' and 'terrorism'. In a

8 NGO-Watch, *Aiding Palestinians while Waiting for Hamas*, 14 June 2006, http://www.ngowatch.org/articles.php?id=305.

9 See press release, Amnesty International, 21 November 2006, http://news.amnesty.org/index/ENGMDE020352006/$FILE/newsrelease.pdf.

10 One major NGO stated that Israel did not obstruct humanitarian access as such; in fact, the Israeli military authorities were cooperative in the sense that adequate warnings (on pending military action) were given (informal interview).

11 MSF continued to provide humanitarian aid to Lebanon, despite the ban on movement in the south. MSF Press Release, 10 August 2006.

12 The framework used to analyse these differences follows a methodology presented elsewhere. See Max Glaser, *Humanitarian Engagement with Non-state Armed Actors*, Network Paper 51 (London: ODI, June 2005).

descriptive sense, terror or terrorism must be understood as a tactic of warfare, designed to lower morale among civilians or soldiers. It can be used both by irregular armed groups and by regular armies. In this sense, in the context of Lebanon and Gaza, Israel could arguably be accused of applying terror tactics just as much as Hamas and Hizbollah. In the political sense – and this is how the term is used in the GWOT – 'terrorism' is a label enabling action to be taken against 'terrorist' groups. For the humanitarian mission, this has significant implications in a practical operational sense, and in terms of legal consequences.

> ## NGHAs must take into account that there is a potential legal risk involved in engaging with groups labelled as terrorist

The legal risks flowing from GWOT policies are certainly present even though, to date, there have been only a handful of cases against NGHAs or humanitarian staff. This may, however, change, and NGHAs must therefore take into account that there is a potential legal risk involved in engaging with groups labelled as terrorist. This is important in terms of an NGHA's credibility – there have been cases where relations with institutional and private donors have been severed – and in terms of its duty of care to its staff.[13] Legal action against an individual may in turn lead to claims against the agency. On the practical operational level, suffice it to say that non-state armed groups, be they terrorist or not, *will* be encountered: they are there, and one has to deal with them. Interactions with such groups may damage an organisation's credibility as (good) relations with one side – for instance an armed group that qualifies as terrorist – will have a direct negative impact on the other side, and will lead to an effective loss of perceived

neutrality. How these relations are managed requires an understanding of the political context, and appropriate instructions to staff on how to conduct those relations.

Conclusions

The decision to operate in places like Gaza and Lebanon depends first and foremost on an assessment of humanitarian need. If the need is there, then engaging with groups like Hamas and Hizbollah is necessary, inevitable and essential to humanitarian access, whether or not they are considered terrorist in the context of the GWOT. This leaves unresolved the question of whether governments deem certain interactions as providing material assistance to a terrorist organisation. Judgments as to whether humanitarian engagement with 'terrorist' groups is acceptable may also have a moral dimension. Some will disqualify agencies from engagement with certain groups due to the particularly gruesome methods they use or the degree of suffering they cause. Others see reaching populations in danger as the higher, overriding goal. The heated debate around collaboration with the Revolutionary United Front (RUF) in Sierra Leone is one example of the latter.

The fundamentals of humanitarian action as laid down in the Geneva Conventions are guided by generally accepted principles of humanity, impartiality and neutrality. Humanitarian aid must stay clear of conflict itself, and NGHAs have an obligation to ensure that aid is distributed to civilians and does not assist the parties to a conflict. Applying these principles in the real world is, however, much harder. Aid is not supposed to take sides in conflict, but in the context of the GWOT it may have to cross sometimes invisible front lines and engage with entities considered to be terrorist. This new reality under which humanitarians operate merits an open and frank discussion, to protect against the politicisation of aid. This can be achieved by individual and collective action, and by discussing the problematic aspects of the GWOT with governments and donor agencies. To date, in my opinion, if such a discussion has taken place, it has been conducted far too quietly.

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13 See *UK Charity Funding Diverted to Hamas*, 26 April 2006, http://www.ngo-monitor.org/article.php?id=767; and *Donations Trickle In To Charities Providing Middle East Aid*, 27 July 2006, http://www.philanthropy.com/free/update/2006/07/2006072701.htm.

Concerning the accountability of humanitarian action
Austen Davis
Network Paper 58, March 2007

One of the most frequently heard criticisms of humanitarian action is that it is unaccountable and unregulated. In response, a wide range of initiatives has been launched to improve quality and accountability. Reformers argue that, if actors are held to account, they will behave better and fulfil their responsibilities. They also contend that being accountable for one's actions has moral value.

This paper asks whether initiatives designed to improve accountability really are the solution to the problems humanitarianism faces today. It does not aim to dismiss accountability; rather, it seeks to show that accountability is a procedural phenomenon, not a moral one. Imposing it in the absence of a more specific understanding of what it means is dangerous, and subject to instrumentalisation and manipulation.

Accountability is not inherently a good thing, but simply a characteristic of relations of power. If we accept this argument, we will avoid moral imperatives and demands for compliance, and will be able to work towards a deeper understanding of the reasons behind the structural failures of humanitarian action, and their potential remedy.

Download Network Paper 58 at www.odihpn.org.

Aid in the occupied Palestinian territories: a donor perspective

Mark Poston, DFID

On 25 January 2006, the Palestinian Legislative Council election was won by the rejectionist Palestinian group Hamas. The result was a surprise to many, not least Hamas itself. But the sense that Fatah had failed to make progress in peace talks with the Israeli government, and that its government had allowed nepotism and inefficiency to grow, meant that Palestinian public opinion shifted prior to the election.

The Israeli and US governments immediately stated that they would not work with a government that included Hamas. On 30 January, the Quartet (the US, the European Union (EU), the UN and Russia, the four-party group that oversees the peace process defined in the Road Map) issued a statement saying: 'the Quartet reiterates its view that there is a fundamental contradiction between armed group and militia activities and the building of a democratic state. A two state solution to the conflict requires all participants in the democratic process to renounce violence and terror, accept Israel's right to exist and disarm, as outlined in the Road Map'.

Context

At the time of the elections, the Palestinian economy was in a dire situation. Underpinning its problems is its status as a non-sovereign entity. Export, customs and imports are all regulated by Israel. The PA cannot borrow from international markets, issue bonds or print money. Palestinian exports, most of which are low-value products, and its migrant labour, mostly go to Israel. This means that, when Israel places restrictions on the movement of goods and labour within the territories, and when it limits exports through borders to markets in Israel and beyond, the Palestinian economy suffers. The last six years of the *Intifada* have witnessed increased restrictions, and the economy has been in continuous decline. At the end of 2005, the Palestinian economy was 30% smaller in per capita terms than in 1999.

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immediately after the elections, the Israeli and US governments stated that they would not work with a government that included Hamas

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As the economy declined, the public sector grew to absorb unemployment, with one in five labour force Palestinians employed in the public sector by the beginning of 2006. They in turn support around one-third of the Palestinian population. Slightly more than half of these are civil employees, providing the bulk of the social services that Palestinians receive. The remaining 50,000–60,000 PA employees work in the security services. The entire economy has therefore become ever-more dependent on public revenues. In turn, the PA is dependent on Israel for the bulk of these revenues: 45%–50% of the PA's revenue comes from customs which Israel collects on the PA's behalf. The PA accesses just 15%–20% of its revenues from its own domestic sources. Donor sources and domestic borrowing account for the remaining 30%–40%. During 2005, much of this was provided to the PA through budget support, both from traditional and Arab donors. In addition, the PA managed to raise some funds from domestic banks, increasing its borrowings to the maximum it could, at $400 million.

When the Hamas government was formed on 29 March, Israel suspended its transfer of clearance revenues. This denied the PA $65 million a month. At the same time, domestic banks began to reclaim loans, and the main banks ceased operating the government's accounts for fear of anti-terrorism litigation. The public sector faced economic collapse.

The international response

On 30 March, the Quartet called on the newly-formed government to commit to principles of non-violence, recognition of Israel and acceptance of previous agreements and obligations. On 7 April, the EU and the US agreed that, in the absence of agreement to these principles, it was not possible to provide support to the government, and direct aid to the PA ceased. March salaries were not paid, and the PA's medium-term fiscal situation looked increasingly dismal. This led international donors to search for ways to channel aid directly to Palestinians, but without going through the government. The challenge was to find a mechanism which would:

- Provide relief to a large part of the Palestinian population, particularly those hit by the non-payment of salaries, and also those who depended on the PA for social protection.
- Ensure basic services continued for Palestinians, with a priority on health services, but also water, sanitation, electricity and education.
- Not establish permanent systems, or undermine existing PA institutions.
- Not exacerbate, and where possible mitigate, intra-Palestinian conflict.
- Provide an effective, quick response capable of accommodating non-traditional donor contributions.
- Operate within the policy environment established under the Quartet statement on principles and within existing anti-terror banking legislation.

Three options presented themselves: (i) to redirect support, particularly the provision of basic services, through non-government organisations; (ii) use the UN emergency response process; and (iii) establish something new. NGOs

were quick to point out that, while they were prepared to scale up operations, they did not have the capacity to deliver services in place of the PA. The UN system likewise recognised that it could not replicate the PA. Moreover, the emergency appeal was geared to providing help in addition to government services, not addressing the new situation Palestinians found themselves in.

The international community therefore agreed to find a new form of aid – a mechanism that could make payments outside the government, and ensure the continued delivery of PA services. Following extensive work among European member states, the European Commission's External Relations Commissioner Benita Ferrero-Waldner proposed establishing a Temporary International Mechanism (TIM), which would pay non-salary expenditures for basic services directly, as well as paying allowances to key PA personnel directly into their bank accounts. The Council of Ministers approved the mechanism on 16 June, and it was endorsed by the Quartet on 17 June.

The TIM has three windows, responding to three key areas of spending. Window 1 pays for essential supplies and meets the running costs of health and education services, social security and water/sanitation and electricity utilities. Window 2 buys fuel supplies and meets other direct costs, such as East Jerusalem hospital bills for Palestinians. Window 3 supports vulnerable Palestinians through the payment of allowances to the poorest, and to PA workers in essential services.

the international community agreed to find a new form of aid – a mechanism that could make payments outside the government

Two payment systems have been established to ensure that no funds go through the Hamas government. For Window 1, the World Bank established a system whereby line ministries identify their needs for supplies and running costs, and then run the tender and contracting process to buy in supplies. This tendering process is then overseen by a unit established in the Office of the President, and each step of the tendering process is also cleared by the World Bank. When the tender process is complete and authorised by the World Bank, funds are released from a special account established under the Office of the President. Through this process, the World Bank has managed to maintain some involvement of PA systems.

For payments to PA employees, the EC has collected the bank details of all eligible PA employees, and cross-checked these against lists from line ministries and the Ministry of Finance to compile an authorised list of existing PA employees. It then provides payment to these employees through a system run by the Hong Kong and Shanghai Bank (HSBC). In the process, HSBC conducts five counter-terrorism checks and tracks the payments direct to the beneficiary. In addition to the establishment of the TIM, the UN took the unprecedented step of re-issuing and increasing its humanitarian appeal for essential medical supplies, food aid and job creation programmes.

the economic and political crisis has lasted longer than anyone imagined when the TIM was established in June 2006

As the humanitarian situation evolved over the summer months the international community responded using all these options. US efforts focused on expanding existing NGO contracts to provide health care supplies. Food aid increased, as did funding for the immediate delivery of medical supplies through UN systems. Under Window 2 of the TIM, fuel was purchased from the Israeli supplier and brought directly to hospitals to power emergency generators after the Gaza power station was seriously damaged by an Israeli air strike. This process was soon extended to cover generators for water and sanitation facilities. When the Gaza power station was brought back on line, the TIM provided fuel to ensure its operation. Since the beginning of July 2006, the TIM has paid for over 4 million litres of fuel for electricity supply, hospitals and water installations in Gaza.

But as the situation got worse the international community recognised that the TIM needed to deliver more. The July 2006 Group of Eight (G8) conference in St Petersburg requested that assistance through the TIM be expanded in scope, and extended until the end of 2006. This statement was reiterated at the September conference in Stockholm on 'Aid to Lebanon and the occupied Palestinian territories'. (The TIM was extended to the end of March 2007.) While the allowance payments initially focused only on health workers, the list of beneficiaries soon grew to include all civilian PA workers who, under the previous government, had earned first less than $476 (NIS 2,000) per month, and then later less than $595 (NIS 2,500). The ceiling has been removed entirely for the latest payment, and all 77,000 civilian PA employees are given an allowance of $357 (NIS 1,500) per month through the TIM. While the mechanism provides a modest proportion of salaries, it has provided a cushion against economic hardship.

However, the crisis continues, and the aim of maintaining PA institutions has proved ever-more difficult to sustain. The TIM can take credit for keeping public servants in PA basic services: without these allowances, more would have sought other forms of employment, or simply stopped turning up for work. But the maintenance of core government functions has been more difficult. President Mahmoud Abbas has also used these allowances as part of the settlement he made to stop a

public sector strike. But attempts by the World Bank to try to retain some level of PA involvement in the procurement process have proven ineffective. So far, most of the tendering processes for health supplies, begun in August, have not been completed. The World Bank notes that initial difficulties were internal to itself, but now the main difficulties are more mundane. Since the line ministries in Gaza, and the President's Office is in Ramallah, communications are vital, but Israeli closures mean staff cannot move between the two locations. Documents have to be electronically transferred, which would be easy were it not for the regular electricity blackouts. In addition, the ongoing violence is preventing people from turning up for work. Key employees with the skills essential for bid evaluation are actively seeking alternative employment.

The economic and political crisis has lasted longer than anyone imagined when the TIM was established in June 2006. The systems it offers are perhaps the best response to the current crisis. As the UK International Development Committee (IDC) stated, in its report *Development Assistance and the Occupied Palestinian Territories* of 31 January 2007: 'in the absence of a solution to the current fiscal crisis we support the continuation of the TIM'. At the same time, as the Secretary of State for International Development, Hilary Benn, put it following his recent visit to the occupied territories:

aid alone is not the solution. The Palestinians are the most heavily-aided nation per capita in the world, yet their suffering continues. The solution is a lasting peace, so Palestinians can move freely, get their goods to market and enjoy the prosperity they are capable of achieving.

Poverty in the occupied Palestinian territories is a result of the conflict, and in the short term the immediate need is to establish a functioning national unity government. Only a political resolution offers the prospect of bringing Palestinians out of the current spiral of economic and institutional decline. Until that happens, the international community can only provide a temporary form of aid.

Mark Poston is programme manager of the DFID Palestinian programme.

The ICRC in the Palestinian territories: double role, single aim

Marcin Monko, ICRC Jerusalem

This year marks the fortieth anniversary of Israel's occupation of the Palestinian territories. It is also the fortieth year of continuous presence of the International Committee of the Red Cross (ICRC) in this context, with an unchanged mandate based on international humanitarian law (IHL). The year 2007 is also distinctive because of the unprecedented level of resources the ICRC has brought to bear. The operation in Israel and the occupied territories is the second largest in the world after Darfur, reflecting the exceptional needs of the people there after four decades of occupation.

Long-term presence
'Aware of the increasing tension in the Middle East during the first half of 1967, the ICRC took preparatory measures some ten days before the conflict broke out by sending, on May 25, representatives to Cairo and to Tel Aviv, as well as to Amman, Beirut and Damascus.' Thus reads an ICRC report from 1967. The report goes on: 'On June 7, in fact 48 hours after the opening of the hostilities, the ICRC despatched an aircraft bearing the Red Cross emblem to the Middle East carrying five more delegates and medical equipment.'

Today, more than 300 staff visit detainees, talk to the Israeli military and civil authorities on behalf of the occupied population, provide emergency assistance for victims of house demolitions, refurbish water distribution networks, conduct training on IHL and run many other humanitarian programmes integrating protection, assistance and communication activities. The ICRC has a network of offices in Tel Aviv, Jerusalem, Gaza city, Khan Younis, Hebron, Bethlehem, Jericho, Ramallah, Qalkilia, Salfit, Tubas, Nablus, Tulkarem and Jenin.

the escalation of violence in Gaza has had serious consequences for the protection of the Palestinian population

The escalation of violence in Gaza since late June 2006 has had serious consequences for the protection of the Palestinian population. Sporadic rocket attacks from the Gaza Strip continue to affect Israeli civilians. The ICRC continues to call on all parties to strictly observe the provisions of IHL, in particular regarding the treatment of detainees, the protection of the civilian population and medical provision.

As lead agency in this context, the ICRC coordinates the relief response of the International Red Cross and Red Crescent Movement, and supports the activities of the Palestine Red Crescent Society (PRCS) and the Magen David Adom (MDA), both of which were formally admitted to the Movement in June 2006.

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HUMANITARIAN **P**RACTICE **N**ETWORK

In 2006, the ICRC:

- Enabled people from Gaza, the West Bank and East Jerusalem to make over 220,000 visits to relatives held in Israeli detention.
- Monitored the conditions of detention of almost 20,000 individuals held by the Israeli authorities.
- Carried over 12,723 Red Cross messages (brief personal messages to relatives who are otherwise unreachable because of armed conflict) between detainees and their immediate families, and made several thousand telephone calls to family members to inform them of the whereabouts and welfare of detained relatives.
- Monitored the situation in government surgical hospitals in Gaza and the West Bank during a health strike, and supplied the central medical stores with life-saving medicines and disposables.
- Supported the emergency services and other essential medical services of the Palestine Red Crescent Society, while facilitating movement by the Society's ambulances, in particular during Israeli military incursions.
- Distributed tarpaulins, mattresses, blankets and other essential household items, including tents, to over 1,000 families whose houses had been destroyed or damaged.
- Provided back-up power generators and fuel, and set up, extended or repaired water-supply systems for over 134,000 people, particularly those affected by military operations in Gaza.
- In Hebron, provided monthly food parcels for some 1,800 families, particularly those hit by 'strict closures', which prevent residents from leaving their homes (over 37,200 food parcels and some 5,300 hygiene kits were distributed, along with over 157 tonnes of wheat flour for 1,250 families in need).
- Conducted livelihood-support programmes that enabled more than 800 households to develop new ways of generating income, despite restrictions on movement.

Israel is bound by IHL, in particular the Fourth 1949 Geneva Convention and other rules of customary law relating to occupation, as reflected in the 1907 Hague Regulations. Since 1967, the situation in the Palestinian territories has been one of 'belligerent occupation', enabling ICRC delegates to operate in Israel and in the occupied territories within a clear legal framework.

Double role
Neutrality, independence and impartiality define the action of the ICRC and of the Red Cross and Red Crescent Movement worldwide. These core principles result from the ICRC's double role as guardian of IHL, and as a humanitarian organisation seeking to protect and assist all victims of armed conflict.

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An ICRC team visits Abu Dis, a hard-to-reach neighbourhood cut off both from the West Bank and from Jerusalem

The priority of the ICRC in Israel and the occupied territories is to promote respect for IHL, including the law of occupation. ICRC monitoring and its representations to the Israeli authorities focus on those violations of IHL that have the most serious economic and social consequences for the population of the Palestinian territories: various forms of closure engendering restrictions on movement, the construction of the West Bank Barrier and the Israeli settlements in the occupied territories. In each of these fields, the double role of the ICRC is clear: on the one hand, it reminds parties of the law; on the other, it provides solutions to practical problems at field level.

Restrictions on movement
The movement of Palestinian people and goods is severely restricted. This in effect curtails economic and social development and leads to particularly harsh humanitarian consequences. The practice of closures is largely responsible for the unprecedented increase in unemployment and poverty.

The essence of the law of occupation, and of the ICRC's 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 has been reminding Israel of its obligations under IHL, requesting that it guarantee access to food, water and medical assistance, as well as employment and education. In short, the ICRC urges the Israeli authorities to balance their security concerns with the needs of the occupied population. At the same time, at field level, the ICRC addresses day-to-day practical problems by facilitating farmers' access to olive groves during harvests, ensuring that ambulances can pass through checkpoints as quickly as possible or arranging family visits to Palestinians held in Israeli detention.

The West Bank Barrier
The barrier cuts off Palestinian communities and families

from each other and from the main urban centres that provide health services, higher education, employment and general economic activity such as markets. It also gives rise to widespread appropriation of, and damage to, Palestinian property.

In 2004, the ICRC issued a communiqué calling upon Israel not to plan, construct or maintain the barrier within occupied territory. The ICRC clearly expressed its legal opinion 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 gave a clear legal reading on a pressing humanitarian issue; second, it protected and assisted people affected by the barrier. The ICRC has been focusing its livelihood programme on areas close to the barrier, helping to develop new and sustainable sources of income and ensuring that gates are installed and operated, so that farmers can attend to their plots behind the barrier.

Settlements
The law specifically prohibits the transfer of the occupier's civilian population into the territory it occupies, and the ICRC has shared this legal position with both the Israeli authorities and the public. The establishment of settlements and their uninterrupted expansion over the past 40 years have severely affected every aspect of Palestinian life.

The significant loss of land and income, movement restrictions and recurrent violence by settlers are the chief humanitarian consequences of the settlements. In Hebron, for example, settlements are situated in a densely populated city centre; closures imposed by the Israeli military to protect the settlers have resulted in the total collapse of the local economy. The ICRC distributes monthly food parcels to 1,800 families in Hebron. It also registers all acts of violence perpetrated by the settlers and presents these cases to the Israeli authorities who, under IHL, are duty-bound to ensure the safety of the occupied population. Therefore, once more, while the ICRC's known position is that the settlements in the occupied territories are unlawful, it strives to find working solutions to the direct humanitarian consequences of the settlements.

One aim: protection
The ICRC's priority remains promoting respect for IHL to alleviate the suffering of victims of conflict. The ICRC continually restates the principles of the law of occupation. Livelihood programmes and other activities at the micro level address the urgent needs of communities, and at the same time bolster and support the ICRC's protection work, giving further credibility to its core mandate as the custodian of IHL.

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Contingency planning and humanitarian action: a review of practice
Richard Choularton
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Contingency planning has emerged as an effective tool to ensure that humanitarian actors are prepared to respond to the needs of populations affected by natural disasters, conflicts and other crises. This Network Paper examines contingency planning in practice, with the objectives of providing practitioners with the state of practice, and identifying how contingency planning can be strengthened to improve humanitarian action.

The paper finds that contingency planning has a number important and proven benefits. An active contingency planning process enables individuals, teams, organisations and communities to establish working relationships that can make a critical difference during a crisis. Contingency planning processes help to reinforce coordination mechanisms by keeping them active and by clarifying roles and responsibilities before a crisis. Contingency planning helps in building consensus about emerging crises, expediting concerted action by humanitarian actors. From a practical and operational perspective, one of the most important benefits of contingency planning is the identification of constraints prior to the onset of a crisis, allowing preparedness actions to be identified and implemented. During an emergency, time pressure is one of the most acute problems, denying humanitarians the opportunity to. Contingency planning gives humanitarians and opportunity assess, think, and discuss response options before the pressure of a crisis makes it difficult. Finally, contingency planning brings disagreements to the surface before a crisis, allowing them to be resolved.

The paper identifies several areas where contingency planning practice can be improved: developing and sustaining more dynamic contingency planning processes; using contingency planning to improve humanitarian action; and improving the practice of contingency planning itself. The paper includes a number of recommendations designed to enable humanitarian agencies to work towards a more dynamic and effective contingency planning process.

Great expectations: (dis)integrated DDR in Sudan and Haiti

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Humanitarian and development donors, policy-makers and practitioners are increasingly advocating so-called integrated missions in transitional or post-conflict contexts. Such missions are being described as 'the new reality' for UN operations. Proponents of the integrated model are convinced that a system-wide approach to programming in post-conflict contexts can reduce the likelihood of conflicts resuming. More specifically, there is a growing sense that integrated approaches to disarmament, demobilisation and reintegration (DDR) can enhance the work of the two primary UN contributors – the Department of Peacekeeping Operations (DPKO) and the United Nations Development Programme (UNDP).

While few observers dispute the desirability of integration in principle, many practical constraints confront integrated missions on the ground. In the two countries where integrated approaches to DDR are being piloted – Haiti and Sudan – interventions recently stalled. Despite the elaboration of comprehensive guidelines to help navigate the process, there appears to be comparatively little consensus on how integration should be defined, or how it can be operationalised. The 'new reality' of integration has been a hard pill to swallow.

A Haitian man holds a bullet as he rests in hospital after being injured during a military operation in Port-au-Prince, January 2006

the 'new reality' of integration has been a hard pill to swallow

A number of lessons are emerging from the recent experiences of the UN Mission in Sudan (UNMIS) and the UN Stabilisation Mission for Haiti (MINUSTAH). In both cases, weaknesses in political leadership within and outside the UN, the absence of clear direction from headquarters, competing understandings of DDR among managers and practitioners and confusion over financing mechanisms have all limited effective integration. Despite optimism among diplomats and senior UN officials in New York and Geneva, there are growing concerns on the ground that 'integrated' DDR missions are in fact 'disintegrating'.

To integrate or not to integrate?

The impetus to integrate UN missions arose from a long-standing debate over how best to close the relief–development gap in humanitarian and post-conflict recovery contexts. The drive to integrate and 'join up' was also fuelled by a conviction among some donors that the relapse of post-conflict countries into war had as much to do with incoherent and uncoordinated UN stabilisation and recovery efforts as with structural factors in the countries themselves. The former Secretary-General Kofi Annan referred to this as a 'gaping hole' and regularly lamented the lack of inter-agency cooperation.

From the beginning, the agenda was UN-specific. Early examples included efforts to promote greater synergies between the UN Resident Coordinator and the UN Humanitarian Coordinator. At the level of planning and programming, the integration of humanitarian, development, peacekeeping and fiscal priorities was encouraged in Common Country Assessments and UN Development Assistance Frameworks. Early experimentation reinforced the conclusion that the 'form' of integration should follow 'function' and that standardised templates were to be avoided.

Predictably, these early initiatives were afflicted with a host of growing pains. Whilst officials at the headquarters level lauded the coherence and coordination brought

about by integration, there were fierce disagreements at the country level over how to convert plans into practice. Was integration expected to promote joint planning and prioritisation, joined up programmatic interventions, or both? Managers and practitioners complained that the parameters of integration were unclear, and that few guidelines were issued to support the process. Tensions surfaced between UN agencies over mandates and priorities, particularly in resource-scarce environments.

Integrating DDR in Sudan and Haiti

Although disagreements persist over what exactly DDR is expected to achieve, there is a consensus that it has a central function in transition and peace-support operations. In fact, there is a widespread – if empirically unfounded – conviction that DDR is causally associated with preventing renewed war in fragile post-conflict contexts, reducing victimisation and promoting durable reintegration of ex-combatants.

The UN has long had a lead role in DDR. It launched its first mission in 1989, in Central America, and has since undertaken or supported DDR in more than 20 countries. Lessons emerging from past DDR operations emphasise the importance of improving predictability and coordination among political actors and implementing agencies. The sheer range and variety of state and UN actors and budget lines involved in DDR, and the frictions that can ensue, seemed to make a coherent approach imperative.

DDR was identified as a prime candidate for 'integration' because it theoretically spanned the security–development continuum. A UN inter-agency working group on DDR, composed of more than 14 UN departments, agencies and non-governmental agencies, was established in 2004. By 2006, the group had crafted operational guidelines – the Integrated Disarmament, Demobilization and Reintegration Standards (IDDRS) – to define a 'common and integrated international approach to support national DDR efforts'.

A two-pronged approach was adopted. First, in order to generate the necessary political and normative conditions for integration, DPKO and UNDP encouraged donors to adopt recommendations in UN Security Council resolutions endorsing 'joined-up' operations. Second, DPKO and UNDP headquarters strongly advocated for the creation of 'joined-up' DDR Units/Sections within UN country missions in two pilot countries – Sudan and Haiti. It was expected that unified 'decision-making mechanisms' could readily translate policy prescriptions into practical interventions.

DDR in Sudan

The case for an integrated approach to DDR in Sudan was firmly embedded in various legal documents, including UNSC Resolution 1590. The preconditions for DDR were also theoretically enshrined in the Comprehensive Peace Agreement (CPA) ending Sudan's civil war in the south. National commissions were established in 2005 and 2006

to oversee DDR in the north and south of the country, and an UNMIS DDR Unit – comprising DPKO and UNDP – was set up to guide the process. By the beginning of 2007, it was expected that over 91,000 government and rebel troops would be involved.

The reality on the ground was far more complex than anticipated by drafters of UNSC Resolutions and CPA supporters. Neither the Sudanese government in Khartoum nor the Sudanese People's Liberation Movement/Army (SPLM/A) in Juba demonstrated much serious interest in supporting DDR. The UNMIS DDR Unit soon discovered that there were far more armed groups than originally anticipated, including a combination of SPLA factions, pro-Khartoum militia, pastoral self-defence groups and others deliberately excluded from the CPA. The issue of civilian disarmament was exempt from the CPA, and the integrated DDR Unit struggled to define a coherent way forward.

Within the DDR Unit, tensions emerged between the DPKO and UNDP over the best way forward. The UNMIS DPKO contingent endorsed the conventional top-down approach prescribed by the CPA. UNDP – together with a number of local organisations – advocated for an alternative model that included a 'community security fund' and the promotion of needs-based disarmament. This emphasised local and participatory approaches to defining 'community security needs', and supported 'development' incentives in exchange for voluntary disarmament. UN policy makers and practitioners admit that, despite their best intentions, very little has been achieved over the past two years beyond the approval of a national DDR policy.

DDR in Haiti

MINUSTAH adopted an integrated approach to DDR, as prescribed by UN Security Council Resolution 1542. But planners and practitioners quickly realised that the preconditions for DDR did not exist. Unlike Sudan, there had been no 'conflict' *per se*, there were no clearly defined armed groups and there was no peace agreement to guide the process. Nevertheless, an approach was developed by the new national commission on disarmament and the integrated DDR Section. The initial focus was on the former armed forces, the FADH, which had previously been 'demobilised', albeit unsuccessfully, by the US military in the mid-1990s. They also focused on Haiti's disparate armed gangs.

From the beginning, it was acknowledged that this was no ordinary DDR process. The situation on the ground defied conventional approaches. The country's estimated 170,000–210,000 weapons and 15,000 gang members and former FADH troops were highly dispersed. In the face of pressure from the UN Security Council, the SRSG and donors to 'do something', the integrated DDR Section began to come unstuck. The original proposal adopted elements of a classic DDR programme, emphasising the formal cantonment of 'ex-soldiers' and some gang members. It also emphasised a community-centred

strategy to reduce violence, similar to that piloted by UNDP in 2003. But with disagreements over the direction, content and financing of the intervention, the DDR programme failed to launch.

The integrated DDR Section rapidly fractured. Those on the DPKO side continued to argue for the encampment and reinsertion of former FADH troops and 'hard-core' gang members. Funding was provided from the assessed MINUSTAH budget, and was administered by DPKO even though start-up funds had been supplied by UNDP. Meanwhile, UNDP staff began to promote 'community violence prevention and development committees' around the country. The integrated DDR Section was thus effectively administering at least two separate programmes. In 2007, several bilateral donors began supporting the UNDP intervention, though it is too early to say whether the new approach will be more effective than the last.

> achieving genuine integration requires a clear, shared understanding of what it actually means in practice

Integration inertia

Achieving genuine integration requires a clear, shared understanding of what it actually means in practice. There are still fierce disagreements within the UN over whether integration constitutes an 'enabling framework' for planning and prioritisation, a mechanism to promote coordination or the *de facto* 'merging' of administrative and operational polices and programmes.

DPKO and UNDP view DDR differently. Military planners often adhere to a narrow reading, focused primarily on the technical aspects of disarmament and demobilisation, including arms collection, registration and the cantonment and discharge of ex-combatants. In addition to sticking to the letter of UNSC resolutions and peace agreements, they tend to reproduce operational procedures dividing areas of operation into discrete units that do not necessarily correspond to administrative boundaries.

Meanwhile, development agencies are believed to adopt 'softer' approaches to DDR – focused primarily on reintegration and enhancing the absorptive capacities of areas of return. UNDP tends to be more innovative in its approach to DDR, having experimented in dozens of countries with bottom-up and community-centred violence reduction, weapons collection and reintegration programmes since the mid-1990s. The agency also operates within administrative boundaries that are recognised by governments, but which are at odds with DPKO planning.

The fact that there are different conceptions of what is and is not DDR has implications for how programmes are ultimately planned and executed, and for the division of responsibilities between agencies. For example, in UNMIS and MINUSTASH, DPKO claimed the lead for disarmament and demobilisation, while UNDP was assigned responsibility for reintegration. This division of labour reflected the comparative advantages of each agency. This is a necessary, but insufficient, condition of integration. Although some efforts were made to link planning and programming in both Sudan and Haiti, segmented understandings and expectations of what DDR was expected to achieve resulted in at times acrimonious disagreements both within and outside the integrated DDR Sections.

Another widely acknowledged obstacle to 'integrated missions' relates to financing. In virtually all cases, the funding of DPKO-led DDR is via assessed budgets pending a UN Security Council resolution. As such, disarmament and demobilisation are frequently adequately covered with resources controlled by DPKO. By way of contrast, UNDP often arranges its budgets according to annual development planning processes and voluntary bilateral contributions executed either directly by the agency or through the government of the country in question. In both Sudan and Haiti, additional 'preparatory' funding was provided by UNDP's Bureau for Crisis Prevention and Recovery (BCPR) for direct execution.

In each case, there were disagreements over who to report to, how funding should be accounted for, and the adequacy of funding for resource-intensive activities such as 'reintegration'. If assessed and UNDP resources could be transferred to integrated DDR Sections/Units in a more predictable fashion, as some UN officials in New York believe is possible, it is likely that a more holistic and comprehensive management approach would emerge on the ground.

Recent experiences of UNMIS and MINUSTAH remind us that 'post-conflict' environments are exceedingly challenging contexts for any intervention, not least integrated DDR. In such cases, conventional or 'classic' DDR focused exclusively on ex-combatants may not be the most appropriate course of action. Grounded and bottom-up approaches, such as those emphasising 'community security' or 'community-centred violence reduction', may be more important. Where the political will for DDR is lacking, alternative approaches may be required. In the case of both UNMIS and MINUSTAH, the ruptures between DPKO and UNDP were shaped as much by function as by form. A renewed focus on clarifying the expectations of integration, the division of labour and the nature of financing could vastly enhance effectiveness in the future.

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References

'Statement by Kathleen Cravero, UNDP Assistant Administrator and Director, Bureau for Crisis Prevention and Recovery', *NUPI Conference on Integrated Missions*, 30 May 2005, http://www.nupi.no/IPS/filestore/Kathleen Cravero-Oslo-Revision3.pdf.

W. Eide et al., *Report on Integrated Missions: Practical Perspectives and Recommendations*, 2005, http://www.nupi.no/IPS/filestore/ReportonIntegratedMissionsMay2005.pdf.

Inter-Agency Working Group on DDR, *Operational Guide to the Integrated Disarmament, Demobilization and Reintegration Standards* (New York: UN, 2005).

R. Muggah, 'Reflections on Disarmament, Demobilisation and Reintegration in Sudan', *Humanitarian Exchange*, no. 35, November 2006.

R. Muggah, *Securing Haiti's Transition: Reviewing Human Insecurity and the Prospects for Disarmament, Demobilization, and Reintegration*, Occasional Paper 14 (Geneva: Small Arms Survey, 2005), http://www.unddr.org/countryprogrammes.

R. Muggah, 'No Magic Bullet: A Critical Perspective on Disarmament, Demobilization and Reintegration (DDR) and Weapons Reduction in Post-Conflict Contexts', *International Journal of Commonwealth Affairs*, vol. 94, no. 379, 2006.

Small Arms Survey, 'Armed groups in Sudan: The South Sudan Defence Forces in the aftermath of the Juba Declaration', *Issue Brief Number 2*, October 2006, http://www.smallarmssurvey.org/files/portal/spotlight/sudan/sudan.html.

UN Security Council, *Report of the Secretary-General: The Role of United Nations Peacekeeping in Disarmament, Demobilization and Reintegration*, S/2000/101, 11 February 2000.

Post-tsunami transitional settlement and shelter: field experience from Aceh and Sri Lanka

Jim Kennedy, Joseph Ashmore, Elizabeth Babister and Dr Ilan Kelman

In 1978, Ian Davis wrote that 'shelter must be considered as a process, not as an object'.[1] Especially in a post-disaster context, shelter must be viewed as a series of actions fulfilling certain needs, rather than simply as objects such as tents or buildings. Those needs can be summarised as: (i) health, including protection from the elements; (ii) privacy and dignity for families and for the community; (iii) physical and psychological security; and (iv) livelihood support. Beneficiaries often take action to meet these needs by altering the post-disaster shelter provided during relief operations. As a result, self-help should be factored into any shelter process, including providing support to beneficiaries for their alterations.[2]

Minimum standards and field guidelines have been published to support field operations in policy and programme development, decision-making and implementation for the post-disaster shelter process.[3] These guidelines term post-disaster shelter 'transitional shelter', and factor in wider community aspects through 'transitional settlement'. Using the word 'transitional' to describe settlement and shelter emphasises that, in a post-disaster context, this is a process of transition from temporary to permanent. Addressing settlement and community issues throughout these processes is as important as providing physical structures and addressing individuals' needs.

This article reports on field work in Sri Lanka and Aceh on transitional settlement and shelter in the wake of the Indian Ocean tsunami in December 2004. Policy and practice points are described in order to place the post-tsunami settlement and shelter processes within wider settlement- and shelter-related development issues. Three main points emerge from our experiences.

Settlement and shelter processes

The first point is that there are clear advantages in approaching settlement and shelter as processes involving the people who will use them, rather than as objects or products to be built, turned over to the recipients and left behind. Thirty years after Ian Davis originally espoused this notion, it is rarely implemented in the field. Instead, transitional settlement and shelter is often considered to be part of non-food item distribution, rather

1 I. Davis, *Shelter After Disaster* (Oxford: Oxford Polytechnic Press, 1978).
2 J. Ashmore et al., 'Diversity and Adaptation of Shelters in Transitional Settlements for IDPs in Afghanistan', *Disasters*, vol. 27, no. 4, 2003, pp. 273–87.
3 *Sphere Humanitarian Charter and Minimum Standards in Disaster Response* (Geneva: Sphere Project, 2004); T. Corsellis and A. Vitale, *Guidelines for the Transitional Settlement of Displaced Populations* (Oxford: Oxfam, 2005).

than as an ongoing exercise in supporting livelihoods, health and security needs. Rather than a lesson learned and accepted, it is still one to be relearned and implemented.

This is particularly important where reconstruction involves improvements to traditional building methods. For instance, the use of beneficiary labour in Aceh provided hands-on opportunities for training in seismic resistance (Box 1). As noted in Box 1, however, community participation should not necessarily imply community control. Unrealistic expectations arose during community consultations in Sri Lanka and Aceh. For example, Western-style concrete structures might be requested because they represent 'development' and 'progress', even though they are less suited to the climate and to other environmental hazards in the area.

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Workers prepare frames for transitional housing in Indonesia

In Sri Lanka, the government's policy tended to support household involvement in managing construction. This strategy recognised that active participation in reconstructing one's own home and community not only contributes to the best possible results, but also provides a psychological boost to post-disaster mental health recovery (see Box 2, p.30). Providing secure shelters also helped to support livelihoods, for example by providing a place for storing tools and materials, while land security assisted in securing cash grants or bank loans for construction and for restarting livelihoods.

> ## there are clear advantages in approaching settlement and shelter as processes involving the people who will use them

Compensation grants from international organisations and NGOs further assisted by facilitating early permanent reconstruction, but the administration method failed to ensure sound technical advice for safer rebuilding. The compensation was handed out by offices of the local civil service in tranches, with the condition that delivery of the next tranche depended on the district technical officer approving the construction so far. Approval was slow because there was only one technical officer per district, who had a caseload of thousands of houses and could not realistically monitor and control all construction at each stage in a timely manner. These officers' technical knowledge, for instance for cyclone-resistant housing, was sometimes limited, and the organisations providing the funds for compensation did not appear to demand or expect significant technical training.

Box 1: Labour and training issues in Aceh

Many organisations in Aceh used beneficiary labour and trained communities in seismic-resistant construction techniques. Organisations tried to promote timber construction due to its comparatively good performance in earthquakes. Housing committees were formed, and communities were encouraged to choose their own skilled labourers and to manage the construction process themselves. However, the speed of construction under an unskilled workforce learning new construction methods was slow. A mixture of pressure to act and the inexperience of Indonesia's government and supporting organisations meant that projected completion dates for permanent housing were highly optimistic, causing widespread discontent with progress.

As more organisations turned to contractors for labour, it became more difficult to encourage beneficiaries to build their own houses. Success was increasingly measured by the number of houses built, so that the focus on safety and livelihoods was largely lost. There was also pressure to build 'modern' masonry houses, despite the material's comparatively poor seismic performance, but timber scarcity was an issue too.

This approach to community participation for reconstruction had sound ideas and principles, but these did not always translate into improved reconstruction outcomes. The on-the-ground challenges of implementation, especially monitoring, were probably not fully considered due to the need to start the reconstruction process quickly.

Another significant challenge in Sri Lanka was implementing transitional settlement and shelter without considering the connection to permanent housing and communities. The question 'transition to what?' was

Box 2: Shelter and settlement as processes in Sri Lanka

South-west Sri Lanka was a case study for some good practice regarding settlement and shelter as processes. Initially, the Sri Lankan government intended to move people into camp-type settlements with government-built barracks. After seeing the first drafts of the country's post-tsunami transitional settlement and shelter strategy written by international organisations, the government ensured that many beneficiaries stayed on or near their original plots, and provided private, secure shelters and land security at an early stage. The initial buffer zone of 100 metres was smaller than the 200 metres applied in the north-east, so that a smaller percentage of the tsunami-affected population were threatened by permanent displacement. After March 2005, some reconstruction inside the buffer zone began to take place.

frequently forgotten. Partly, this was because organisations with limited settlement and shelter experience became involved in the sector due to the availability of funds, and government policies were ad hoc. Poor-quality settlement and shelter tended to result.

Non-tsunami concerns

The second point is that transitional settlement and shelter should deal, not only with tsunami-affected people, but also with the wider population. In our case studies, this happened infrequently. In Aceh, lack of support for conflict-affected people became a contributing factor to security problems for some NGOs.

In Sri Lanka, beneficiaries were selected on the basis of being verifiably tsunami-affected, so conflict-affected people were left out. This situation might not have been necessary given the resources available; in Trincomalee, for example, over 20,000 transitional shelter units were initially pledged by relief organisations, yet only about 7,000 were required for the tsunami-affected population. The focus on the tsunami also distracted from other non-conflict hazards. Earthquakes pose a significant threat in Aceh, yet many organisations working on settlement and shelter neglected seismic risk to focus on tsunami risk.

> in Sri Lanka, the question 'transition to what?' was frequently forgotten

The standard of settlement and shelter for people unaffected by the disaster and for host communities should also be considered.[4] While resource constraints or donor procedures might preclude it in practice, a disaster could be used as an opportunity to enact development reforms

[4] Guidance on these matters is found in the Sphere Standards and the *Guidelines for the Transitional Settlement of Displaced Populations*.

in unaffected areas too. A few such programmes were seen, but not before resentment had built among some unaffected neighbours over the higher standard of shelter that tsunami-affected people had received. Additionally, in some cases, people without previous land rights, for instance renters and squatters, were given much less support than those who had owned their land and houses.[5]

Root causes of vulnerability

The third main point from our work is that transitional settlement and shelter should address root causes of vulnerability and the long-term processes and conditions which led to those vulnerabilities. Settlement and shelter issues in Sri Lanka and Aceh did not suddenly spring up on 26 December 2004, and they cannot be resolved simply through post-tsunami or even exclusively post-conflict reconstruction.

For decades, urban development in Sri Lanka and Aceh involved poor planning and inadequate attention to sustainable livelihoods, contributing to rapid population increases in coastal areas vulnerable to tsunamis. After the tsunami, many organisations did not conduct or use environmental impact assessments and did not consider long-term urban and regional planning in their settlement and shelter programmes, suggesting that the vulnerabilities exposed by the tsunami could be perpetuated.

> often, post-disaster settlement and shelter processes address only disaster-related change, and do not consider pre-existing vulnerabilities

Many new settlements were built without considering other settlement options, and site selection and land allocation often proved inadequate. In Aceh Besar, one organisation constructed open stormwater drainage up against the front doors of houses built by another organisation, threatening the stability of both. Staff from each organisation blamed the other, highlighting the difficulties inter-agency competition can create. While in both locations conflict resolution and post-conflict reconstruction cannot be divorced from post-tsunami reconstruction, the focus tended to be on the settlement and shelter needs emerging only from the tsunami.

To avoid recreating tsunami vulnerability, exclusion zones for coastal redevelopment were mandated in Sri Lanka and, to a lesser extent, in Aceh. These were subject to inconsistent and arbitrary changes, which meant that many new transitional settlements were built without

[5] Further details are provided in an Oxfam Briefing Note, *The Tsunami Two Years On: Land Rights in Aceh* (Oxford: Oxfam, 30 November 2006).

clear plans for permanent settlement and shelter since the coastal land available for permanent settlement was not known.

Moreover, while exclusion zones generally reduce the risks from future tsunamis and other coastal floods, failing to conduct proper assessments in new sites could increase exposure to other hazards. This approach also damages livelihoods that depend on living by the sea. In some cases, there were accusations that exclusion zones were imposed so that the coastal land could be used for other purposes, such as building hotels.[6]

Beyond the tsunami

The lessons from our Aceh and Sri Lanka experiences can be applied in other settlement and shelter contexts, both transitional and non-transitional:

- Community participation in decision-making for settlement and shelter should involve representative ages, genders and ethnicities, drawn from the people who will live in the settlement and from others who will be affected. Community participation should be used to exchange accurate and realistic information, including on the resources available and the timeframe required to provide transitional and permanent settlement and shelter.
- Environmental considerations should inform the design and construction of settlements and shelters, to minimise long-term impacts on ecosystems and environmentally based livelihoods. This approach also reduces disaster risk.[7]
- Coordination, not competition or confrontation, is necessary among organisations to ensure even coverage of beneficiaries, uniformity in the packages provided and consistency in meeting local and national building codes, as well as international standards.

the answer to the 'transition to what?' question is: 'transition to a less vulnerable state than before'

- Post-disaster programmes should include measures to enhance the capacity of local partners to leave behind a development legacy. This also reduces disaster risk by enabling beneficiaries to understand the vulnerabilities which led to the disaster, and how to avoid rebuilding these or other vulnerabilities. In other words,

- The 'transition to what?' question also entails better understanding of pre-existing vulnerabilities in the planning and implementation of transitional settlement and shelter.
- Settlement and shelter interventions should support sustainable livelihoods.
- Policy and advocacy to deal with issues of land rights, including tenure and security, are necessary for the success of transitional settlement and shelter programmes.
- Connecting transitional settlement and shelter with permanent housing requires trained and experienced staff. This investment will yield rapid returns.

disasters, even those involving a sudden-onset hazard, inevitably have multiple root causes, including poverty and conflict, which increase vulnerability to the hazard

The reasons for this are principally funding, capacity issues for organisations and mandates, especially when organisations are officially invited by a host government to do post-disaster work. Yet disasters, even those involving a sudden-onset hazard, inevitably have multiple root causes, including poverty and conflict, which increase vulnerability to the hazard.[8] If those root causes are not considered after the disaster, there is a danger that the same vulnerable state will be rebuilt, or that new vulnerabilities will be created. Planning and implementing transitional settlement and shelter within the wider context of long-term development, planning and housing activities can markedly reduce vulnerabilities, and mitigate the impact of future disasters. Transitional settlement and shelter can assist in eliminating factors which cause disasters and necessitate relief operations.

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6 ActionAid, *Tsunami Response: A Human Rights Assessment* (Johannesburg: ActionAid, 2006).

7 For a discussion of the livelihood and disaster risk reduction advantages of integrating ecosystem management into development planning, see K. Sudmeier-Rieux et al., *Ecosystems, Livelihoods and Disasters: An Integrated Approach to Disaster Risk Management* (Gland/Cambridge: IUCN, 2006).

8 See the discussion in P. O'Keefe, K. Westgate and B. Wisner, 'Taking the Naturalness out of Natural Disasters', *Nature*, vol. 260, 1976, pp. 566–67; J. Lewis, *Development in Disaster-prone Places: Studies of Vulnerability* (London: Intermediate Technology Publications, 1999); and B. Wisner, P. Blaikie, T. Cannon, and I. Davis, *At Risk: Natural Hazards, People's Vulnerability and Disasters*, 2nd ed. (London: Routledge, 2004).

PRACTICE AND POLICY NOTES

The UN Cluster Approach in the Pakistan earthquake response: an NGO perspective

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The South Asia earthquake on 8 October 2005 claimed at least 73,000 lives, and left many others without food, clothing and shelter. The many challenges faced by those implementing the emergency response included getting to grips with a new approach to humanitarian response being developed by the UN – the Cluster Approach. This article draws on a larger ActionAid report to present an analysis of the cluster experience in Pakistan from an NGO perspective.[1] While it is difficult to extrapolate from this one experience, a number of lessons emerge that are relevant to other contexts where the Cluster Approach is being tried.

A woman carries water to her family in a tent village in Muzaffarabad, September 2006

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The emergence of the Cluster Approach

In 2005, the UN Under Secretary General for Humanitarian Affairs, Jan Egeland, commissioned the Humanitarian Response Review (HRR) to address failures in the international response to humanitarian crisis. The review, published in August 2005, found that the speed, quality and effectiveness of humanitarian responses was inadequate, and that no common basis existed for assessing and comparing levels of need. Levels and techniques of funding were also found to be inadequate.[2] The HRR report aimed to address identified weaknesses in accountability, predictability and reliability by nominating organisational leaders for areas in which there was an identified gap in humanitarian response. Under this approach, these organisations would then be responsible for specific areas, or clusters.

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Nine clusters were subsequently defined under three broad headings: Service Provision, which encompassed logistics and emergency telecommunications; Relief and Assistance to beneficiaries, which covered emergency shelter, health, nutrition and water hygiene and sanitation; and Cross-

Cutting Concerns, with three clusters: early recovery, protection and camp coordination and management. Other sectors which the UN considered had clear leadership and accountability, such as agriculture (led by FAO), refugees (UNHRC-led), education (UNICEF) and food (WFP), were not included in the Cluster Approach.

The intention of the Humanitarian Response Review proposal was that clusters would be set up at both the global level – in order to strengthen preparedness and technical capacity across the humanitarian system – and at the country level, to strengthen coordination and effectiveness and encourage the participation of organisations across the humanitarian spectrum, including NGOs and other non-UN actors.

Main findings of ActionAid's research

Following the implementation of the Cluster Approach in the aftermath of the Pakistan earthquake, ActionAid undertook research interviewing local and international NGOs, UN organisations and cluster leads, donors and affected communities. The interview questions were formulated after a desk-based review of selected meeting notes and reports on the earthquake response, progress on the HRR agenda and the on-going implementation of the Cluster Approach. ActionAid carried out interviews over a three-week period in February and March 2006 with ten local NGOs and members of affected communities, officials from six donor agencies, six UN organisations and cluster leads in several locations, both in the capital Islamabad and in the provinces, ten international NGOs

1 The report, published in April 2006, is available at http://www. actionaid.org/wps/content/documents/ActionAid%20Report%20on% 20UN%20Cluster%20Approach%20April%202006.pdf.
2 *Humanitarian Response Review*, August 2005, http://www. reliefweb.int/library/documents/2005/ocha-gen-02sep.pdf.

(both in the capital and in regional hubs). We also consulted with local government officials. ActionAid researchers attended cluster and coordination meetings in Islamabad, Batagram and Mansehra, as well as camp management meetings in Muzaffarabad.

The Pakistan response marked the first implementation of the Cluster Approach. In broad terms, ActionAid's research shows that the earthquake response was regarded as effective, particularly as the anticipated second wave of winter deaths was avoided. Key factors affecting the success of the response were the high level of cooperation from the Pakistan government and the relatively mild winter. It is unclear how much of a difference the Cluster Approach itself made.

Within the first 24 hours of the response, nine clusters modelled on the HRR recommendations were established in Islamabad (a tenth cluster covered education), and field cluster sites, dubbed 'humanitarian hubs', were set up. However, as the emergency progressed the number of clusters and sub-clusters grew exponentially, making it difficult for NGOs to keep track of them. There was also confusion among both UN and NGO staff as to what the Cluster Approach was about, primarily because it was still being developed at the global level when it was introduced in Pakistan. As a result, those implementing it did not have terms of reference, appropriate support or training. Draft generic Terms of Reference for cluster leads at country level were developed in Geneva in January 2006, but the Cluster Approach was being implemented in Pakistan well before these were developed. Clusters were credited with providing an opportunity for information-sharing and coordination. International NGOs and donors reported that having a named agency responsible for coordinating efforts in a particular area was helpful.

Adequate attempts were not made to involve local NGOs and governmental structures. Local NGOs complained that cluster meetings – always held in English – did not pay sufficient attention to the ideas and issues they raised. Others regarded the meetings as talking shops and preferred to spend their time in the field. The UN made very limited efforts to involve local democratic structures, which were sidelined in the humanitarian response.

In assessing the successes and limitations of the Cluster Approach in Pakistan, we take as our starting point the issues which the HRR sought to address: improving the speed, quality and effectiveness of response, and enhancing accountability and predictability and leadership. Our research found that performance varied widely from cluster to cluster. One international NGO commented that clusters got 'so bogged down with the mechanics they completely lost their focus'. Some clusters were carried forward by the charisma of their lead, while those oriented towards ground-level work, such as logistics, food and shelter, were more successful. Some clusters – those focused on future livelihood strategies and irrigation, for example – were regarded as not immediately relevant to the relief effort. Attendance at the Health, Education and Watsan clusters was low at the beginning

of the response, and Livelihoods and Protection had a small membership throughout.

We also found that clusters were hampered by problems of communication between field staff and decision-makers based in Islamabad. High staff turnover inhibited the development of institutional memory and made it difficult to develop relationships with stakeholders. There was a lack of back-up support for cluster leads, who were essentially taking on two full-time roles, an agency role and a separate role as cluster lead.

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There was a general feeling among NGOs that clusters were overly compartmentalised, and that there were too many meetings. Although the HRR had originally proposed the Cluster Approach as a way to fill identified gaps, in Pakistan it appears to have been expanded to encompass the humanitarian response as a whole. Some NGO interviewees complained of 'cluster creep', and reported duplication and overlap. NGOs felt that UN agencies treated them simply as implementing partners, or actors to be 'policed', and did not allow them adequate input into conceptual thinking.

Respondents also noted insufficient analysis, synthesis and thinking ahead within meetings. Clusters provided some support on technical matters, such as shelter design and heating arrangements, but this was inadequate. Too much time was spent on agreeing guidance as to what kind of support to provide, leading people to bypass clusters and decide for themselves what response was necessary. There was also a lack of monitoring and evaluation.

Representatives of donor agencies attended clusters sporadically, but did not have decision-making authority in terms of funding proposals. In general, donors supported the Cluster Approach, but reported that it had not affected their attitudes to funding the UN. A number of donors stressed the need for continued support to the Office for the Coordination of Humanitarian Affairs (OCHA).

Issues to address
ActionAid's research identified the following issues that need to be addressed.[3]

- **Engagement with local democratic structures.** Clusters must work to empower such civil structures as exist at the most local level after a major emergency. From the very beginning, clusters should have a clear exit strategy, through the identification of key actors in local authorities. Cluster leads must provide

3 These issues are discussed in more detail in the full report.

as much support as possible so that all the informa-tion, networking and capacity-building done in the early stages is not lost, but is relevant to and built on for the recovery stages.

- **Encouraging local organisations to attend cluster meetings.** Inter-agency Standing Committee (IASC) Country Teams need a clear strategy for local involve-ment. OCHA, the Humanitarian Information Centre and cluster leads need to identify key local actors, and the monitoring of a cluster's performance should include assessment of attempts to involve local communities and civil structures.

- **Language.** Having interpreters at cluster meetings is an important means of enabling local community groups and citizens to engage with the process, and assists in capacity-building.

- **Encouraging the involvement of non-UN organisations.** UN agencies need to make clear to NGOs, particularly local NGOs, what the role of clusters is, and how NGOs can interact with them. A more participatory approach is needed, particularly in the conceptual stages of planning. NGOs must be treated as genuine partners rather than simply as implementing agencies.

- **Donors/funding.** The role of donor agency representa-tives within the cluster process should be clarified, and international financial institutions such as the World Bank or the regional development banks should be encouraged to attend cluster meetings.

- **The media.** The media needs to be better utilised to spread awareness of the clusters and to carry out coordination activities. The UN needs a bold, centrally devised strategy which can be implemented and adapted by IASC Country Teams according to the needs of the emergency and the particular country in which it occurs.

- **Structural issues.** A number of structural problems need to be addressed, such as the distinction between the duties of heads of agency and cluster leads, the provision of training for clusters on their roles and responsibilities, and how to avoid fragmentation into sub-clusters.

Both OCHA and the IASC have worked to clarify the anomalies in the cluster system and provide better guidance to staff and other actors. A Preliminary Guidance Note on cluster leadership is due to be approved, after consultation, by the IASC meeting in December. The minutes of the meeting say that the IASC 'Agreed to provide continued support for the implementation of the Cluster Guidance Note, taking into account the need to monitor progress and report back to the IASC on cluster implementation at both global and field level'.[4] Generic Terms of Reference for cluster leads have been developed. OCHA has provided its staff with 'specific preliminary guidance on carrying out their role in support of the cluster approach at the field level', and at the global level

individual cluster leads have set up working groups to address priority issues.[5] In addition, self-assessments of the Cluster Approach have been carried out in the roll-out countries (the Democratic Republic of Congo, Uganda, Liberia, Colombia and Somalia). A Desk Review of more than 50 documents from UN and non-UN sources was carried out by the Humanitarian Reform Support Unit (HRSU).

Conclusion

The UN has come a long way in developing the Cluster Approach since 2005. There are many positive aspects to it, including increased opportunities for collaboration and dialogue, improved coordination and greater predic-tability. However, several of the problems we identified in the Pakistan response remain. In particular, we are concerned about inter-cluster coordination. Our research in Pakistan found that, in some cases, participants found the increased demands due to the need for inter-cluster coordination to be a burden rather than a help in ensuring adequate and timely responses, in managing information and avoiding both gaps and duplication. Local and national NGOs still find it difficult to understand and engage with the clusters.

On a more general level, these issues relate to the role of the IASC Country Team and its interaction with Humanitarian Coordinators, Emergency Relief Co-ordina-tors and cluster leads. According to the IASC guidance note: 'The establishment of the IASC Country Teams in all countries with Humanitarian Coordinators should help to strengthen partnerships and complementarity amongst humanitarian actors, in line with the overall aims of the cluster leadership approach'. Yet an in-country investiga-tion in Uganda in May 2006 found that humanitarian coor-dination was woefully inadequate. Although the IASC Country Team has been operational since 2004, it has not been able to develop its role as a forum for discussing strategic issues and humanitarian policy.[6] The same report also noted that each cluster was carrying out its own needs assessments, capacity mapping and strategic planning.

As the international humanitarian community, led by the UN, moves forward with improving and refining the Cluster Approach, the findings of agencies such as ActionAid and the experience of our partners on the ground must be taken into account in building a timely and reliable response system which truly responds to the needs of the people it is attempting to serve.

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4 IASC, *Preliminary Guidance Note on Implementation of the Cluster Leadership Approach*, 15 June 2006.

5 *OCHA's Role in Supporting the Implementation of the Cluster Approach*, Geneva, 19 May 2006.

6 *Uganda Trip Report 17–26 May 2006*, Observations of the ICVA Coordinator Ed Schenkenberg van Mierop, Geneva, July 2006.

Alternative interventions in insecure environments: the case of cash in southern Somalia

Nisar Majid, independent consultant

In May 2006, in response to the Horn of Africa drought, a consortium of NGOs led by Oxfam GB and Horn Relief implemented an emergency cash intervention targeting pastoralists and agro-pastoralists in south-west Somalia. The intervention took place in areas of greatest humanitarian need, highlighted by the Food Security Analysis Unit (FSAU) of the Food and Agriculture Organisation (FAO). They were also the areas of least humanitarian coverage, partly due to the perceived difficulties of working there – insecurity and poor roads are particular constraints. This article draws on an independent evaluation of the project to highlight some of the issues involved in implementing cash responses in insecure environments.

Project summary

Oxfam GB Somalia worked through two local partners, WASDA and Development Concern. Both are Kenyan–Somali NGOs, and normally work on the Kenyan side of the border, out of Garissa and Wajir respectively. Horn Relief, which had previously only worked in the more secure north of Somalia, extended its presence in the south to respond to the humanitarian crisis there. Horn Relief implemented directly and funded a Somali NGO, AFREC. The sixth partner was Dahabshil, a Somali money transfer company, which distributed cash to beneficiaries at field sites.

The total project budget was $4,834,053. Close to 65% of this was transferred directly to beneficiaries as cash: $807,900 was transferred to 16,158 households as an initial one-off $50 distribution, and $2,056,384 was transferred to 9,298 households in four monthly payments through a cash-for-work component. In addition, 10% of the cash-for-work phase was in the form of cash relief to the poorest members of the community. A very small amount of cash was paid to skilled workers on micro-projects.

Results of the project

The project was considered successful in a number of ways, some of which are highlighted below.

Targeting

The consortium emphasised transparency, achieved through public meetings during the inception phase to explain the resources available, project principles and targeting criteria. The targeting of poor pastoralists and minority groups appeared to be very good, and women often received the cash. This was a new approach for some staff members as well as for the communities involved, and appears to have worked well.

Managing security

The presence of ethnic Somali staff in key management positions meant that changing security conditions on the ground – including the expansion of the Council of Islamic Courts into the project area – did not affect this project as they have many projects carried out by other international organisations.

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Handling the cash

Managing the security of the cash was contracted out to Dahabshil, which was paid a commission for the additional logistical expenses it incurred. While there were some security incidents during the project, these were considered normal for the context and were not directly associated with the cash itself. The distribution of the cash to registered beneficiaries was very successful, with no significant additional costs or losses.

Box 1: Perceptions of food aid and cash

Food aid in Somalia is usually bulky, highly visible and often associated with an increase in tension as it is carried and delivered by heavily armed contractors. It is also perceived as a free resource. As such, it attracts unwanted attention, for example from local militias.

Cash by contrast is largely invisible, and in this case was distributed by a respected, local organisation. Resources were allocated using the clan system, and a proactive field-based methodology identified the target households before the distribution took place. The use of cash was also relatively novel in the project area, which may have reduced opportunities for corruption (food aid is a long-standing response, and as such has become part of the local war economy). That said, food aid is seen as having wider impact, in particular by lowering food prices, and because it is available to all. Overall, the evaluation found that the two forms of aid – cash and food aid – were in this instance complementary. However, it is usually very difficult to compare cash and food since the scale and implementation modalities are often different, as was the case here. Further research is required into the comparative costs, benefits, risks and complementarities of the two approaches.

PRACTICE AND POLICY NOTES

Using cash to stimulate the household and local economy

The cash injection, at the household and market levels, seems to have reactivated credit and trading systems which had collapsed due to the drought and resultant loss of livestock collateral. There were no inflationary affects, benefiting individual recipient households, social networks and the wider economy.

Why was the project successful?

Choice of partner agencies, staffing and recruitment

One key element in the success of the project was the recruitment of credible partner agencies and experienced, motivated and (relatively) politically neutral ethnic Somali staff. Oxfam GB had a long-established presence on the Kenyan side of the border, and was able to draw on its local knowledge to identify appropriate partners. There were important clan dynamics to consider, as there are divisions among clans on both sides of the border and certain clans are associated with certain NGOs. Other factors in choosing partner agencies were the existence of prior contracts with Oxfam, and whether the potential partner could implement the project quickly.

Staff recruitment in insecure areas such as southern Somalia is critical to effective programming. It is also a major challenge for many organisations; if it is not addressed properly, agencies can be perceived as biased. In Somalia, this aspect of recruitment is often not handled well.

To identify appropriate staff, especially at the management level, the agencies involved in the consortium used a mixture of open and transparent recruitment processes, advertising widely including through the Somalia aid network and in Nairobi, and head-hunting known strong candidates. The role of the Regional Manager of Oxfam GB and the Executive Director of Horn Relief was also important. Both are experienced, committed, international staff, of Somali origin, with an extensive Somali network, and are therefore arguably better able than non-Somalis to identify appropriate staff.

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cash aid in southern Somalia is a relatively unknown commodity, in contrast to the north

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Key field management positions were filled by ethnic Somalis who had appropriate clan status, but who were not part of the local political–clan dynamics, and with education and/or work experience outside of Somalia. As such, they had a wider working exposure and were much less associated with the established local power dynamics of the last ten to 15 years.

Preparation and coordination

Cash aid in southern Somalia is a relatively unknown commodity, in contrast to the north. While a few cash-based programmes have been implemented in the south, little is known about how they fared, and many doubted that cash programmes could be possible in some of the most insecure areas of the country. Horn Relief had faced this same sceptical audience several years previously, when implementing cash programmes in the north of the country for the first time.[1] In addition, the consortium utilised a community-based targeting methodology that was new to the south. Few staff of the implementing agencies had experience of the methodology, or indeed of cash programming as a whole.

In these circumstances, good preparation was essential. A three-day workshop was undertaken at the beginning of the project to train staff on the implementation methodology, and to promote cohesion within the consortium. The consortium also met in Garissa, Kenya, for two or three days every six to seven weeks during implementation, to discuss problems and share experiences. Although time and logistical constraints meant that this was slightly less frequent than the monthly meetings originally envisaged, these meetings were still an important forum.

The inclusive targeting approach

The targeting approach the project used – called Inclusive Community-based Targeting (ICBT) – was originally developed by Horn Relief in northern Somalia. As its name suggests, it emphasises transparency, empowerment and community participation, achieved through:

- The preliminary identification of beneficiary selection criteria, based on vulnerability indicators such as asset ownership, household size, the gender of the household head and membership of a minority clan.
- Preliminary public meetings explaining resource availability, project principles and targeting criteria.
- The public election of a representative Village Relief Committee, which was responsible for compiling a preliminary beneficiary list based on the targeting criteria.
- The vetting of the initial beneficiary list by national staff, community organisations, religious leaders and key informants, through random field visits and informal discussions.
- The reading of the lists in public places to allow the community to participate in the vetting process.

All staff, including senior managers, undergo training on the ICBT methodology before implementing any project activities. This methodology has been utilised by Horn Relief in targeting for non-cash humanitarian programming, including restocking pack camels and non-food distributions in response to floods in southern Somalia.

In addition to the public vetting process, ICBT also includes 'discreet vetting'. Public meetings are in themselves not

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1 Evaluations and impact assessments of this work have all been largely positive. See Simon Narbeth, *Emergency Cash Relief to Drought Affected Communities in Sool Plateau*, post-distribution survey findings, OCHA and Acacia Consultants, 2005; and *DfID/Novib Funded NGO Consortium Response to Drought in Toghdeer, Sool, Bari, Nugal Regions*, external evaluation.

sufficient to ensure appropriate targeting, because it is culturally inappropriate for one sub-clan to challenge the beneficiaries selected by another. To manage this, field managers are required to develop their own network of key informants to double-check the beneficiary list to ensure that registered beneficiaries fit the criteria, and that individuals who should be on the list are not excluded. Minority clans, for example, rarely benefit from resource distributions within wider clan agreements. They usually associate themselves with a majority clan for protection. One minority clan in the area approached agency staff and asked not to be given the money in public, because it would later be taken from them. Agency staff instead organised a meeting at the project office to hand over the money.

Cash management
Another interesting dimension of the project was the use of Dahabshil to distribute the cash. In some respects, the partnership worked well; there were no allegations nor was there evidence of corruption, taxation or unusual security concerns. The potential inflationary impact of significant cash injections was minimised, as Dahabshil draws as much as possible on the existing money supply, through the *hawala* or money-transfer system, rather than bringing in additional large amounts. Once the cash was received households gave it to their local shopkeeper to reopen a credit line, so there was no sudden increase of cash in the local economy. There were also teething problems, however, and in some areas there were ongoing difficulties with Dahabshil over communication, informa-

tion-sharing and planning. This highlights the potential hazards of working closely with *hawala* companies, which operate as franchises on the ground, and whose internal structures and systems are not generally designed for cash-transfer projects like this. On the other hand, the *hawala* firms provide a critical service at the household and trading level, and are well respected.

Conclusion
The Oxfam–Horn Relief consortium has clearly demonstrated that cash transfers are possible in a politically complex and insecure environment. It has also shown that such projects can be done in a locally sensitive and appropriate way. The project succeeded in establishing strong partnerships and good coordination among the stakeholders, recruited good, motivated staff, ensured that preparation was sound with comprehensive training, adopted a sensitive, context-specific approach, and used a locally respected institution to handle the transport and distribution of the cash. Many of the lessons of the consortium project are replicable elsewhere, but applying them will call for good coordination and a willingness among agencies to critically assess ways of working, and to consider adapting or changing approaches if necessary.

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Disaster diplomacy in Aceh

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'Disaster diplomacy' is concerned with the extent to which disaster-related activities – prevention, mitigation, response and recovery – induce cooperation between enemy parties, internationally or nationally.[1] Examples can cover a specific geographic region or country, such as North Korea's international relations following floods, droughts and famines, or they can look at specific disaster events or types. The Global Seismic Hazard Assessment Program, for example, produced seismic hazard maps across sensitive international borders, including regions in conflict.[2] Other transboundary issues include international cooperation in identifying disaster casualties.[3]

Evidence so far suggests that disaster-related activities frequently catalyse diplomatic progress, but rarely create it:

they can have a short-term impact on diplomacy, but, over the long term, non-disaster factors have a more significant influence. Non-disaster factors include leadership change, distrust, the belief that a historical conflict or complaint should take precedence over present-day humanitarian needs, or priorities for action other than conflict resolution. In some cases, disaster-related activities can exacerbate conflict and reduce the opportunities for diplomacy.

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To explain why disaster-related activities sometimes spur on a pre-existing diplomatic process, but usually do not generate new diplomacy, the theory and trends behind these observations have been investigated. Disaster

1 See http://www.disasterdiplomacy.org.
2 D. Giardini, G. Grünthal, K. M. Shedlock and P. Zhang, 'The GSHAP Global Seismic Hazard Map', *Annali di Geofisica*, vol. 42, no. 6, 1999, pp. 1,225–1,230.
3 J. Scanlon, 'Dealing with the Tsunami Dead: Unprecedented International Co-operation', *Australian Journal of Emergency Management*, vol. 21, no. 2, 2006, pp. 57–61.

diplomacy 'pathways' have been defined, explaining how different players choose different approaches in making disaster-related activities either support or inhibit diplomatic processes. Other typologies of disaster diplomacy have analysed the influence of proximity among the countries involved in disaster diplomacy, and their aid relationships and interactions.

Disaster diplomacy criteria

In trying to define disaster diplomacy, each case study needs to answer six questions.

The first question is fundamental: did disaster-related activities influence diplomatic activities? If the answer is no, then no basis exists for examining disaster diplomacy.

Second, is the disaster-related diplomacy new? After the 1999 earthquakes in Greece and Turkey, the two countries achieved significant *rapprochement*, yet their peace talks had started months before the earthquakes struck, so the diplomacy was not new.[4]

Third, is the disaster-related diplomacy legitimate? The players involved must be genuinely seeking closer connections, rather than using the events as a public relations exercise, or simply waiting for an opportunity to avoid proceeding further with diplomacy. This question is often difficult to answer, but in case studies of Cuba–US relations,[5] the Ethiopia–Eritrea conflict,[6] and the Democratic Republic of Congo,[7] opportunities for disaster diplomacy have foundered because at least one party seemed to be looking for an excuse to avoid peace.

Fourth, how long does the disaster-related diplomacy last? After the 2001 earthquake in Gujarat, new peace initiatives between New Delhi and Islamabad emerged, and the leaders displayed openness and a willingness to move forward. Although a summit six months later collapsed in acrimony, diplomacy eventually restarted and was then boosted by the earthquake in Kashmir in 2005.[8]

Fifth, when a disaster occurs, does the post-disaster diplomacy depend on the characteristics of the post-disaster reconstruction? So far, no case studies have answered yes to this. Post-disaster reconstruction on the ground is rapidly divorced, inadvertently or deliberately, from higher-level diplomatic activities.

Finally, does post-disaster diplomacy address long-standing development and sustainability issues, including political, livelihood and economic concerns? In most cases, disasters

or crises have not led to the resolution or full consideration of longer-term challenges, including those related to livelihoods, environmental management, inequity and injustice. An exception was the successful management of the 1991–93 drought emergency in Southern Africa, which occurred in the context of rapid and significant political and developmental change across the region.[9]

The low priority of disaster-related activities

There are multiple reasons why disaster-related activities have less influence on diplomacy than might be expected or hoped. Prejudice, misgiving and mistrust can defeat disaster diplomacy efforts, as demonstrated by the conflict over aid in post-tsunami Sri Lanka.[10] Similarly, Cuba refused American assistance during the 1998 drought,[11] and the US did not accept offers of aid from Cuba, Venezuela and Iran following Hurricane Katrina in 2005. In some cases, countries might not need external assistance, or could claim that they do not, so that no basis exists for attempting disaster diplomacy. Overall, disaster-related activities are not necessarily a high political priority, even after a disaster. Unsurprisingly, factors other than a concern to prevent disasters or save lives when disasters happen tend to be more important in political decision-making.

Is Aceh different?

The relief and reconstruction operation that followed the tsunami in December 2004 opened up Aceh to the world, ending the isolation the Indonesian government had imposed due to a decades-long separatist conflict. In January 2005, the government and the main separatist group, the Free Aceh Movement (GAM), announced that peace talks would be resumed, leading to an August 2005 Memorandum of Understanding. So far, the agreement has held. Determining whether or not disaster diplomacy occurred in Aceh can be done by addressing the six questions outlined above.

First, have disaster-related activities influenced diplomatic activities? The disaster deeply influenced the initial peace talks and the eventual implementation of the August agreement. The involvement of the international community was instrumental, and was motivated in particular by Aceh's need for foreign relief assistance. Later, long-term demilitarisation was added to these considerations, so that post-tsunami reconstruction and post-conflict reconstruction were to some degree conducted side by side. The disaster therefore influenced diplomacy.

Second, is the disaster-related diplomacy new? Negotiations between the Indonesian government and GAM had been going on intermittently for years before the disaster, and secret peace talks had begun on 24 December 2004. The tsunami disaster did not therefore yield new diplomacy. But it did significantly spur on a process that had just begun to solidify.

4 J. Ker-Lindsay, 'Greek–Turkish Rapprochement: The Impact of "Disaster Diplomacy"?', *Cambridge Review of International Affairs*, vol. 14, no. 1, 2000, pp. 215–32.

5 M. H. Glantz, 'Climate-related Disaster Diplomacy: A US–Cuban Case Study', *Cambridge Review of International Affairs*, vol. 14, no. 1, 2000, pp. 233–53.

6 I. Kelman, 'Acting on Disaster Diplomacy', *Journal of International Affairs*, vol. 59, no. 2, 2006, pp. 215–40.

7 B. Wisner, 'Eruption Raises Practical and Philosophical issues', *AlertNet*, 15 February 2003, http://www.alertnet.org/thefacts/ reliefresources/392595.htm.

8 Kelman, 'Acting on Disaster Diplomacy'.

9 A. Holloway, 'Drought Emergency, Yes ... Drought Disaster, No: Southern Africa 1991–93', *Cambridge Review of International Affairs*, vol. 14, no. 1, 2000, pp. 254–76.

10 D. Rajasingham-Senanayake, 'Sri Lanka and the Violence of Reconstruction', *Development*, vol. 48, 2005, pp. 111–20.

11 Glantz, 'Climate-related Disaster Diplomacy'.

Third, is the disaster-related diplomacy legitimate? Both parties appeared to want genuine *rapprochement*, and neither seemed to be using the events as a public relations exercise. This was shown by the quick demilitarisation of Aceh and the relatively rapid political negotiations on its status. Players on both sides appeared committed to making peace work.

Next, how long has the disaster-related diplomacy lasted? While the guns quickly fell silent following the tsunami, and have to date stayed relatively quiet, long-term political reconstruction is still uncertain. Although there is optimism, it would be premature to assume that a long-term solution to the conflict has been found.

disaster-related activities need to be integrated into wider policies and practices

Fifth, does the post-disaster diplomacy depend on the characteristics of the post-disaster reconstruction? So far, accusations of slow, unequal, corrupt and poorly planned reconstruction have not been used to threaten the resumption of hostilities. Instead, the reconstruction tends to be viewed as an opportunity to strengthen peace by requiring communities to work together. Again, optimism is warranted, although isolated violence means that mistrust persists, and poor reconstruction could eventually exacerbate pre-tsunami inequities and frustrations. Unresolved pre-tsunami factors and unrelated events could thus be more significant than the tsunami with respect to long-term conflict resolution. The evidence to date, though, suggests that the specific characteristics of the post-tsunami reconstruction have not heavily affected diplomacy.

Finally, does post-disaster diplomacy address long-standing development and sustainability issues, including political, economic and livelihood concerns? The peace deal included a greater share of natural resources for Aceh, and granted it sovereignty in internal matters. But the Indonesian parliament removed the requirement that local leaders agree to measures touching on Acehnese affairs, and reduced the local share of natural resource revenues from 70% to 60%. This suggests that post-disaster diplomacy did not overcome long-standing political and economic issues, especially Jakarta's reluctance to grant autonomy in regions it controls. Nonetheless, the measures enacted following the tsunami constitute a major change from Aceh's pre-tsunami status.

Conclusion
Studying Aceh following the tsunami provides useful insights into the six questions underpinning disaster diplomacy. The evidence confirms conclusions from other disaster diplomacy studies, namely that disaster-related activities can have a short-term impact on diplomacy, but that over the long term non-disaster factors have a more significant influence. Additionally, most other detailed case studies have addressed inter-state conflict, whereas Aceh is an intra-state conflict. Combined with other intra-state case studies, including post-tsunami Sri Lanka, where conflict resumed irrespective of the 2004 disaster, the Aceh work provides a starting point for comparing different forms of conflict. The potential implication is that disaster diplomacy at all levels is similar, irrespective of the players involved.

In this case, much of the international involvement focused on the need for a ceasefire to allow post-tsunami aid to reach Aceh. The international community facilitated the peace talks and supported the formal EU–ASEAN effort to monitor the peace agreement (the Aceh Monitoring Mission), but the impacts of the conflict tended to be viewed as secondary to those of the tsunami.[12] Other disaster diplomacy case studies have given limited attention to similarities or disparities in the resources provided for conflict, versus other disaster concerns in the same area.

The main policy implication is that disaster diplomacy studies support the established view that disaster-related activities need to be integrated into wider policies and practices, especially in the context of long-standing problems such as under-development, conflict and poor governance. Moreover, there is a need for caution regarding disaster diplomacy. Despite the popularity of the theoretical idea of disaster-induced reconciliation, especially in the media, experience suggests that it is rarely robust in practice, and has yet to form a strong basis for reducing enmity. Disaster diplomacy has significant potential, but that potential is rarely fulfilled.

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12 *Aceh and Nias One Year After the Tsunami: The Recovery Effort and Way Forward*, various agencies, 2005.

Further reading

Aceh Monitoring Mission, *Memorandum of Understanding between the Government of the Republic of Indonesia and the Free Aceh Movement* (Banda Aceh: Aceh Monitoring Mission, 2005).

Disaster Diplomacy website: http://www.disasterdiplomacy.org.

I. Kelman, and T. Koukis, 'Disaster Diplomacy', special section in *Cambridge Review of International Affairs*, vol. 14, no. 1, 2000.

K. E. Schulze, *Between Conflict and Peace: Tsunami Aid and Reconstruction in Aceh* (London: London School of Economics, 2005).

World Watch Institute, 'Natural Disasters and Peace-making', http://www.worldwatch.org/taxonomy/term/435.

PRACTICE AND POLICY NOTES

The Tsunami Evaluation Coalition: implications for practice

Rachel Houghton, Coordinator, Tsunami Evaluation Coalition

This article seeks to do two things.[1] First, it summarises the recommendations of the Synthesis Report of the joint evaluation of the international response to the tsunami, carried out under the auspices of the Tsunami Evaluation Coalition (TEC). Second, it considers some of the possible implications of these recommendations for practice. While the tsunami was a sudden-onset natural disaster and the worst affected states were middle-income countries with relatively well-developed local capacities, many of the operational problems encountered in the tsunami response mirror those seen not only in other responses to natural disasters, such as Hurricane Mitch in Central America in 1998, but also in responses to complex political emergencies like Rwanda in 1994 and Kosovo in 1999. Thus, while some of the lessons learned are particular to the tsunami response, the Synthesis Report reflects themes and trends that have been evident in many other emergencies. TEC recommendations are therefore more broadly applicable, and include strategies and systems to improve humanitarian action as a whole.

Summary of TEC findings

The TEC studies find that the international response to the tsunami disaster helped the affected people and reduced their suffering. They identify many examples of good practice in emergency response, and some welcome innovations. However, overall the studies conclude that the response did not achieve the potential offered by the generous funding available.

The TEC studies also find that:

- Local people provided almost all immediate life-saving action and early emergency support, as is commonly the case in disasters. Furthermore, international agencies experienced major problems in scaling up their own response.
- International action was most effective when enabling, facilitating and supporting local actors. International agencies often brushed local capacities aside, even though they subscribe to norms and standards that call for engagement with and accountability to local actors.
- There were many examples of poor-quality work, not only in the relief phase (largely from inexperienced agencies) but also in the recovery phase. Several initiatives have been launched to improve the quality of humanitarian work, but none has an effective mechanism to sanction agencies for failing to meet their provisions.
- The tsunami highlighted the arbitrary nature of the current funding system for humanitarian emergencies.

1 This article is based on the TEC publication *Synthesis Report: Expanded Summary*, by John Cosgrave. This was published in January 2007, and can also be found on the TEC website: www.tsunami-evaluation.org.

This system produces an uneven and inequitable flow of funds for emergencies that encourages neither investment in capacity nor responses that are proportionate to need. Despite some donors' commitment to the principles of Good Humanitarian Donorship (GHD), donors often took funding decisions based on political calculation and media pressure.

> the TEC studies identify many examples of good practice in emergency response, and some welcome innovations

Recommendations: summary and possible implications

The TEC Synthesis Report makes four recommendations: around ownership (who has decision-making power and control over a response), capacity, quality and funding. These are all about one central idea: that the humanitarian aid community relinquish ownership to affected populations so that they may direct their own relief and recovery strategies. This change needs to be supported by more equitable and proportionate funding, the development of disaster response capacities, a greater focus on risk reduction and a system for controlling the quality of work done by humanitarian agencies.

Ownership and accountability

Synthesis Recommendation 1: The international humanitarian community needs a fundamental re-orientation from supplying aid to supporting and facilitating communities' own relief and recovery priorities.

The TEC studies go beyond the usual call for greater consultation and suggest that the affected population itself sets the priorities and draws up the plans for emergency response and recovery. While many agencies claim to put affected people's priorities first, the tsunami response clearly showed that, at least in the initial stages (the Synthesis Report covers the first 11 months of the response), this did not happen to any meaningful degree. The reason for promoting ownership is simple: the affected population is far more knowledgeable about their context, needs and capacities than external agencies. Interventions that are in tune with people's priorities are therefore more likely to make the best use of their capacities, resulting in a more appropriate, effective and efficient intervention.

The Synthesis Report authors believe that accountability is closely linked to ownership. Those implementing the response should account for their actions, first and

The TEC: practical implications for agencies

Issue	Current situation	Re-oriented situation
Primary accountability	Donors and supporters	Affected population
Role of the affected population	Aid recipients	Greater responsibility for aid policies and priorities in the response; *beyond* consultation
Agency team composition	Specialist teams with a single technical focus	Multi-skilled teams with the skills to work with community, local and national structures, as well as to support good-quality work
Communication department priority	Communication with potential donors	Communication with affected population
Presentation of affected population in annual reports	Human interest stories	Opinion surveys from the affected population
Information flows to affected population	Occasional meetings. Signboards in English for donors	Signboards in local languages giving project budgets, and details of where to complain
End of programme determined by	End of funding	Whether the local community still needs the agency's help
Aid modality	Mostly in-kind; limited cash	Extensive use of cash if markets are working
Operational modality	Individual specialist agency	Consortia of agencies to reflect the range of priorities of the affected population
Project funding pattern	Discrete project funding	Funding envelopes for priorities defined by the community

foremost to the affected population. Agency transparency is not in itself enough to ensure accountability. The affected population must have the capacity to analyse information provided to them by intervening agencies, and mechanisms to ask questions and to influence and control policies and actions.

Table 1 lists some of the practical implications that a fundamental re-orientation might have. Change on this scale is not going to be easy. Nevertheless, the potential advantages in terms of more effective, appropriate and sustainable aid are convincing. While some still see humanitarian action as concerned with relieving the distress of the affected population without addressing underlying causes, Article 9 of the Red Cross/NGO Code of Conduct states that 'relief aid must strive to reduce future vulnerabilities to disaster as well as meeting basic needs'.[2]

Capacity

Synthesis Recommendation 2: All actors should strive to increase their disaster response capacities and to improve the linkages and coherence between themselves and other actors in the international disaster response system, including those from affected countries.

The tsunami response clearly showed that prior linkages between different partners improved the chances for quality programming. This has been recognised in the UN's *Delivering as One: Report of the Secretary-General's High Level Panel,* which acknowledges the TEC for highlighting the need to 'enhance local preparedness [and] reduce long-term vulnerability'. The existence of institutions like local Red Cross branches and local NGOs also helped to save lives, while those countries with proven national disaster response procedures, such as India, were able to respond far more quickly.

At the international level, the Synthesis Report suggests that one area that needs considerable focus is agency response capacity. Staffing issues, both in terms of the lack of adequately qualified staff and high levels of staff turnover, are one of the biggest constraints on agency capacity. Other emergency responders, such as the military, also need to develop their emergency response capacity, and their linkages to the humanitarian response community. Some suggest that there needs to be greater engagement between civil and military actors to prepare for emergencies.

The practical implications of this recommendation are broad:

• Agencies should support the development of national disaster response capacity in line with the Hyogo Framework for Action.[3]

2 IFRC, *Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organizations (NGOs) in Disaster Relief* (Geneva: International Federation of Red Cross and Red Crescent Societies, 1997).

3 International Strategy for Disaster Reduction, 2005. See http://www.unisdr.org/eng/hfa/hfa.htm.

- Agencies should support community-based disaster reduction.
  Agencies need to consider ways of increasing their own emergency response capacity.
- Agencies should develop linkages with other potential humanitarian actors.

This can only happen with donor support. A good start is the UK's Department for International Development (DFID) policy to use one-tenth of its natural disasters budget for disaster preparedness and mitigation. DFID's approach is unusual, however, and agencies may have to engage in advocacy with donors on this issue.

The issue of linkages and local capacity is also critical. It is only through regular contact that different agencies can build up a picture of the capacities of potential partners in an emergency response, and set up the networks essential for a joined-up response.

Another key aspect is strengthening community disaster response capacity through, for example, risk reduction work. This is integral to the 'build back better' approach. It is thought that strengthening community capacity in this way will put the community in a much better position to respond to, and manage, any future disaster response.

Quality

Synthesis Recommendation 2: The international relief system should establish an accreditation and certification system to distinguish agencies that work to a professional standard in a particular sector from the others.

Despite the huge amounts of funding made available, the tsunami response suffered from the common problems of inappropriate aid, lack of consultation with beneficiaries and competition between agencies. While the humanitarian sector has high standards, there are no rewards for agencies that meet them, or penalties for agencies that do not. The lack of accurate information to the donor public on the performance of agencies makes this problem worse, and the media cannot be relied upon to provide the sort of information that would allow donor publics to assess performance.

Accreditation and certification
TEC reports echo the Joint Evaluation of Emergency Assistance to Rwanda in calling for certification.[4] One key purpose would be to improve information flows by measures such as the compulsory publication of independent external evaluations and independent surveys of beneficiary opinion. Providing good information to the donor public and taxpayers will provide external pressure for improving the quality of humanitarian response.

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4 J. Borton at al., *The International Response to Conflict and Genocide: Lessons from the Rwanda Experience: Study 3: Humanitarian Aid and Effects* (Copenhagen: Steering Committee of the Joint Evaluation of Emergency Assistance to Rwanda, 1996).

Introducing a certification and accreditation system for international humanitarian aid actors would have significant implications for both existing and new actors. Certification and accreditation have a real cost, and this is only justified if it leads to better quality. This can only happen if the conditions set for certification and accreditation:

- encourage greater agency transparency and accountability to beneficiaries, through publishing evaluations and internal quality control reports;
- encourage agencies to concentrate their efforts, and develop deeper competence in specific sectors;
- encourage agencies to invest in their own emergency response capacity;
- discourage new agencies from entering the sector unless they have an obvious competence; and
- encourage collaborative, rather than competitive, relations between agencies.

Clearly, such a process is going to take time to negotiate and set up. However, if agencies fail to act on this issue governments could impose certification systems that bring increased costs without any matching benefits for affected populations.

Funding

Synthesis Recommendation 4: All actors need to make the current funding system impartial, more efficient, flexible and transparent, and better aligned with principles of good donorship.

Funding for humanitarian aid has grown over the last two decades, both in absolute terms and as a percentage of all overseas development aid. However, the growth is uneven. There is also great variation between and within countries. In principle, funding for humanitarian action should be proportionate to need; in practice, however, it is not. The total funding for the nearly two million people affected by the tsunami was $13.5 billion, or over $7,000 per person. This compares with $3 per person for the 36 million affected by floods in Bangladesh in 2004. The Synthesis Report considers that this does not mean there was too much funding for the tsunami, but rather that most emergencies are funded far inferior to need.

The major initiative on principled donorship is the GHD. However, the tsunami response showed many deviations from the GHD principles. These included funding decisions based on political and media pressure rather than needs assessments, and a general lack of beneficiary involvement in design, implementation, monitoring and evaluation. That said, the GHD initiative is still relatively young, and does represent a good chance for a change to a more principled funding system. Clearly, independent external review, added to the existing peer review by the Development Assistance Committee (DAC), could improve compliance with GHD. Another initiative has been the reform of the UN Central Emergency Response Fund (CERF), which reserves one-fifth of its funding for 'forgotten emergencies'.

Thus, official funding for humanitarian action may be moving towards a more just system. However, the same is not true of funds raised from the public. This will only become more balanced when both the public and the media have a greater understanding of the nature of global humanitarian needs and the complexities of humanitarian interventions.

One key part of humanitarian funding reform is the proportion of funds that agencies devote to developing disaster response capacity, both within their own agencies and within communities and countries at high risk of disasters.

Pulling it all together

All four TEC Synthesis Report recommendations are closely intertwined and support one another. The question is, what now? How should the humanitarian community take the TEC findings and recommendations forward?

The picture so far

Clearly, responsibility lies with all those involved in the TEC. The TEC represents the largest study of a humanitarian response since the Joint Evaluation of the Rwanda response. Over 40 agencies were involved in one or more of the five thematic evaluations and/or the Synthesis Report, and over 65 agencies kept themselves actively informed about the process.

> ## in arguing for a fundamental, integrated re-orientation, the TEC is setting a new challenge

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Currently, the humanitarian sector is operating in what might be termed a 'post-tsunami policy climate', and this climate has been influenced by the TEC.[5] In evaluation utilisation terms, the TEC is therefore having 'conceptual' and 'legitimising' use. For example, the first two Synthesis recommendations have been recognised as 'particularly relevant to WFP' and have added 'stimulus to some of the initiatives currently being undertaken'; in the Netherlands, 'The recommendation that donor governments need to aim for neutral, flexible and transparent financing mechanisms supports the current policy that intends to make optimum use of pooled funding/CERF-like mechanisms'. TEC recommendations have also found their way into sector-wide initiatives such as the NGO Impact Initiative, and evidence is mounting of direct or 'instrumental' use, in Danish NGOs' work on certification, for example, Cordaid's

efforts to improve its needs assessments and beneficiary accountability processes, and ALNAP's incorporation of joint evaluation into its workplan.

Next steps

In arguing for a fundamental, integrated re-orientation, the TEC is setting a new challenge – not only to the humanitarian sector, but also to those involved in development and recovery. This challenge will require a greater level of partnership and cooperation between humanitarian and development agencies, and between these actors and affected populations, national and local governments, new private sector responders and the military.

It will be up to senior policy-makers and programme managers to continue to look at the TEC's recommendations and factor them into their future strategies and programming approaches, where appropriate. It will also be important to continue to examine TEC recommendations in inter-agency networks and initiatives in order to maintain an integrated approach to reform. One suggested first step is included in the NGO Impact Initiative report on accountability.[6] This recommends that agencies undertake an audit of their accountability to affected populations. Such an audit might usefully be done by all agencies, however, and not just NGOs. It could seek to highlight some of the issues that agencies need to address in their own work to begin the overall re-orientation that the TEC studies call for.

However, leadership for sustainable change has to come from the top. Agency boards, trustees or other governing bodies of the Red Cross, NGOs, donors and UN agencies could usefully develop a comprehensive picture of what a fundamental, integrated re-orientation might look like. Ideally, this would happen collaboratively within inter-agency networks – and include affected-country actors. In the interim, agencies could decide which of the TEC recommendations they accept, and set up a process at board level to oversee the agency's progress towards implementing them. Only by involving governing bodies in this way, and by working at an integrated level, can we bring about the changes needed to improve the quality and efficiency of the humanitarian response system, let alone a much larger fundamental re-orientation.

Rachel Houghton has been involved with the TEC since it was established in February 2005. She has coordinated the Coalition since July 2006, and prior to that was the TEC's researcher and deputy coordinator. The TEC's website address, where you can download all the TEC reports, is: www.tsunami-evaluation.org.

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5 Other initiatives, such as that by the Office of the Special Envoy and the UN's Humanitarian Response Review, have contributed considerably to this changed policy climate.

6 American Red Cross et al., *NGO Impact Initiative: An Assessment by the International Humanitarian NGO Community* (Washington DC: Office of the Special Envoy for Tsunami Recovery and Interaction, 2006).

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.*