



# RRN newsletter

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## A Permanent International Criminal Court

A Diplomatic Conference being held in Rome between 15 June and 17 July could result in a Convention to establish a permanent International Criminal Court. Its effectiveness will depend on the mandate, powers and resources conferred upon it and on the cooperation of participating States. The following contributions (pages 1 to 8), highlight some of the main issues.

### The ICRC and the International Criminal Court

*Marie-Claude Roberge, ICRC legal division.*

War crimes on a large scale have been a reality for centuries, as has impunity. States already have the legal obligation to prosecute suspected perpetrators of these crimes, but because of unwillingness or inability often fail to carry out investigations or prosecutions. This cycle of impunity must be stopped. In this context it is important that the negotiations currently taking place lead to a widely

accepted and effective international criminal court (ICC). The UN has been considering the establishment of an ICC since its creation and now seems to be nearing its goal. A Preparatory Committee, with more than 100 participating countries, has been set up to work on a draft statute.

In parallel, the two *ad hoc* international criminal tribunals for the Former Yugoslavia and Rwanda were created by the UN Security Council respectively in February 1993 and November 1994. The aim was to put an end to violations of international humanitarian law (IHL) and to contribute to the restoration and maintenance of peace. These *ad hoc* tribunals undoubtedly represent a major development for the repression of violations of IHL. Moreover they send a signal to both the perpetrators and the victims that such conduct will no longer be tolerated. The establishment of a permanent ICC is the next step towards enhancing the effective prosecution and suppression of crimes of international concern. Yet the creation of an ICC is not enough: most importantly the ICC needs to be empowered to take adequate and effective action to fulfill its mandate.

The ICC is not intended to take over jurisdiction exercised by national courts: it will exercise its jurisdiction only when trial

procedures in national criminal justice systems will not be available or will be ineffective while states will continue to have the primary duty to prosecute, the ICC will complement national criminal courts.

### ICRC's position on the ICC

In the course of its work, the ICRC too often witnesses atrocities and their effects on victims. The ICRC believes that a permanent ICC could contribute to deterring future war crimes. In addition, the ICRC has been mandated by States to promote respect for international humanitarian law, which includes the development of better mechanisms to do so. This explains the ICRC's active participation in the work of the Preparatory Committee. Four key points are elaborated here: the definition of war crimes, the exercise of jurisdiction of the court and the roles of the Security Council and Prosecutor.

On the first point, the ICRC strongly supports the ICC jurisdiction over war crimes, crimes against humanity and genocide which are crimes already recognised as such under existing international law. In particular the Court should have jurisdiction over war crimes committed in both international and non-international armed conflicts, given that the majority of conflicts today are internal. As the tribunal for the Former Yugoslavia stated, "what is inhumane, and consequently prohibited, in international wars, cannot but be inhumane and inadmissible in civil strife." The ICC should have jurisdiction over serious violations of the 1977 Protocols I and II additional to the Geneva Conventions. Most States (150 and 142 respectively) are party to these treaties, and most of their provisions are customary.

Also on the issue of war crimes, some States would like to restrict the jurisdiction of the Court to these crimes only when they are committed as part of a plan or policy, or on a large scale. Yet under existing law, unlike crimes against humanity or genocide, each individual act which is a serious violation of humanitarian law can constitute a war crime; no specific threshold is required. Therefore suggestions that the Court should have jurisdiction over war crimes only when a certain threshold is reached would weaken existing law. It is important to recall that the ICC will exercise its jurisdiction only when national jurisdiction will have failed to do so. Thus the Court needs to be given the same powers as states to prosecute war crimes if these states have failed to fulfill their duty. The ICRC strongly believes that adding a threshold would unnecessarily narrow the

scope of the Court, would add to confusion between crimes against humanity and war crimes, and would represent a step backwards for existing law.

The second point regards the exercise of jurisdiction by the ICC. Some States are of the view that the Court would exercise its jurisdiction in a particular case only after the consent of certain States is obtained. Consent would be required of the custodial State (the State having custody of the suspect), the territorial State (the State on whose territory the act was committed), the States of nationality of the accused and of the victims. Needless to say these requirements could become insurmountable hurdles for the Court in the exercise of its jurisdiction. As soon as a State becomes party to the statute of the ICC, and when national trial procedures are not available or are ineffective, the Court should automatically have jurisdiction. This would only give the Court the same powers that States already have. Under the existing principle of universal jurisdiction, any State has the right to prosecute persons alleged to have committed war crimes and consent is not required from any other State. This principle reaffirms the fundamental rule that war criminals are not immune from prosecution, no matter where they have committed their crimes and regardless of their nationality. The introduction of a 'State consent' regime would not only pave the way for an ineffective Court but, more seriously, give the impression that States can lawfully protect war criminals from prosecution. This would amount to a clear and totally unacceptable step back from well-established existing law.

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The third point concerns the role of the Security Council in connection with the 'trigger mechanism'. Some States are in favour of providing that, when the Security Council is dealing with a situation under Chapter VII of the Charter, no prosecution arising from that situation may be commenced unless the Security Council decides otherwise. In short, this provision would give the Security Council the power to halt investigations or prosecutions. It seems difficult however to reconcile the principle of an independent and impartial court with the fact that, in certain cases, the Court could be subordinated to a prerogative conferred upon the Security Council.

The last point concerns the role of the Prosecutor when no referral is made by either a State or by the Security Council. There is at present general agreement that States and the Security Council will be given the power to refer a case or a situation to the Court. Yet the question remains as to whether

the Prosecutor would also be given the right to investigate cases without having to wait for such a referral. For the ICRC, the Prosecutor should be empowered to initiate investigations and institute proceedings 'ex officio', on her or his own initiative. In addition to giving the Court greater impartiality and independence, such powers given to the Prosecutor would also allow for the better protection of evidence.

The ICRC hopes that States will show a firm political will to establish an independent and efficient international criminal court.◆

## The International Tribunal for the Former Yugoslavia: lessons learned

*Horst Fischer, Professor of International Humanitarian Law, Ruhr-University, Bochum, Germany*

The collective security system of the UN is not simply a technical procedure, which can be used to punish those who violate international law. To be effective, member States need to implement Security Council resolutions. Hence, from the outset, the ITFY has been dependent on the cooperation of States, including the parties to the conflict. As such, the legal framework of the ITFY has been embedded in a fluid political, military and diplomatic environment.

World opinion was alerted by reports about atrocities, from journalists and humanitarian organisations in 1992, and subsequently by different fact finding commissions, such as the Kalshoven Commission. The constant affirmation of the major political powers in Security Council resolutions to punish all those responsible for serious violations of international humanitarian law in Yugoslavia gave the ITFY a prototype image of a judicial body able to deal with war crimes, genocide and crimes against humanity after the Cold War. In this respect it filled the gap left by the lack of political will to prevent the atrocities and quickly halt the war. Punishment as substitute for prevention has been one political response to the public pressure to react to the obvious genocide.

The statute of the ITFY gives the necessary legal basis to deal with war crimes trials according to global standards established for criminal proceedings. It takes into account the lessons from the Nuremberg and Tokyo judgments as well as from

national criminal proceedings against soldiers for deliberately killing non-combatants in war situations. The definition of the scope of the ITFY's jurisdiction, and its limitation to the territory of the Former Yugoslavia and to atrocities committed since 1991 soon ended the debate about the competence of the Security Council to establish such tribunal. Despite the formulation of the statute's rules after most of the atrocities had already been committed, the international community were reassured by the initial Tetic case that fair judicial principles were being followed.

Recent cases such as the Erdemovic case, demonstrated the ability of the trials and appeal chamber to interpret the statute in the light of actual cases. The inherent law-creating competence of the ITFY to establish and adapt its rules of procedure, though quite unusual for some national law systems, proved its usefulness where the specific situation of the conflict and its aftermath made new rules necessary, such as for the protection of witnesses.

Most damaging to the image of the ITFY has been the lack of cooperation of former parties to the conflict and of other States. The decision of the ITFY to adopt a procedure through which it can issue an international arrest warrant, shows its determination to implement the Security Council resolution under

which all violators will be held responsible. The former parties to the conflict have not been too willing to cooperate. Requests of the trial chamber for the arrest or transfer of persons to the Tribunal have not been followed or have been delayed. Despite a sufficient legal basis in different texts, such as the Dayton agreements, the execution of arrest

warrants by IFOR and SFOR-troops in Bosnia has also not met the expectations of the ITFY and of the general public. The same holds for the limited response by donors to the growing financial need of the ITFY since 1994.

There has perhaps been an undue concentration on the international tribunals to deal with war crimes. The primacy of the ITFY over national courts, as expressed in the statute, gave the impression that in this matter national courts only have a minor role to play. However in the past five years, the jurisdiction of the national courts to prosecute non-nationals for violations of international humanitarian law, outside their territory and in conflicts to which the court's own state has not been a party, has been reaffirmed and developed. National courts then have an essential role to play in the prosecution of war criminals.

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***Most damaging to the image of the ITFY has been the lack of cooperation of former parties to the conflict and other states***

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There are as yet no clear criteria for the evaluation of justice and human rights actions. An evaluation of the workings of the ITFY would require a definition of the functional, political, military and financial restraints that international crime procedures face in the case of non-international conflicts, where the violation of fundamental rules has been used as a tool for political purposes. Such definition did not exist when the ITFY was established, nor does it exist on the eve of the creation of a permanent ICC. Yet, the main lesson of the ITFY is that such a definition is needed to maintain the credibility of international criminal proceedings. ♦

## **The International Criminal Tribunal for Rwanda: justice and reconciliation**

***Stefaan Vandeginste, Centre for the Study of the Great Lakes, University of Antwerp, Belgium.***

The International Criminal Tribunal for Rwanda (ICTR) was set up not only to prosecute persons responsible for serious violations of international humanitarian law between 1 January and 31 December 1994 but with the belief that prosecutions “will contribute to the process of national reconciliation and to the restoration and maintenance of peace.” Three and a half years later, it is becoming increasingly clear that the ICTR will not be able to contribute significantly to national reconciliation. This article summarises some of the main arguments leading to this conclusion and tries to indicate to what extent these arguments apply to a permanent International Criminal Court (ICC) that may be established soon.

### **A reasonable time-frame**

As of early April 1998 no single person has been acquitted or convicted for facts of genocide or other crimes against humanity by the ICTR. In the meantime, and during years that are not included in the ICTR mandate, thousands of Rwandese have been killed in Rwanda by the Rwandese Patriotic Army (RPA) and some 200,000 Rwandese refugees have “disappeared” in the Democratic

Republic of Congo. The ICTR has had no deterrent effect whatsoever to prevent this loss of life and it will not reveal the truth nor identify and prosecute those responsible for mass human rights violations from 1995 onward. After the Nuremberg trials, chief prosecutor Taylor was recorded as saying that “if the trials (...) had started and been finished a year earlier, it might well have been possible to bring their lessons home to the public at large far more effectively.” His observation applies very much to the Rwandese scenario. Even if the ICTR succeeds in judging the main leaders of the genocide in Rwanda, too much has happened since for the Rwandese to be convinced that human rights violations cannot go unpunished and that peace and reconciliation should prevail over violence or revenge. The ICC, if sufficiently funded and staffed, would definitely be in a much better position to avoid the waste of time caused by the start-up delays as well as other problems that are inherently linked to an ad hoc institution.

### **Compensation of victims**

Contrary to the approach of a truth and reconciliation initiative, the ICTR is accused entered, not victim entered. Prosecutions and judgments are concentrated on the acts of the accused, not on the suffering of victims. Interestingly, the Special Prosecutor’s Office in Ethiopia for instance, was set up not only to conduct investigations and institute criminal proceedings against individuals but also to record for posterity the brutal past of Mengistu’s regime. As a consequence, court hearings to some extent are also truth commission sessions: the number of witnesses exceeds the number of testimonies needed for strictly legal purposes. One of the main aspects linked to the ICTR accused entered approach is the impossibility for victims to take part in proceedings as civil parties. In some instances where cases were deferred from a national jurisdiction to the ICTR, victims even lost their status of civil parties. Belgium recently filed a petition maintaining that eligible parties have the right to appear as plaintiffs in case they have been dispossessed of their goods. Currently, the only option for victims to obtain compensation is to bring an action before a national court, for which the ICTR judgement shall be considered final and binding as far as the criminal responsibility of the convicted person is concerned (Rule 106). Under the latest (Zutphen meeting of January 1998) version of the ICC draft statute, three proposals are put forward with regard to compensation of victims. The

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minimal option is nearly identical to Rule 106 of the ICTR, the maximum option allows the ICC to determine a compensatory award or another order for reparations. It has been recommended by Amnesty International that, in case no provision for compensation is adopted by the ICC, an international civil court or a claims commission be established.

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***“ in case no provision for compensation is adopted by the ICC, an international civil court or a claims commission (should) be established”***

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### **Impartiality**

The Arusha detention facilities are currently holding 23 indictees. All of them are dignitaries, military, business people, journalists or other persons connected to the pre-April 1994 regime of Hutu president Habyarimana. However, the mandate of the Tribunal not only relates to the genocide against Tutsis and moderate Hutus, it also covers other crimes against humanity. There are several serious reports indicating that the Rwandese Patriotic Front is responsible for violations within the ICTR mandate. And yet, nothing happens. Internal sources within the ICTR indicate that these violations are not being investigated, i.e. because of some clear suggestions by the new regime in Kigali that such would jeopardise all ICTR activities on Rwandese territory. This political imbalance will certainly increase the popular perception that Arusha stands for ‘victor’s justice’. This should definitely be one of the main lessons for future ICC operations, though in practice the problem may come up again. To some extent, governments will always hold the key to the level of investigation, the protection of witnesses and the security of ICC personnel on their territory.

### **Justice and social order**

The distance between Rwandese citizens and the ICTR is enormous. As already indicated in late 1994 by the Independent Commission of Experts appointed to investigate the Rwanda genocide, an international tribunal, compared to domestic courts, generally lacks sensitivity to nuances of local culture. This may mean that their decisions have less immediate symbolic force than verdicts rendered by courts familiar to the local community. Particularly in the early ICTR stages, minimal outreach and public relations took place in Rwanda. Reportedly contacts between ICTR staff and NGOs or genocide survivors’ associations were not encouraged, and the initial popular suspicion surrounding yet another international institution was definitely fuelled by the

attacks on witnesses interviewed by the ICTR. Finally, the traditional role of justice in Rwanda, as in many other African countries, is to promote restoration of social order and of congenial relations with fellow citizens. This collective nature of traditional justice definitely contrasts with the ‘modern’, retributive understanding of justice which inspires the ICTR and also the ICC. These may, on the other hand, be useful models in terms of fair trial setting for domestic ‘modern’ justice.

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***“ an international tribunal, compared to domestic courts, generally lacks sensitivity to nuances of local culture”***

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### **Prevention**

The ICTR is not expected to propose specific structural reforms at the level of the government administration, security forces or society at large (through human rights education programmes for example) in order to prevent recurrence of past abuses. However there is obviously an inherent (be it one-sided) deterrent effect in the prosecution and judgement of suspected genocide leaders. It must also be stressed that in terms of prevention, at UN level, the ICTR’s role is completed by the promotional and training activities of the field operation of the High Commissioner for Human Rights – similar UN operations may be set up in parallel to future ICC activities.◆

## **A Permanent International Tribunal: African perspectives**

***Funmi Olonisakin, Centre for Defence Studies, London***

Given the violations on the continent in recent years, Africa will be part of the immediate focus of a permanent ICC. Its effective functioning will depend on the extent to which Africans can create the conditions for the ICC to operate effectively. This article argues that there are important developments at the level of regional and sub-regional organisations in Africa, which will enhance the work of an ICC. But real gains will depend upon the support of the leadership of individual states.

### **Developments in the OAU**

The decision by the OAU (1997) to establish a permanent court of Human Rights is a development consistent with the aims of an ICC. This attempt to

strengthen the existing African human rights system is an indication of Africa's willingness to deal with impunity at the continental level. Thus, in principle, African states are collectively in support of a standing tribunal. The involvement of the International Court of Justice in the process of developing an African Court symbolises the growing cooperation between global and regional organisations. The major shift in attitudes on the continent on the issues of sovereignty and non-interference in the internal affairs of member states – cardinal rules of the OAU – is also an indicator that a permanent tribunal can work in Africa.

This shift in thinking has been prominent in two sub-regions. In West Africa, the Nigerian-led peace operation in Liberia under the auspices of the Economic Community of West African States (ECOWAS) (see RRN Network Paper 22), and recently the intervention in Sierra Leone presented as an ECOWAS-sponsored operation despite Nigeria's dominance, were both cases of intervention in a nation state to restore order and control atrocities. Both interventions were explained on humanitarian grounds. What is perhaps more interesting in the case of Sierra Leone is that humanitarian arguments and the wish to reverse a military coup which displaced a legitimately elected government, ranked higher as justifications, than the bilateral defence pact between Nigeria and Sierra Leone. The other example is the OAU sanctions against Buyoya's regime in Burundi, that resulted from a military coup which was seen as likely to further destabilise the country, thereby creating another cycle of impunity.

### Individual states

Crimes of genocide and crimes against humanity on the African continent have been committed mainly within states. An ICC cannot function effectively without the cooperation of individual states. Apprehension of suspects will very much depend on the support and consent of the state concerned. These positive developments at the level of the OAU will not necessarily guarantee their support. Despite the relaxation of sovereignty, the concept remains a reality which cannot be ignored. In instances where such crimes have originated from the current regime or forces loyal to it, it is unlikely that the government will easily cooperate with the ICC. The tribunal will have to rely on the goodwill of other states, which may be harbouring some of the suspects (note that

trials cannot take place *in absentia*). In this regard, many African states may support the ICC by handing over suspects within their borders. Regional alliances and other political priorities however may not always make such arrests possible.

One can ask whether the regional mechanisms mentioned above could also encompass the apprehension and hand-over to an ICC of suspects? The collective imposition of sanctions may not be effective and may not succeed in pressurising a reluctant regime to cooperate with the tribunal. The other option is for a strong international force to make arrests in the territory of a non-cooperative regime, as has been seen in Bosnia, where NATO troops have apprehended some of the suspects of crimes against humanity.

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Only a few powerful states on the African continent have the capacity to constitute an effective regional intervention force, the most prominent ones being Nigeria and South Africa. Of the two, Nigeria is the only one that currently appears willing to conduct such military interventions in its sphere of influence – West Africa. South Africa appears to have opted for a regional leadership role in diplomacy and mediation as seen by Mandela's

efforts in former Zaire. It has not indicated any interest in military operations. Even in its internal affairs, South Africa has opted for a truth and reconciliation commission rather than punitive measures for human rights abuses of the past. Nigeria's willingness to conduct military operations may be reduced if and when a democratically elected government comes to power. Domestic opposition to ECOMOG for its human and financial costs has always been ignored by Nigeria's military regime. An accountable government will find it difficult to ignore public opinion.

Even if some states participating in a regional intervention force were willing to 'fish out' suspects, such practice could not be uniformly applied as the powerful states may themselves resist such attempts. Nigeria is a prime example. Although it condemned and sought to reverse the military coup in Sierra Leone, Nigeria itself faces condemnation for a similar offense – for jailing the winner of an election and for its human rights abuses. No force is powerful enough in the sub-region to remove Nigeria's military regime and re-instate the president elect.

This reality has been with Africa for some time. Although many of its states are signatories to many

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international conventions, and the continent often shows collective willingness to combat impunity, achieving such goals in the past has been crippled by failure of individual member states to implement collective agreements. The slowness with which decisions at the regional level are implemented at the state level can be demonstrated by the initial limited response to calls for comments on the draft protocol on the establishment of a permanent Human Rights court. Only 4 of the 53 OAU member-states responded to the initial request. It is to be anticipated then that African states are likely to cooperate with an ICC only if they see it in their interest to do so. The ICC may encounter greater success in cases where there is no clear authority and sovereignty is blurred.◆

### **Financing the ICC: what can be learned from the ad hoc tribunals?** *Cesare Romano, Center on International Cooperation, New York University.*

**H**ow to ensure adequate, reliable and unfettered financing for the ICC? The options range from attaching the Court's budget to the regular UN budget (as is the case for the International Court of Justice), to having States pay for it (this option is usually divided into: parties to the court's statute pay for it; States that bring crime complaints pay; States contribute voluntarily); or even encouraging philanthropic non-State entities (NGOs, corporations, individuals etc.) to contribute. Each of these options has advantages and drawbacks, and a mix of these approaches is likely to prevail.

The challenge is to find the right mix which will allow it to attain three goals: first, endow the Court with sufficient resources to effectively carry out its work; second, to insulate it from undue political interference; third (something the supporters of the ICC tend to neglect), to avoid creating an expensive international institution that becomes an easy target for demagogues in national parliaments.

Admittedly international criminal justice is expensive. If not in absolute terms at least relative to the costs associated with the maintenance and functioning of other international courts and tribunals. Since their establishment, the budget of

the two ad hoc tribunals has continued to grow to reach in 1998 the figure of \$64 million (ITFY) and \$65 million (ICTR) respectively. The aggregate budget of the two outweighs by far that of all other international courts and tribunals grouped together (excluding the European Court of Justice). The estimated cost of the ICC is between \$10 and \$150 million a year, with the most likely scenario being between \$30-60 million.

The reason for this high cost is that unlike other jurisdictions, where plaintiffs and defendants bear the costs associated with preparing their cases, in international criminal tribunal investigations of cases and evidence-gathering, costs are born by the prosecutor's office, hence by the tribunal itself. Moreover the ICC will also invariably bear the costs, wholly or in part, of the defence of the indictees, their maintenance while in detention, protection of the witnesses etc. All these items do not exist in the case of other international courts and tribunals (with some exceptions in the case of human rights courts).

Yet, because of its permanent nature, a future ICC will likely face problems unknown to its transient predecessors. The two *ad hoc* tribunals, after a slow start, are receiving a steady, if not increasing, flow of cases. Hence, the costs of the courts and their financing will remain steady, or again increase. The level of activity of the ICC on the other hand will fluctuate more. Because of the seriousness of the crimes over which it will exercise jurisdiction and because fortunately such crimes are not committed on a daily basis, the ICC may face periods of low level activity interrupted by major conflicts. Securing funding for the ICC the financial resources to activate it when needed, without depending on the whim of politically biased financiers, and at the same time ensuring the most efficient allocation of the scarce resources available for international justice, is a major challenge. The solution might be a flexible budget tactic.

The ICC's budget will be made up of fixed and variable costs. The fixed component is, by and large, its administration (ie. the registrar, clerical personnel, judges, as well as the court infrastructure etc.). These costs have to be met whether or not there are investigations or trials going on. In most of the international courts and tribunals they represent a

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- ***endow the Court with sufficient resources to effectively carry out its work;***
  - ***insulate it from political interference;***
  - ***avoid creating an expensive international institution.***
-

large part of the budget. The variable component of the budget are those costs that depend on the number of cases pending before the court (i.e. translators, security, processing and filing of documents, investigations, fees of the defence attorneys (lawyers), witness protection etc.). The prosecutor's office typically generates the highest variable costs.

Variable costs, in the case of international criminal tribunals, are the most ponderous component of the budget. Yet, they are also the most volatile, difficult to predict, and ultimately the frailest part. For if the prosecutor cannot investigate a case the whole machinery stops or, even worse, risks becoming summary and biased. In the case of the two *ad hoc* tribunals, both components of the budget have been financed through the UN. This has created serious problems because the tribunal's budgets being approved year by year, the prosecutor's have had to face an increase in their work with the resources allocated on the basis of the previous year's docket. But what will happen in the case of the ICC? If, for instance, between 2000-2002 the court does not have cases pending, but in the year 2002 a civil war breaks out somewhere, involving charges of ethnic cleansing and genocide, will it have the resources necessary to carry out its work? If the court's budget for the year 2002-2003 was determined on the basis of its 'idle' years, the result

might be impotence. The experiences of the two *ad hoc* tribunals show this is not science-fiction.

A solution might be for the court to budget several (3-5) years ahead. This would make it less susceptible to cycles. But this would also mean setting aside a considerable quantity of money for a court that does not always work, making it vulnerable to the attack of demagogues in the world capitals. Another solution would be to separate the budget of the prosecutor's office (the heart of the machine) from the court's budget. While the latter could be financed through the orthodox channels (possibly the UN to ensure its institutional support), the former might be financed through a mix of State, UN and non-states contributions. To a certain extent, this has already happened in the case of the two *ad hoc* tribunals. In 1996-7, to face a sudden surge of activity, States have seconded personnel and advanced cash, the private sector has sent computers and forensic material, and the UN has made an extra effort to approve an expanded budget for the following year. But this took place in an *ad hoc* and controversial way. Now that States are about to go to Rome to conclude the agreement to establish the ICC, they have the opportunity to transform these early experiences into sound, consistent and, most of all, reliable practice. ♦

### **Additional information/reading:**

#### **International Review of the Red Cross No. 321, Nov.-Dec. 1997.**

This special issue contains several insightful articles on the Tribunals for the former Yugoslavia and for Rwanda, while also discussing the role of the latter in the African context.

#### **Justice for Rwanda and International Cooperation. 1997, by Stef Vandeginste, Centre for the Study of the Great Lakes region, Univ. of Antwerpen, Villa C, Middelheimlaan 1, 2020 Antwerpen, Belgium (31 pp.).**

This report for DFID considers the progress and problems in the rehabilitation of the judicial system in Rwanda, and in the ICTR. The report highlights the sensitivities of bringing justice in a post-genocide context: justice must not only be done, it must also be seen to be done, and not as a 'victor's justice'. In that sense there is reason for apprehension about arbitrary denunciations resulting from economic conflicts, the under-representation of Hutu in the judiciary, and the reluctance of the Rwanda government to investigate human rights and international humanitarian law violations by its own security forces.

#### **The International Criminal Court. Making the Right Choices. Parts 1 to 4, published by Amnesty International, London (1997-1998).**

#### **Useful Websites:**

Fondation Hironnelle: [www.hironnelle.org](http://www.hironnelle.org)  
Intermedia, [www.persoweb.francenet.fr/~intermed](http://www.persoweb.francenet.fr/~intermed)



# Aid Policy and Post-Modern Conflict: A Critical Review

*Mark Duffield, Senior Lecturer, International Development Department at the School of Public Policy, University of Birmingham, UK.*

This article seeks to capture the main lines of a discussion paper, the full text of which will be available at the end of June 1998. See below for details of how to obtain copies.

The discussion paper concerns the changing nature of aid policy; in particular, humanitarian assistance and the trend toward conflict resolution and social reconstruction in situations of ongoing political crisis. The need to examine the nature of conflict and policy implications has to be set against the changing character of modern warfare. For several decades, a clear majority of all conflicts and protracted political crises have been occurring within and across state boundaries rather than between formally constituted governments. Moreover, compared to inter-state conflicts, these so-called internal or intra-state wars are often characterised by their longevity and deep-seated nature. The exact number of wars at any one time is subject to argument and varies according to the data used (numbers killed, duration, etc.). Recent research has suggested that the predominance of internal war is a post-World War II phenomenon; indeed that it reverses the pre-war situation where inter-state conflict predominated. Moreover, the incidence of internal war is estimated to have increased five-fold since 1960 to reach about 50 in the mid 1990s. While the number of conflicts has oscillated over this period, the trend has undoubtedly been upwards. Even assuming that this has now peaked and new forms of instability are not developing (and this is a big assumption), if internal war declined at a similar rate, it would take until about 2025 to reach the levels prevalent during the 1950s.

Since the end of the Cold War, responding to internal wars and their consequences has become an issue of increasing concern. Over this period, however, there

has been an important change in approach. From the mid 1980s, relief and humanitarian expenditure grew rapidly to peak at about \$9 billion in 1994: a six-fold increase in less than a decade. Since this period, however, spending on humanitarian assistance has declined to an estimated \$3.75 billion in 1997 (Stockton, 1998). That this decline reflects a corresponding decrease in the number of people deserving of humanitarian assistance is a matter of dispute. What is more certain, however, is that the experience of Somalia and Bosnia have cautioned donor governments against ill-judged involvement in complex emergencies. At the same time, there has been a shift in emphasis towards formulating ways of preventing local conflicts developing into larger conflagrations and, at the same time, to peacefully resolve and ameliorate existing disputes. This challenge has been embraced across the spectrum of aid agencies. That is, from NGOs, independent think-tanks, intergovernmental organisations, and the UN system to donor governments.

In examining these issues, it is clear that aid policy has altered significantly within the past couple of decades. Of crucial importance has been the demise of political world movements that represented an alternative to the western liberal-democratic model of development; namely *Third Worldism* and the *Socialist Party State*. While encouraging widespread social and political change, the absence of a credible opposition to liberal democracy has also allowed a certain blurring of international agendas in the North. As a result, aid policy appears to have narrowed in breadth

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***There has been a shift in emphasis towards ... preventing local conflicts ... and ameliorating existing disputes***

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and focus. For example, current approaches to development in Africa and transition in the European East seem increasingly interchangeable. Compared to the Cold War period, aid policy is now much less concerned with the interconnections and tensions *between* states. Rather, it is the structures and relations *within* them that are its main concern. Since liberal democracy now represents the dominant model, it is perhaps understandable that such relations should be viewed in an increasingly uniform light.

Within this process of narrowing, a significant occurrence has been the blurring of security and development concerns. Aid has always played a political role. During the Cold War, however, its role was different to that of today. Security was then largely conceived in terms of antagonisms between states and was approached on the basis of military deterrence and the formation of political alliances and blocs. It was in relation to helping maintain the latter that aid was frequently employed. The demise

of alternative political systems and the increasing focus on intra-state relations, however, has changed both the meaning of security and aid's relation to it. Rather than inter-state tensions, wider security objectives are now more concerned with the regional implications for stability of such internal matters as poverty, crime, population growth, and so on. Insofar as current approaches to development cooperation also aim to address these conditions, there has been a merging of security and development concerns. Development is now widely regarded as the foundation of stability and, at the same time, stability has become the necessary basis for development. They have become complementary, interchangeable and mutually reinforcing categories.

Since the early 1990s, there has been a reinterpretation of the role of humanitarian assistance in internal conflicts. During the Cold War, relief and development were often seen as mutually exclusive under such conditions. Development aid, for example, was regarded as conferring political legitimacy and hence unsuitable in many cases. Now, however, humanitarian assistance alone is usually regarded as insufficient. While in some political crises, the resumption of normal development links might remain problematic, it is argued that humanitarian aid should not contradict or undermine the longer-term aims of development; for example, by creating dependency or fuelling wars. At the same time, aid agencies should attempt to pursue appropriate development goals as and when opportunities arise. In rejecting the mutually exclusive nature of relief and development under conflict conditions, such thinking has also contributed to a blurring of these categories. There has emerged, at least in policy terms, a form of 'developmental relief' in which the focus of assistance has shifted from supporting people to that of strengthening institutions and processes.

Such changes underpin the shift in aid policy away from humanitarian assistance towards attempting to support development in conflict situations. This is manifest in the growing interest among aid agencies in conflict resolution and social reconstruction activities – a development, moreover, that relates directly to the merging of security and development. Many conflict resolution agencies, for example, see themselves as attempting to go beyond the limitations

of humanitarian aid by directly addressing the causes of conflict. That is, through advocating sustainable development and supporting measures that encourage social and political integration and co-operation. If violent conflict can be resolved in this manner, development could proceed and assume its role as guarantor of future stability.

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***During the Cold War, relief and development were often seen as mutually exclusive ... now humanitarian assistance alone is usually regarded as insufficient.***

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The discussion paper examines the changes in aid policy in relation to their conceptual rigour and empirical validity. At the same time, it is concerned to point out the implications and consequences of this shift. The focus on internal relations, the merging of security

and development, together with the search for new co-operative arrangements to achieve a better outcome for aid now constitute a powerful and formative set of ideas. At the same time, however, this position rests on rather a narrow range of assumptions concerning the nature of conflict and society. An important concern is that solutions to violence spring directly from the assumptions themselves. As already implied, internal war is largely understood as stemming from a combination of poverty, resource competition and weak institutions. In other words, as originating in underdevelopment. At the same time, violence is thought to spread on the basis of local breakdowns in communication, misunderstandings and mutual fear. Therefore, it follows that stability can be promoted through growth and sustainable development while political violence can be eradicated with co-operative integration and education.

Because of the direct and intuitive relation between assumptions and solutions, aid policy says little about the actual nature of the emerging political formations in the South. The existing social dynamics or the real relations linking politics and the economy are seldom examined. On the contrary, one more often encounters views of the developmental or transitional condition in which what is

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***There has emerged, at least in policy terms, a form of 'developmental relief' in which the focus of assistance has shifted from supporting people to that of strengthening institutions and processes.***

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described is little more than a youthful, if often wayward, version of a liberal democratic ideal; a generational gap which the magic of development will close. At the same time, in depicting conflict as originating in underdevelopment, the significance and singularity of political violence is minimised. It appears as something abnormal or transitory that

development will eventually abolish. Consequently, aid policy has difficulty in considering internal war as symptomatic of the expansion of new and innovative forms of political economy. This weakness is especially important today when globalisation has given many transnational companies a renewed confidence in their ability to expand even in areas that are unstable. If only to eliminate the possibility, it should at least be considered that the pattern of growth currently unfolding may itself contain the seeds of continuing insecurity. Aid policy, based on the mechanical assumption that development will cure conflict, contains a strong tendency to normalise situations. Even where high levels of political violence and unpredictability continue.

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***If only to eliminate the possibility, it should at least be considered that the pattern of growth currently unfolding may itself contain the seeds of continuing insecurity.***

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The paper acknowledges that the end of the Cold War has created many new opportunities for international solidarity. The merging of security and development, for example, could be restated in terms of the 'low politics' of poverty and human rights having become the 'high politics' of governments. That such issues are now prominently on the political agenda and have entered the public domain is a welcome development. At the same time, globalisation has forged new links between international and local actors. Although strong isolationist tendencies exist, these links have helped reconfirm a collective responsibility. The attempt to develop co-operative forms of assistance and, especially, market expansion has also created new opportunities for Southern governments. For some, they promise an escape from aid dependency and a renewed development of social politics. Stability, improving life-chances and greater human freedoms, however, will not miraculously appear of their own accord. Indeed, the current period holds as many dangers as it does promises. It is in the spirit of wishing to support those opportunities that exist that this discussion paper focuses on the structure and limitations of aid policy. ♦

Copies of the discussion paper may be obtained from the Reprographics Dept, International Development Department, School of Public Policy, University of Birmingham, Birmingham, B15 2TT, UK. Tel: +44 (0)121 414 5009

# Report on the InterAgency Strategic Framework Mission to Afghanistan

*Larry Minear, co-director of the Humanitarianism and War Project at Brown University's Watson Institute.*

The UN InterAgency Mission to Afghanistan in September/October 1997 represented the first effort by the UN and its partners to put a common strategic framework (SF) into place for a particular country experiencing crisis. Under the aegis of the UN Department of Political Affairs, the 7-person mission responded to a decision by the UN's Administrative Committee on Coordination (ACC) that "the proposed strategic framework for response to, and recovery from, crisis be tested in Afghanistan and Mozambique".

In addition to the report by the team, Larry Minear, one of its members, was asked to "provide an independent perspective and critique of the Strategic Framework planning and implementation process to help ensure success in its pilot application in the case of Afghanistan and its potential applicability in other circumstances." His 11-page report, summarized here, was prepared for an eventual colloquium of agency heads, yet to be scheduled, to review the Strategic Framework Mission.

Section I identifies six issues for the attention of agency headquarters. Section II analyses the applicability of the process to other countries experiencing crises.

## 1. Strategic Framework Issues in Afghanistan

### *i. Articulating a vision of assistance to Afghanistan to guide the UN and its partners*

The SF provides a vehicle for clarifying the principles that should guide international efforts and according to which resources are mobilised and targeted.

The SF document is a first step in the elaboration of a framework to guide international activities. The document answers the recurring question, "What are the UN and its partners doing in Afghanistan?" with the answer, "Creating and protecting livelihoods."

In the time available, however, the mission did not flesh out quantifiable targets, propose a division of labour among actors, offer a strategy for dealing with the Taliban and the Alliance, or detail specific activities to create and protect livelihoods. Nor did the Mission's report suggest the extent to which conditionalities should be applied to some or all of the international resources provided.

One conclusion was that business-as-usual is not adequate. In the words of one UN official, "The fundamental problem [of international ineffectiveness in Afghanistan] is more with the United Nations than with the Taliban, and we have control over that".

#### ***ii. Increasing the synergy between the UN's political task and its support for reconciliation and recovery***

The Mission's report notes the extent to which international aid efforts in relation to Afghanistan have political ramifications. However, although it states that humanitarian activities must not be pressed into a "carrot or stick" approach, it does not explore the extent to which activities should be linked to the achievement of broader political objectives beyond those of a relief nature. It became apparent in the drafting of the report that a companion strategic framework for political activities might be needed.

#### ***iii. Improving coordination among assistance actors***

Although the Mission did not propose a blueprint for improved coordination among agencies, a consensus developed around the need for a single international assistance programme. While providing limited details about what a such a programme would entail, the report suggests implications in three areas: institutional and intergovernmental arrangements, the mix of programme interventions, and resource mobilisation and funding.

#### ***iv. Augmenting the responsiveness of international assistance***

The Mission report's emphasis on demand-driven aid placed a premium on local identification of problems faced by the Afghan people. A new, more demand- and field-driven focus would help reduce the decidedly foreign character of current activities and inputs which has put the assistance community on a collision course with the Taliban. Such a focus would require the development of better relations between field and HQ and revision of donor policy to avoid the unresponsiveness resulting from donor-imposed distinctions between relief, reconstruction and development.

#### ***v. Enhancing skills and professionalism***

Individuals are often ill-equipped to deal with problems relating to security, access, under-staffing, and demoralisation resulting from compromising principles. There is also evidence of serious lapses of professionalism. The time is ripe for incorporating into the SF process steps to upgrade the professionalism of the international effort and help inject life into an otherwise languishing learning process.

#### ***vi. Clarifying and increasing accountability***

A single international assistance programme in the field will require a review of the effectiveness of such multiple high-level coordinating structures as the Executive Committee for Peace and Security, the Executive Committee for Humanitarian Assistance, and the Executive Committee for Development Operations. The special challenges posed by countries such as Afghanistan will need to be taken into account as standards for institutional and individual accountability are increased. Donors should also be held accountable for providing more predictable and sustained levels of assistance in support of a more coherent set of activities.

The implications of these six issues are expected to be discussed by the agencies at headquarters level, perhaps at a headquarters colloquium. One illustration of how the SF might affect policy and programme concerns the issue of gender, perhaps the most high-profile and sensitive challenge to the principles and operations of the UN and wider aid community. A SF would articulate the fundamental principles of human rights and equality as the central underpinning of the UN's vision for Afghanistan. A return to first principles would reverse the approach to gender as an 'injectible' issue that currently results in an added programme component here, a violation to be tracked there, an element of conditionality to be inserted there, and so on.

## **2. Applicability of the process to other countries in crisis**

This first ever effort by the UN and its partners to put a common strategic framework into place for a country in crisis raises questions that need to be addressed before the process can be applied elsewhere. Although the jury will remain out for some time on the success or otherwise of the InterAgency Mission's consultative process and report, a number of observations may be made:

- Within the Mission’s terms of reference, confusion arose about the scope of a SF. Although the Mission took as its cue that the strategic framework should inform and be informed by the political negotiating strategy, the broader question of how the UN’s political functions in Afghanistan would themselves be orchestrated and made more accountable remained unanswered. Would they be subject to a strategic framework of their own and how would that framework relate to the proposed SF for assistance activities? The fact that the Mission, with its assistance brief, was dispatched by and reported to the Department of Political Affairs, designated by the Secretary-General as the focal point for post-conflict peace building activities, caused further confusion.
- Future SF Missions need to develop a clearer concept of peace building as it relates to their task and a common SF methodology. Work on strategic frameworks already undertaken by the OECD Development Assistance Committee and other institutions offers a potential resource.
- A number of issues emerged regarding the Mission’s size, composition, and organisation. Was a team of ten, including three persons provided by the UN Coordinator’s office for Afghanistan, the optimum size? What should be the balance among members of the team as regards technical and sectoral expertise, agency representation, and knowledge of the Afghanistan situation? Should Afghans have participated in the team, and, if so, how would they have been selected?
- Were the Mission’s activities designed to ensure optimum use of time, resources, and competencies? The main vehicles for input from local actors were the five-day strategic planning workshop, travel by mission members to Afghanistan, and discussions in Pakistan with key officials and agencies. However, the complexity of the issues, the number of international and local actors, and the political and military situation made the task more than could be successfully completed in the time allotted. Suggestions for changes include holding the workshop well in advance of the Mission’s in-country dates, or at the conclusion of its stay to test conclusions and

recommendations; and reducing the number of team members and/or extending the time allocated.

- Issues of ownership also emerged. There was some confusion about whether the Mission’s report was a draft to be revised by actors in the field, or whether it represented a finished product which would be viewed as completed at the headquarters level. In effect, both were the case. That is, the Mission carried out an exercise on behalf of local actors which they had neither the time, dispassion, or resources to conduct on their own. At the same time, the report that is later reviewed by headquarters will not represent the latest reflection on the issues.

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***Although the Mission took as its cue that the strategic framework should inform and be informed by the political negotiating strategy, the broader question of how the UN’s political functions in Afghanistan would themselves be orchestrated and made more accountable remained unanswered.***

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## Conclusions

The SF in Afghanistan had strengths and weaknesses which need review before other such missions are mounted. Issues of cost and cost-effectiveness need further study, as do trade-offs between an

inclusive approach to team membership and efficiency. The time allowed for the team to organise itself and implement its activities proved far too limited. Local inputs could and should have been included more fully in Mission activities.

Yet the InterAgency Mission made a constructive contribution to the process of negotiating a strategic framework to increase the effectiveness of UN and related activities in Afghanistan. The report that emerged may not meet governments’ request for “principles and criteria for assistance” or for a “very clear document with down-to-earth recommendations.” However, it does represent a beginning upon which discussions in the field and at headquarters may now build. At stake is the successful fashioning of more effective ways of addressing the myriad and interconnected challenges of peace and reconstruction.

The full text is available on the website of the Humanitarianism and War Project, at [www.brown.edu/Departments/Watson\\_Institute/H\\_W](http://www.brown.edu/Departments/Watson_Institute/H_W)

## RRN Questionnaire

Many thanks to all of you who took the trouble to complete and return your questionnaire. Initial results can be found on page 43. Which Network Paper has proved the most popular? Which issues within the humanitarian debate would you like the RRN to consider? Where do we go from here?

If you did not get round to returning your questionnaire, or if you have any thoughts or suggestions for papers that you would like to share, we are open to constructive criticism and comment. Please address your letters to the RRN Coordinator here at the Overseas Development Institute, Portland House, Stag Place, London, United Kingdom, SW1E 5DP.

# What's new?

On 3rd April 1998, the RRN Advisory Group met for the third time in this, the second phase of the RRN...

## The RRN Advisory Group

Members of the Group are drawn from a range of backgrounds, representing the RRN's five donor organisations:- Anders Ladekarl of the Danish Refugee Council (for DANIDA), Philomena Murnaghan of the Department of Foreign Affairs (Ireland), Natalia Langlais from the Department for International Development (UK) and, although unable to attend on this occasion, Eva Asplund from SIDA (Sweden) and Sean Greenaway, ECHO; and the wider aid community: including Susan Purdin, Project Manager of the Sphere Project, Chris Cushing from the UN Staff Training College in Turin, Maureen Connelly, UNHCR NGO Coordinator, Roy Williams of OFDA, Lucie Blok from MSF-Holland, Pierre Perrin of the ICRC and Angela Raven Roberts from UNICEF NY.

...This six monthly meeting reviews progress to date in terms of content, coverage and dissemination of RRN publications and considers topics and mechanisms to consolidate our efforts. There was strong consensus amongst members of the Group that our core objective – that of promoting learning, and our principal activities – commissioning and disseminating high quality publications for a field-based audience – remain valid and should continue to form the focus of our work over the next couple of years. In particular, the group emphasised the important role of the RRN in identifying and communicating new and emerging issues within the humanitarian field – it is felt that the RRN is in a strong position to contribute to 'setting the agenda' in this way. In tandem with this aspect of its work, the importance of continued emphasis on reaching a field-based audience was highlighted to ensure that this group, which often experiences the most

difficulty in accessing current debates and practical information, can become and remain an active part of the policy making 'loop'.

Recommendations for the further development of contact with the regions include the exploration of possible partnerships with locally-based organisations in West and East and Central Africa. Such links would eventually replace the current Regional Representatives, offering the possibility of a longer term collaboration and more permanent links on which to build in the region. Efforts to develop such relations will be undertaken informally during the coming year, together with the initiation of discussions with the France-based Groupe Urgence Réhabilitation Développement and a still to be confirmed Spanish network, to improve our reach amongst French and Spanish organisations engaged in humanitarian or human rights work and encourage a broader range of inputs.

## Membership Details

*Have you recently changed post?  
Working on a new project?  
Moved from headquarters to the field? Or from the field to headquarters?  
Keep us informed of your situation so that we may continue to tailor our work to meet your needs.*

**NOT A MEMBER OF THE RRN  
BUT WOULD LIKE TO JOIN?  
see centre pages for details...**

**Have you visited the RRN website?  
[www.oneworld.org.uk/odi/rrn/](http://www.oneworld.org.uk/odi/rrn/)**

# Abstracts

...of papers published & disseminated to full RRN members together with this issue of the RRN Newsletter – or now available for purchase to non-members – see centre pages for details.

## **RRN Network Paper 25**

ISBN: 0-85003-387-X

### **‘Humanitarian action in protracted crises: the new relief ‘agenda’ and its limits’**

by *Dylan Hendrickson*

This paper offers a synthesis of ideas debated at a one day seminar examining international responses to humanitarian tragedies. With many regions of the world today caught up in a state of protracted crisis, questions are increasingly being asked about the international community’s commitment to respond to acute human suffering wherever it occurs and to address its underlying causes.

This assault on humanitarian values can be understood in terms of a growing disengagement by rich countries from crisis regions and the belief that saving lives can no longer be the sole justification for international interventions. On the ground, this has manifested itself in declining levels of relief assistance and the manipulation of aid by donor governments in support of strategic and geo-political objectives.

The new relief ‘agenda’ identified in various countries today has emerged on the back of a claim that at best relief aid does not contribute to solutions and at worst may fuel conflict. In response to such assertions, new ‘developmentalist’ models of relief are being implemented today which posit a quick return to ‘peaceful’ development. In some cases, it is argued, these are simply a cover for reductions in relief assistance. In a context of continuing violence, and with the additional resources needed to bring about genuine ‘development’ not forthcoming, populations are left in a situation of extreme vulnerability.

The paper suggests that the shortcomings of current responses to crisis by the international community stem from a failure to recognise key features of the new environment in which aid is being delivered today. The ‘internal’ analysis of conflicts and the search for ‘local’ solutions tend to disregard the systemic and protracted nature of current armed conflicts. The gravity of the protracted crises in many countries today suggests that governments need to engage more actively and genuinely with the underlying causes. The humanitarian community itself has a key role to play in bringing about this political response.

## **RRN Network Paper 26**

ISBN: 0-85003-072-2

### **‘The Food Economy Approach: a framework for understanding rural livelihoods’**

by *Tanya Boudreau*

This paper describes Save the Children Fund-UK’s Food Economy Approach to analysing household food security, adopted by the organisation in the early 1990s. The paper details the way in which the access of individual households to food, both in ‘normal’ and ‘bad’ years, is identified and quantified. The paper examines the conceptual background to the model, asking “what is the food economy approach?”, “what is it used for?”, “how does it work?” and “who does what?”. It goes on to detail the development of the ‘baseline picture’, – how different families in a particular food economy area normally obtain food and non-food income. Information gathering, quantification and calculation methodologies are discussed with the aid of pie-charts and tables. Three case studies examine the application of the approach in southern Sudan, northern Kenya and Rwanda.

The paper highlights some of the difficulties that SCF-UK have faced in implementing the approach for example the difficulty in defining a ‘normal’ year; the reliability and quality of data sources; and the need for intellectual, highly trained and motivated staff.

In the debate surrounding the Food Economy Approach, this paper provides a starting point. For the food security specialist, there are issues that may require further discussion and on which the debate will undoubtedly continue. However, it is hoped that a clear description of the workings of the model, accompanied by case studies examining the ways in which the approach has been used, will provide a solid background to further exploration of food security analysis.

# News

## Towards a stronger and more focused Norwegian human rights policy?

In October 1997, the newly elected Norwegian coalition government (of Christian Democrats, Liberals, and the Centre Party) appointed Ms. Hilde Frafjord Johnson as Minister of International Development and Human Rights; the first special Minister for Human Rights in the world. This change led to some adjustments within the Ministry of Foreign Affairs. What do they mean in terms of the role and importance of human rights in Norwegian aid and foreign policy? What were the motives behind these changes? Can we expect a stronger, more focused, indeed more uncompromising human rights policy on the part of the Norwegian government, or are the changes merely cosmetic?

The new minister is subordinate to the Minister of Foreign Affairs, within the same ministry. The post replaces that of the former Minister of Development Co-operation but the portfolio comprises more than just bilateral and multilateral aid. Responsibility for human rights issues and humanitarian assistance has been transferred and added to aid in general. It previously rested on the Minister of Foreign Affairs. Now, human rights and humanitarian assistance have been united in a subsection under the new minister.

The appointment of a special Minister of Human Rights suggests that the new government intends to accord higher priority to human rights issues. This has been confirmed by the Prime Minister. The broader definition of the ministerial portfolio also implies a strengthening of the position of the erstwhile aid minister, whose prestige was low. With its limited area of responsibility, the minister was often characterised as 'stinking rich, but politically irrelevant'. This appears to have changed, since there was even competition for the new post among the coalition partners!

It is particularly peace negotiation, humanitarian assistance, and conflict resolution that have given Norway some international prestige. Conservative political commentators, however, basing their

judgement on a rather narrow definition of foreign policy, have been highly critical of the Norwegian high profile on humanitarian issues, arguing that traditional foreign policy concerns have been neglected. These critics may welcome the recent change because it will leave the Ministry of Foreign Affairs proper to concentrate on the 'real' issues. At the same time, human rights activists are satisfied that more prestige has been added to human rights. In sum then, are the changes welcomed in all quarters? Hardly. Transferring responsibility for the very sensitive and difficult area of human rights from the Minister of Foreign Affairs to a 'junior' minister, may be construed as a degradation of human rights issues, even if this was not the intention. Acquiring a stronger position for handling high profile issues, is not likely to compensate for the reality of what is a junior position in the Ministry of Foreign Affairs.

For human rights there are obvious dangers. When the Minister of Foreign Affairs is relieved of responsibility for human rights, it may reinforce the predominance of hard foreign policy issues, such as the interests of Norwegian foreign trade and investment, and correspondingly weaken the case of soft issues such as human rights. Even though the new centrist government has issued fairly strong statements that such developments are not intended, this may become an unintended consequence.

What were the motives behind the changes? There is no reason to question the government's intentions and seek hidden agendas or sinister motives behind the move. The new government has in fact increased both capacity and competence on these issues within the Ministry of Foreign Affairs, and development co-operation and human rights have always been matters very close to the heart of the Christian Democrats, who are the dominant partner in the coalition. This party holds the position of Prime Minister, as well as those of the Minister of Foreign Affairs and the Minister of International Development and Human Rights. The Christian Democrats are thus in a strong position to influence the coalition's foreign policy.

An often stylised and oversimplified discourse within the study of foreign policy centres on whether foreign policy is driven by idealism or self-interest. Of course, in all countries there are elements of both. It is rather a question of scale, emphasis and degree. It is often claimed and rarely disputed, that like-minded



countries pursue a foreign policy driven more by idealism and humanitarianism than bigger countries such as the US and Britain, whose security and commercial interests have been more dominant. Can the recent changes within the Norwegian Foreign Ministry be interpreted as a move by the new government towards even greater emphasis on idealism in foreign policy? Or are the so-called like-minded countries in 1990s also increasing their commercial interests in developing countries, to the extent that they will be confronted with the same dilemmas as the bigger powers? It has been suggested that the policy of the new government might indicate a shift towards a firmer policy in favour of humanitarian efforts, in contrast to that of the former Labour government's, which was based on a more pragmatic mix of humanitarianism and national self-interests.

It was the previous Labour government, which gave content to the so-called 'Norwegian model'. This model is based on the view that in the pursuit of Norwegian interests, idealism and self-interests can go hand in hand, in contrast to bigger donors which are confronted with too many conflicting interests, which a small state like Norway is free of. The former Deputy Foreign Minister, Jan Egeland, who personally played a prominent role in peace-making and conflict management in the previous government, has elaborated this view in his book "Impotent Superpower - Potent Small State", written years before he entered the Ministry of Foreign Affairs. The argument is that for a small state humanitarian commitment will function as a tool to unite self-interest and idealism. An ethical foreign policy stance is seen as a vehicle for giving Norway influence in more important international forums. The main difference between the former Labour government and the current coalition, might be that the latter admits that there might be a conflict between a country's self-interest and its humanitarian goals. In Ms. Frafjord's statement to the Norwegian parliament in January this year she stated her government's priority: "we must be prepared to pay a price for our policy, in both economic and political terms. In certain situations our giving priority to human rights may have a cost in the form of lost opportunity for Norwegian firms". Immediately before visiting China last year, the Norwegian Minister of Foreign Affairs, to be accompanied by a group of prominent representatives of the Norwegian business community, stated unequivocally that human rights concerns would take precedence over trade and business interests. After arriving in China he was no longer so sure.

This may be a sophisticated form of the art of silent diplomacy, or perhaps it is what silent diplomacy is all about. It does not seem like a change towards a more principled stand on these issues. It is more likely an acknowledgement of the truism that idealism and self-interests are not always compatible after all. When economic interests are at stake they always come first. But since the new government has been in operation for just a few months, drawing firm conclusions is premature.◆

## People in Aid

The People in Aid Code of Best Practice in the Management and Support of Aid Personnel was published in February 1997: eleven NGOs have since begun a three-year pilot implementation process.

The pilot group comprises disaster and development NGOs with headquarters in Britain and Ireland. Pilot agencies include the British Red Cross, CONCERN, Oxfam, Save the Children and Tear Fund. Their work, and that of others working to Code principles, is acknowledged by DFID, UK, which routinely requires applicants for emergency funding to state whether they apply Code principles to their field programme management.

Three workshops were held in 1997-98: Starting Points, with staff of the Institute of Development Policy Management (IDPM), Manchester; Health, Safety and Field Personnel with Inter-Health and travel health lecturer, Karen Howell; and Auditing the People in Aid Code with the New Economics Foundation. People in Aid is now adapting the principles and methodology of Social and Ethical Accounting, Auditing and Reporting (SEAAR), or social audit, to enable pilot agencies to monitor and improve their performance against Code indicators.

Interest in the Code goes beyond the work of UK- and Irish-based agencies. European NGOs at a conference in Dublin last year acknowledged its relevance for their work. ECHO's forthcoming paper on personnel security is expected to endorse the Code's potential for the protection of field staff. The European Partnership of Relief Organisations has advocated its use by NGOs partnering UN agencies. DFID now has funded translation and wider dissemination of the Code which will shortly be reprinted in English, French and Spanish.

For further details on the People in Aid Code of Best Practice in the Management and Support of Aid Personnel, please contact Sara Davidson at C/o BRCS, 9 Grosvenor Crescent, London, SW1X 7EJ, UK. Tel/Fax: +44 (0)171 235 0895

## CHAD replaces EMAD

### DFID announces new 'Conflict and Humanitarian Affairs Department'

Over the past 2-3 years a number of significant changes have been made to DFID's humanitarian policies and procedures and organisational structures, gathering pace in the period since the publication in November 1997 of the first White Paper on International Development for more than 20 years. Whilst recent policy directions are discussed in more detail in the Conferences section (page 33), some of the principal organisational and procedural changes are highlighted here.

As part of a general trend towards decentralised management within the overall Aid Programme, an important organisational change implemented over the past 2-3 years has been the 'decentralisation' or redeployment of responsibilities for the management of the provision of humanitarian assistance in response to slow-onset disasters and complex political emergencies in countries where the UK has existing bilateral aid (development) programmes. Essentially, responsibilities have been moved from the Emergency Aid Department (EMAD) to the relevant Geographical Departments or Development Division or country-based Aid Management Offices. In these cases EMAD's role become one of providing advisory support. Management of the response to sudden-onset disasters remained with EMAD as did responsibility for slow-onset and complex political emergencies in countries which did not already have bilateral aid programmes (Afghanistan and Liberia).

Another important procedural change has been the introduction of Humanitarian Assistance Guidelines which specify the procedures and formats for project proposals and the monitoring and reporting requirements for approved projects. Developed in consultation with traditional NGO partners, the Guidelines became mandatory for all NGO applications in May 1997. An important innovation was the requirement that Logical Frameworks be prepared for all projects requesting over £100,000. Gradually other humanitarian organisations and agencies receiving DFID funding (eg. ICRC, IFRC, UNICEF etc.) are being encouraged to submit proposals in accordance with the Guidelines.

A further development was the recent (April 1998) relaunch of EMAD as the Conflict and Humanitarian Affairs Department (CHAD), based within DFID's International Division and the appointment of a new Head of Department. ♦

"CHAD's purpose is to make an effective contribution to DFID's overall aim to eliminate poverty, by working globally to help reduce the incidence and impact of violent conflicts, man-made and natural disasters through promoting cost-effective preparedness, response, mitigation and recovery measures via partnerships which create sustainable improvements in international systems for conflict prevention, migration management and humanitarian assistance"....(DFID, April 1998).

The Department will monitor and provide advice and support on a range of issues including initiatives on: conflict prevention, peace-building, forced migration, human rights, preparedness and contingency planning, role of the military, international systems policy in relation to these areas with direct responsibility for core funding, performance review and representation with respect to UNHCR, IFRC, IFRC, IOM, OHCHR, OCHA, DPKO, DPA and advise on conflict work of WFP, UNICEF, UNESCO, WHO, ILO; liaise with other government departments and conflict departments of other governments, NGOs and academic groups, provide back-up to DFID regional departments on humanitarian response operations and directly manage operations where responsibility falls directly to CHAD where bilateral programmes do not exist e.g. North Korea, Afghanistan."

## Code of Conduct on Arms Exports

On May 20th, Amnesty International, Oxfam, Saferworld, BASIC, Christian Aid, the World Development Movement and hundreds of partner organisations across Europe, held a Day of Action to urge EU governments to agree on a tough, effective Code of Conduct on arms exports. The action came on the eve of further talks by EU ministers on the content of a proposed Code. NGOs believe the initiative is vital, but are concerned that the current proposal falls short of its stated objective of "setting high common standards governing arms exports".

EU countries account for 40% of the world arms market and questionable deals have always been justified by the tired argument "if we don't sell, someone else will". European weapons are being

exported to regions of conflict, repressive regimes and human rights abusers. Many go to developing countries that spend more of their scant resources on defence than on health and education. Effective international controls, therefore, are long overdue.

The Code of Conduct, which will be launched at the end of the UK Presidency of the EU in June, is a positive step towards controlling arms exports but the agreement will need strengthening and reviewing over the coming months if it is to have a real impact.

For information on Saferworld, an independent research group promoting practical steps to help prevent armed conflict, the Code of Conduct, or other arms trade issues, contact: Megan Ciotti, Media Officer, Saferworld, 3rd Floor, 34 Alfred Place, London, WC1E 7DP, UK.

## Stoking fires with arms in Burundi

*Burundi is an example of how the unchecked and unrestricted proliferation of small arms amplifies and may engender patterns of gross human rights violations. The civil war is being fuelled by arms flowing steadily through extensive networks that deliver weapons from production line to front line. During 1995-96 Human Rights Watch (HRW) investigated these networks collecting eyewitness accounts – sometimes becoming an eyewitness itself.*

### The far-flung suppliers

HRW was able to document the supply of weapons by traffickers from former Warsaw Pact states to Burundi directly or through operators based in Ostend, Belgium.

Ostend therefore looms large in HRW research with, for example, the port of Dar es Salaam in Tanzania, and rail routes in and out of South Africa. A close look at these corridors has allowed the identification not only of private networks and free-lance operators, but also specific government responsibilities. The Russian Federation, China, North Korea, the US and France have provided direct military assistance or training to Burundi at a time in which the serious human rights situation in the country should have given them pause. The US and France claim that their assistance stopped in 1996. Rwanda, Tanzania and the former Zaire have allowed rebels to establish bases in their countries, and together with Angola, Kenya, South Africa and Uganda allowed their territories to be used as trans-shipment points.

### Odd travel companions: arms and relief goods

HRWs recent report shows that at least 13 covert shipments of weapons (3 of which were in violation of regional or international arms embargoes) by China were delivered to Dar es Salaam. The Chinese operators tried to conceal the shipments by mislabelling final destinations and disguising the weapons under various rubrics. “Farm implements” concealed a shipment of 152 tons of Chinese weapons delivered to Dar es Salaam destined for Burundi in 1995. That shipment also illustrates how cargoes that serve opposite purposes may end up as strange bedfellows. The weapons were loaded on the vessel ‘Shun Yi’ which was also partially chartered by the World Food Programme to carry humanitarian supplies for refugees in Central Africa. After the weapons were discovered in Dar es Salaam, government authorities prevented the cargo, including WFP’s humanitarian supplies, from being off-loaded, delaying the delivery of food aid for several months. In another case an aircraft, the ‘ELAJO’, belonging to a Belgium-based company, was impounded in August 1996, by local authorities in Goma, Zaire, after it was found to be carrying items of military clothing, destined for Entebbe, Uganda. This was carried alongside relief goods belonging to UNHCR and NGOs CARE (Australia) and Oxfam (UK). Oxfam then exposed the company’s activities. The ‘ELAJO’ had also been involved in arms deliveries to the Rwandan former military forces and militia in Zaire, and to Burundian government forces.

Although WFP and other humanitarian agencies have set up safeguards to prevent similar occurrences, the difficulty of verifying what ‘travel companions’ share carriers with humanitarian cargoes continues to offer opportunities to traffickers. HRW recommends that humanitarian agencies strictly enforce these safeguards and abjure the use of cargo operators known to carry military material. Even if the inclusion of goods on a vessel that is also carrying military equipment does not necessarily provide the latter with a humanitarian cover, it can be perceived to be so. As a result, the humanitarian effort and its staff may come under threat. It is also recommended that lists of contract violators be made public.

### A climate of impunity?

The suppliers’ activities have grown more varied and their list of clients longer. Some of the same operators who, out of Ostend, served the Rwandan combatants and were exposed by HRW in 1995, later also catered to the Burundian belligerents, as did a South African

company. Similarly, a group of traffickers who in 1994 were found by the HRW investigator, to supply arms and equipment to Renamo rebels in Mozambique, was later discovered by her to be conducting business with Burundian Tutsi militia.

Crossing borders with extreme ease, the arms traffickers have truly multinational networks and pipelines. The Ostend operators, for example, reside in Belgium, collect their cargo from eastern European suppliers and deliver to clients across the world. The Chinese deals referred to were carried out mostly under the aegis of a wholly modern Sino-Tanzanian joint venture, with Tanzanian and Ugandan military forces escorting the goods to their destination.

### **A vicious circle**

International neglect of arms trafficking and its connection with human rights violations is due in part to the failure to understand the impact of even a small supply of arms in regions such as the Great Lakes. It is also due to the reluctance of states to interfere with profitable business. But arms trafficking and abuses are perversely interlinked. Unchecked weapons supplies provide the tools of abuses. In turn, the sense of insecurity engendered by such abuses fuels a fresh demand for arms – this vicious circle continues generation after generation.

### **Some good news?**

In December 1997 the European Parliament passed a resolution condemning arms flows to Burundi and echoing the principal recommendations of the HRW report. These include an international arms embargo against both sides in the conflict; the deployment at key airstrips and crossing points of UN or OAU military observers with the technical expertise to report on weapons' flows; the implementation of transparency mechanisms to help track sales and acquisitions of weapons; and the reactivation of the UN International Commission of Inquiry (UNICOI)

on arms trafficking in the Great Lakes, and the extension of its mandate to include Burundi. In April 1998 the Security Council reactivated UNICOI but did not extend its mandate to Burundi. NGOs are pressing to have this dangerous omission rectified.

The public exposure of the role of Ostend in the HRW report, prompted a debate in the Belgian parliament and a proposal for reform of national legislation in the Senate. The new legislation would forbid brokers and facilitators from transferring arms in contravention of Belgian national law, even if the arms in question do not pass through Belgian territory. In addition the Minister of Defence has proposed to use military experts to help trace illegally-transacted arms and spare parts. The Ministry of Cooperation and Development will host a major conference on light weapons proliferation in October 1998.

Much more needs to be done to change the climate of impunity into one of accountability. Domestic and international arms-trade controls need to be tightened. Transparency, through binding codes of conduct on arms transfers and registers for light and small weapons (RRN Newsletter 8 and news item on page 18 of this issue), should become a matter of urgency both at national and international levels. Most of all, existing laws need enforcing. With chameleon-like tactics, the traffickers have learned how to go about their business. The international community should too, and halt them.

A fuller report 'Stoking the Fires: Military assistance and arms trafficking in Burundi, is available from HRW. A website [www.prepcom.org](http://www.prepcom.org) brings together development, relief, human rights and public health NGOs to exchange information on small weapons proliferation. Contact Prep Com staff at [email@prepcom.org](mailto:email@prepcom.org) or Monterey Institute of International Studies, USA Tel: +1 (408) 647 6676

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**During the second half of 1998, as part of an ongoing process of evaluation, the RRN will be carrying out a brief study into the 'life-cycle of a Network', with a particular focus on Networks operating in the field of humanitarian assistance and on conflict-related issues such as peace-building and human rights.**

**Do you or does your organisation form part of a humanitarian issues or conflict-related Network with an information exchange or meetings focus, for example VOICE, CODEP, the Emergency Nutrition Network, European Platform on Conflict Prevention and Transformation or other local, national, regional or international groupings? If yes, we would be grateful to receive brief information, for example: principal aims and objectives; number/type of membership; if issue based - the particular subject area(s) of focus; whether essentially information exchange and dissemination or meetings-oriented; and/or their contact details.**

**Please send any information to Laura Gibbons, RRN Coordinator.**

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# Regional focus...

## DEMOCRATIC REPUBLIC OF CONGO

### One year after the ADFL

One year after the Alliance of Forces for the Democratic Liberation of the Congo overthrew the regime of Mobutu Sese Seko, there is little sign that foreign donors or the private sector are about to make the investments necessary to help the government restore the national economy. Roads, rail, river transport, telecommunications, water and power supply systems are all in need of major rehabilitation. Were progress to be made with the infrastructure, food security, trade, administration, health services and private sector investment would all benefit immeasurably.

Both the government and the 'international community' bear a share of responsibility for the slow start. Battered by its failures in the Great Lakes, the UN system is in disarray and short of funds. At the moment when it needs to convince the government of its good faith and ability to help, it has been distracted by controversy over UNHCR's role in dealing with Rwandan refugees, a suspect communication from UNICEF's Goma office to Kenya and human rights issues in the Congo. The UN Secretary General's withdrawal of the human rights inquiry team was an indication both of the UN's weakness but also of the irritation felt by the government of the Congo at its methods: the team had started at Mbandaka, a place through which the ADFL had not passed en route to the capital, and then proceeded to North Kivu, where it can reasonably be argued that the Government of Rwanda should be as much a subject of investigation as the new government of the Congo. At the same time, the closure by the government of AZADHO, the Association Zairoise des Droits de l'Homme, the internal exile of Etienne Tshisekedi and periodic harassment of journalists confirmed foreign nervousness over Kabila's attitude to free speech and opposition in the run-up to the elections he says he will hold next year.

International NGOs are unsure of where they stand when the government publicly refuses to accept donor assistance via foreign NGOs. They, like the UN, are bruised by the experience of the Rwanda genocide and the disaster of the camps in Zaire and Tanzania. The experiences of Rwanda, Burundi and the Kivus have

also coloured the perceptions of the local authorities as regards foreign aid, human rights and humanitarian endeavour. The co-existence on the eastern borders of victims and perpetrators of genocide remains an unsolved problem. A side effect has been to distract attention from the liberation of 45 million Congolese from the bankruptcy and corruption of the Mobutu years. Mobutu's neglect paradoxically gave birth to many Congolese NGOs which, together with the churches, were responsible for what health and education was available to the population during the Mobutu years. These manifestations of civil society should encourage foreign partners, but few have yet had much support.

Kabila has snubbed such emissaries as Jesse Jackson (from President Clinton), Sadako Ogata (UNHCR) and Carol Bellamy (UNICEF). He has tried, understandably, to repudiate the \$13 billion foreign debt amassed under Mobutu, although it now looks as if a face-saving payment of \$5 million per month might enable the government to continue relations with the Bretton Woods institutions. His attitude is undoubtedly influenced by the success of his neighbour Yoweri Museveni in seizing power in Uganda and building a no-party state. The difference is that Museveni took pains over ten years to make the NRM a credible mass movement, whereas the ADFL is an alliance which came to power so fast it had little opportunity to build on popular support for the removal of Mobutu and his methods. Of its four founding members, one is President, one is dead in still unexplained circumstances, one is in detention and the other works in the President's office.

As for the private sector, mining companies find it difficult to be sure of their potential investments when the national archives of mining concessions and records of agreements are in complete disarray. Yet the potential for mining companies to generate resources for the government represents the one alternative to the embrace of the World Bank and the IMF. Pragmatists recognise that, whilst the private sector may have the capacity to rebuild the national economy, this will not happen until more confidence-building measures have been taken by government, donors and aid organisations.

It is true that public security has improved since the defeat of Mobutu's forces, the currency is stable and there is no alternative government in sight, but the authoritarian tendencies of an inexperienced government are much in evidence. The instability of the Kivus and

the efforts of exiled supporters of Mobutu to destabilise the government will feed such tendencies for the foreseeable future, as will the slow progress in re-starting the economy. It is also hard to see how the President's undertaking to hold elections next year can be kept without a massive investment in road repair and communications. This does not seem likely and the blame for it has to be attributed partly to a lack of engagement between the government and donors. They, with the aid organisations who implement projects, have a long way to go before they can alleviate the clouds of suspicion and misunderstanding under which they currently operate. Thus the UN is short of credibility, money and competence for the task in hand; the US has restricted its efforts so far to small-scale projects through OTI, the Office of Transition Initiatives; and the EU is only supporting health and road repair on a limited scale. What might help is an imaginative gesture from a major donor to complete the missing section of the road from Goma and Bukavu to Kisangani for example, or to rehabilitate the railway system in Katanga. Neither of these would require enormous amounts of money, but they would generate some of the goodwill and confidence now needed if the Congo is to realise even a small part of its potential. ♦

## WESTERN SAHARA

The referendum announced by the UN for 7 December 1998 after 22 years of Moroccan occupation should finally decide whether the Western Sahara will become independent. If it remains under Moroccan rule, would the guerrilla insurgency sustained for 15 years by refugees driven into the Algerian Sahara begin again?

The country is 81% desert with only 19% judged able to support livestock, but the Moroccans were attracted by the world's largest deposits of phosphate (used in fertilisers) just south of the capital L'Ayoun. Added to their own substantial deposits, this gives Morocco a dominant position in the world market.

In 1973 the Frente Popular para la Liberación del Saguíet-el Hamra y del Río del Oro (Polisario) was founded to liberate the Saharawi Arab African people from Spanish colonial rule. Three years later the Spaniards pulled out and Morocco moved in. Bitter fighting between the 5,000 soldiers of the Polisario and the 65,000 Moroccan forces forced 100,000 Saharawi to flee on foot to Algeria, where they were allowed to settle in the barren desert near Tindouf.

During the Cold War the Polisario were unpopular with the West because their main supporters were leftist

regimes such as Algeria, Cuba and Libya. A Sahara Arab Democratic Republic was proclaimed in 1976, was recognised by the OAU and by 72 states throughout the world. Morocco on the other hand was a major ally of the West. To consolidate their control, the Moroccans moved in more than 300,000 settlers and stationed some 160,000 troops in Western Sahara. The successes of the Polisario in the 1980s forced them to build a wall of sand, razor-wire and mines over 1,600 kms. long, from north to south, enclosing two-thirds of the country.

A ceasefire and referendum were brokered in 1991 but the UN under Perez de Cuellar and Boutros-Ghali (a long time friend of King Hassan of Morocco from his days as Egyptian foreign minister) has subsequently come under criticism for failing to insist that the referendum be held without delay, while Morocco was using tax incentives and subsidies to persuade tens of thousands of its citizens to move into Western Sahara.

Delays have recently been due to disputes over who would have the right to vote: for the Polisario the vote should be limited primarily to the 73,000 people listed in the 1974 Spanish census and their immediate families. The Moroccans claim that 65,000 members of tribes omitted from the Spanish census should be included.

The situation has changed since Kofi Annan took over as UN Secretary General, and recruited former US Secretary of State James Baker to mediate. Morocco's present willingness to compromise may be due to a recognition that the war has imposed an intolerable strain on its economy, and that the patience of the West has been stretched to breaking point. In November 1997 Annan proposed a new timetable which the UN Security Council accepted: under which the final list of voters will be published on 26 July, repatriation of the Saharawi refugees from Algeria will take place August-November and the referendum will be held on 7 December.

The Saharawi refugees were recently estimated to number 168,000 of whom 20,000 or more are in the Polisario army and 10,000 studying in friendly countries such as Algeria, Libya, Cuba and Spain. This would leave about 138,000 in the four sub-camps and three school campuses close to the Algerian town of Tindouf. Other sources claim that the total may be below, perhaps half, the figure quoted, and that up to 30,000 of the camp residents may in fact be nationals of other countries, particularly Mali and Mauritania.

Various observer reports indicate that the camps are models of efficient local government, whose achievements in health and education alone are remarkable given such a hostile environment. The Saharawis may be dependent on aid, and will remain so until they are able to return home. But they require no help at all in the administration of their scant resources.

The Saharawis could well claim to be the most educated people in Africa: the literacy rate is around 90% and the proportion of people in higher education verges on Western levels. This is astonishing considering that at the time the Spanish left only 22 years ago, the Saharawis were among the continent's least-educated people.

The Saharawis hope soon to take control of their own government. They will then continue to need massive support from the international community, with a minimum of interference, if they are to maintain the impressive advances they have made in self-government at the local level, in education and in particular the role of women in the running of their community life.◆

For more information: Western Sahara Campaign Newsletters, Oxford Chambers, Oxford Place, Leeds, UK, LS1 3AX.

## AFGHANISTAN

The key question at the present juncture is when, and on what scale, the usual Spring offensives will take place in Afghanistan. Peace talks were held between the Taliban and representatives of the northern alliance at the end of April, under the auspices of the UN and the Organisation of the Islamic Conference, but these broke up without a formal agreement in spite of an apparent understanding at one point in the talks that a Council of Ulema (Islamic scholars) would be formed to take forward the peace process and that neither side would object to the Ulema nominated by the other.

If the Taliban choose to launch new offensives, much will depend on their ability to recruit fighters and secure outside backing. Indications show that young people in Afghanistan are increasingly unwilling to martyr themselves for the Taliban cause and that their parents also share this ambivalence. This is seen in the growing number of young people who have fled to Iran to escape conscription and reports of tribal leaders demonstrating their antipathy to Taliban controls.

The Taliban must take this apparent weakening of their support base seriously. They also have to look to the refugee camps in Pakistan and to young Pakistanis trained in the madrasahs of particular Islamic parties such as Jamiat al-Ulema al-Islami for their recruits, but it is not clear whether the Taliban will be able to draw on the same degree of support from the various elements within Pakistan which are rumoured to have provided backing on earlier occasions. With Pakistan, Iran and Saudi Arabia demonstrating the beginnings of a rapprochement, it is possible that the level of support provided to parties to the Afghan conflict may dwindle.

However, we are not yet in a situation where the parties and their backers have reached the point which is necessary for any conflict to end, where all are convinced that they cannot win and that their best interests would be served by a peace deal. On the contrary, the disunity within the northern alliance, manifested in ongoing clashes between the forces of His-e-Wahdat, Dostam and Jamiat for control of Mazar, gives the Taliban every hope that the north is ripe for capture.

On the other hand, recent rumours suggest that the northern alliance are planning serious offensives within the eastern provinces of Laghman, Kunar and Nangarhar and, if successful, these could affect not only the hold of the Taliban on Kabul but also the access which the Taliban currently enjoy to the opium production of Nangarhar and to the timber of Kunar. However, the Taliban would still be left with the considerable benefits to be derived from the smuggling, transit and opium trades in the south. Their ability to wage war would not, therefore, be much diminished.

With popular support for the Taliban appearing to wane, the value of humanitarian assistance as a means of maintaining this support takes on, perhaps, a greater importance. However, the Taliban have shown relative indifference to the continuing existence of aid and the relationships with UN agencies, NGOs and donor governments are characterised more by a clash of value systems than by an assessment of the best way of meeting the population's needs.

The hopes felt by many agencies after the Taliban capture of Kabul in September 1996 that, through dialogue, it would be possible to negotiate improvements in female access to education, employment and health care have not been realised. Instead, agencies have encountered a high level of inconsistency in their dealings with the Taliban, with apparent agreement by one element within the Taliban being undermined by others within the movement. Statements by senior government officials and the UN system insisting on Taliban adherence to the UN conventions, have met with assertions by the Taliban that their policies are true to Shari'a Law and that UN Conventions only represent western values.

The Taliban have also sought to exercise an increasing degree of control over the operations of humanitarian agencies and this has manifested itself in, according to a UN statement, "an increasing tendency on the part of the authorities to interfere with UN programme design and implementation and an upsurge in harassment of UN staff". Matters came to a head in March 1998 when UN staff in Kandahar were subjected to a series of physical assaults, leading the UN to withdraw from the city and to halt the programmes operated from the Taliban heartland. Negotiations commenced on 4th May in Kabul between a UN team headed by the Deputy UN

Under-Secretary-General for Humanitarian Affairs, Martin Griffiths, and the Taliban. The Kabul talks, on which a report is imminent, were said to be aimed at a resolution of differences relating to the security of UN staff, female access to education, employment and health care and the refusal of the Taliban to allow humanitarian access to the Hazarajat, an area of Afghanistan affected by severe food shortages which is held by the Shi'a His-e-Wahdat party within the northern alliance.

The Kandahar withdrawal has brought into focus the difficulties of operating in a situation where there is a marked divergence in the value systems of the presumptive authorities and those of the assistance community. The meeting of the Afghanistan Support Group, held on 5th May, which combined donors, UN agencies and NGOs, considered how a principle-centred common programming approach could facilitate a more cohesive response to the dilemmas raised within a complex emergency such as Afghanistan. The approach is interesting in placing the focus on the efforts of rural and urban communities to survive and to secure access to basic services and in devising a structure whereby donors, UN agencies and NGOs can cooperate at regional and national levels to strengthen these processes. It will be interesting to see how this use of Afghanistan as a test case by the UN Secretary-General in the context of the Strategic Framework Process will develop but the indications are that is a positive move.

## SIERRA LEONE

The UK's role in the ousting of Koromoh's coup regime and the reinstatement of the democratically elected Kabbah has gained considerable press coverage since the beginning of May. The matter became front page news when it emerged that a UK Customs Department was carrying out an investigation into whether UK companies (principally the private security company Sandline International and air cargo companies) had contravened the arms embargo introduced as part of UNSC Resolution 1132. As Government Ministers have tried to distance themselves from such activities, Sandline has made public claims that Government officials were involved in efforts to re-

instal the Kabbah regime by force, and by implication that their Ministers must at the very least have been aware of such an involvement.

Whilst the results of enquiries and press investigations are still unclear, current reports suggest that up to \$1.5 million worth of arms (principally AK 47s and mortars) were supplied to groups supporting President Kabbah. While some political commentators have argued that the ends in this case justified the means, the cost in human terms of resolving the conflict through the use of force has been very high, with thousands of civilians killed and maimed by the retreating junta forces. If official involvement is proven, either by the Customs investigation or by the subsequent Independent Enquiry announced by the Foreign Secretary, it will highlight the inconsistencies of UK Government claims to be pursuing an ethical and transparent foreign policy and preventing the proliferation of small arms.

Officials have argued that they understood the UN resolution to apply only to the junta, but this appears to be a weak defence. Whilst the embargo on fuel and travel was subject to justifiable exemptions, the embargo on arms was imposed as a blanket, in line with the tone of the resolution calling for a peaceful outcome to the conflict. The ECOMOG forces were similarly mandated only to seek a peaceful end to the situation and exempt humanitarian goods from the embargo.

So far the issue of the *de facto* embargo on UK humanitarian assistance under the Koromoh regime (see Newsletter 10) has not been mentioned in the press, despite efforts by NGOs to draw it to the attention of journalists. The halting of most funding of UK NGOs by DFID, and the failure of those responsible to establish mechanisms for the humanitarian exemption to operate, represents a further contradiction of the government's humanitarian policies and their commitment to a needs-based response. Whilst several UK NGOs have complained about the *de facto* policy, the strength of feeling on the issues was shown by the NGO ActionAid which made the issue of the 'freeze' a central part of its submission to an enquiry on Conflict Policy by the Select Committee on International Development. ♦

See also *Private Armies and Military Intervention*, book review, page 36.

# Training courses

## **Towards Peacebuilding: Developing new policy and practice in areas of instability and conflict**, Birmingham, UK 6-10 July 1998

For staff of international agencies with advisory or direct responsibility for policy and implementation. This residential workshop will provide practical models and methods to assist aid agency staff to analyse social and political conflicts, and to integrate effective conflict-handling strategies into their programmes.

Contact: Responding to Conflict, Selly Oak Colleges – RRN, 1046 Bristol Rd, Birmingham B29 6LJ, UK. Tel: +44 (0)121 415 5641 Fax: +44 (0)121 415 4119 Email: [enquiries@respond.org](mailto:enquiries@respond.org)

## **International Humanitarian Law and Current Conflicts: New Dilemmas and Challenges for Humanitarian Organisations**, Harvard Law School, 22-27 June 1998

Sponsored by the Harvard Law School Human Rights programme and the ICRC, this seminar will explore issues of humanitarian law faced by relief workers, humanitarian organisations and others working in complex emergencies. Up to 25 students will be selected from applicants with substantial field experience or positions of responsibility in humanitarian organisations, and from applicants with human rights NGOs.

Contact Human Rights Program, Pound Hall 401, Harvard Law School, Cambridge, MA 02138 USA Tel: +1 617 4959362 Fax: +1 617 4951110 Email: [hrp@law.harvard.edu](mailto:hrp@law.harvard.edu)

## **Advanced Course for the Training of Trainers on Human Rights Education**, Rome, Italy August 17-28, 1998

Jointly organised by the Centre for Human Evolution Studies and the International Association Ius Primi Viri, this course is intended for those who have obtained, or are in their final year of, a law degree or a degree in political, education or social sciences. The programme will focus on learning methodology for teaching the principles of the Universal Declaration of Human Rights, with special emphasis given to conflict management and conflict resolution in the respect for Human Rights.

Contact: CEU-IPV, Via Antonio Bertoloni, 29, 00197 Rome, Italy Tel: +39 6 8073420 Fax: +39 6 8077306 Email: [lpvroma@tin.it](mailto:lpvroma@tin.it)

## **European Masters in Human Rights and Democratisation**, commencing September 1998

This is a one-year multidisciplinary post-graduate programme organised by 15 Universities in Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden, United Kingdom, with the support of the European Union, the Region of Veneto and the Municipality of Venice. Applicants should hold a degree in a field relevant to human rights. Fluency in English and a reasonable command of French are also required. Practical experience in the area of human rights in international, governmental or non-governmental organisations would be advantageous.

Registration Fee: 2,000 ECU. Students will receive subsidised accommodation for the first semester and a mobility grant of 250 ECU per month for the second semester. Deadline for applications: 1 July 1998.

Contact email: [cesdup@cdu.cepadu.unipd.it](mailto:cesdup@cdu.cepadu.unipd.it) or visit: [www.cepadu.unipd.it](http://www.cepadu.unipd.it).

## **NGO Security Training**, Bedfordshire, UK. 13-19 September 1998.

Interaction is holding a course in NGO Security Training, funded by the US Office of Foreign Disaster Assistance (OFDA) and held in cooperation with RedR.

Its aim is to enhance the ability of NGO personnel to effectively manage security in the field, with emphasis placed on enhancing judgement and decision making, as well as on practical skills and practices consistent with the mission and resources of NGOs. The course will include revisions of the initial pilot held in January 1998, but there will be no training of trainers component.

The course is intended for NGO field personnel with responsibility for security management. Selection of participants will be done to reflect the greatest diversity possible in terms of agency, region, nationality and gender. Applications from national staff are especially encouraged.

Fee: US\$1,200 including meals, lodging and course materials. Travel is the responsibility of the participant.

Contact Jane Swan or Santhe Loizos Tel: +1 202 667 8227 or Email: [sloizos@interaction.org](mailto:sloizos@interaction.org)

### Humanitarian Assistance Training Inventory

The Crisis Environments Training Initiative (CETI) has set up a website containing an inventory of currently available training materials and activities on humanitarian assistance. The Humanitarian Assistance Training Inventory (HATI) is intended as an open forum for information exchange on training for the staff of humanitarian assistance organisations. A limited amount of space will be allocated to relevant events and materials in the related fields of development, human rights, peacemaking, political affairs and peacekeeping. CETI's goal is to improve access to the highest quality resources available for humanitarian assistance training. The website is located at [www.reliefweb.int/resource/training/](http://www.reliefweb.int/resource/training/)

# Conferences

## Principled Aid in an Unprincipled World

*Relief, War and Humanitarian Principles – a conference hosted by ECHO and the Overseas Development Institute, London, 7 April 1998.*

This international conference brought together key politicians and humanitarian actors from around the world to clarify and take forward the debate about humanitarian principles. Coinciding with the UK Presidency of the European Union, it was funded by ECHO and organised by the Overseas Development Institute and Forum Europe. The 225 participants came from 35 countries and included representatives from non-governmental, including human rights organisations, donor and recipient governments, journalists, diplomats and academics.

The day was designed to provide a forum for academic analysis, the sharing of field experience and policy statements from politicians and practitioners. It opened with policy statements from Clare Short and Emma Bonino. This was followed by an analysis of the use and understanding of humanitarian principles to date, and a stakeholder analysis of the wider ethical environment in which they exist. Experience of their implementation in the field followed, with case studies from Afghanistan, Liberia and Southern Sudan. Finally a panel of six key humanitarian actors outlined strategies for ensuring humanitarian principles were an integral part of the work of their respective constituencies.

In her opening speech Clare Short, the UK Secretary of State for International Development, made a commitment to ten key principles for a new humanitarianism, the proposed basis for an ethical UK humanitarian aid policy, see page 33. The principles emphasize human rights and the need to address the underlying causes of conflict. They stress the importance of impartiality and transparency and the necessity of better coordination, particularly with Southern

institutions, and capacity building.

Emma Bonino, the European Commissioner for Humanitarian Affairs, commended the political will to back humanitarian action which the ten principles represented. At the same time she emphasized that foreign policy should be humanised rather than aid politicised, and stressed the need for humanitarian assistance to be distinct from peace building and strategic planning. That humanitarian action cannot be effective if it is either used as a substitute for political action, or left abandoned in a political vacuum, was a constant theme throughout the conference.

This tension between the view that the humanitarian imperative requires us to give assistance to those in need wherever and wherever they might be, and aid that must be conditional to a longer term strategic objective, underlay the conference. There was agreement that the ultimate objective of humanitarian action was to save lives, but not on the best way to achieve this. The danger of allowing a conflict resolution strategy to jeopardise the impartiality of humanitarian assistance was set against the argument that root causes and the political impact of humanitarian aid must not be ignored by aid agencies. The suspension of aid was agreed to be an extreme measure, only to be undertaken when effective assistance and protection for both those receiving and delivering it becomes impossible. However there were indications that some saw this eventuality as a last resort, while others considered it a useful tool for pressuring local authorities and warring parties.

The different roles of fundamental moral principles such as the status of civilians in wartime, and principles of humanitarian action such as impartiality, were emphasised. While principles of humanitarian action are the concern of humanitarian actors, all players involved in conflict, including multinational business, warring parties, governments and all those with power over their fellow human beings, have a responsibility to uphold humanitarian principles. An analysis of primary and secondary stakeholders in inhumanity identified actors who these principles particularly needed to reach, and

who, in the present climate of free market globalisation, may not consider themselves accountable within any ethical framework. While it is clear that a warring party should be held accountable to the Geneva Convention, transnational corporations, whose activities can have an impact on conflict, less often consider their activities using a humanitarian principles framework. There was strong support for advocacy in making the results of the actions clear to them and to encourage them to commit to appropriate rules of operation and codes of conduct.

Three experiences of implementing principles through commonly agreed ground rules in complex conflict environments were presented; the Ground Rules developed by OLS in Southern Sudan, the Joint Policy of Operation (JPO) developed by a consortium of NGOs in Liberia, and from Afghanistan where what is known as the Strategic Framework has been developed by the UN to enhance a common assistance strategy. Several common themes emerged:

- the need to promote and disseminate principles and negotiate ground rules as early as possible in a conflict
- the importance of unity amongst the humanitarian community in order to minimise the likelihood of manipulation by external actors
- the necessity of involving local people, their traditions and institutions, and warring parties, as was done with apparent success in Sudan
- the necessity of involving donors in the process from the beginning; this was an important aspect of the process in Liberia
- the value of sharing experiences and the potential for learning from common trends; those working in Sierra Leone, for example, could learn from the Liberian experience
- that talking to warring parties is essential and cannot and should not be equated with support for that party or endorsement of their aims.

The difficulties involved in engaging with groups such as the Taliban, key elements of whose belief systems may be at odds with the principles being promoted, were not underestimated. However, there appears to be real commitment amongst the humanitarian community to try and find some common ground in these situations. The experiences from Southern Sudan and Liberia are encouraging in this respect.

Accountability with respect to adherence to principles, by both humanitarian agencies and warring parties, was a general concern and a range of possible mechanisms for encouraging compliance were suggested. However there was a strong feeling that none of these could be successful in a political vacuum, and while the Security

Council is reported to be considering the upholding of principles more seriously, it does not seem to be supported by the political will of its member states. Enforcement by military or other means is problematic, though occasionally the only option, but should be separate from humanitarian interventions. While aid conditionality can be used as a tool to create leverage, it was clear that many felt this contradicted the humanitarian imperative and impartiality. Regarding agencies it was agreed that they need to make considerable advances in their ability to implement humanitarian principles. The development of the Red Cross/NGO Codes of Conduct, the work of the SPHERE group on minimum technical standards, and the Ombudsman project all provide promising initiatives for improving agency performance and accountability.

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***While principles of humanitarian action are the concern of humanitarian actors, all players involved in conflict... have a responsibility to uphold humanitarian principles.***

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There was agreement that a division of labour between complementary actors in the humanitarian community was appropriate, particularly in relation to speaking out about human rights abuses. Whether this meant that different actors would aspire to different principles of humanitarian action was less clear. The ICRC representative expressed concern that this could lead to a dilution of principles and a lack of clarity in their dissemination. While there was no doubt that humanity was the underpinning and unifying principle, and that humanitarian action should be impartial or non-discriminatory, many felt that neutrality was not possible in practice. The ICRC representative, on the other hand, felt that only by being perceived as neutral could those affected by conflict be reached. The concern over neutrality and dilution of principles as expressed by ICRC could illustrate their unique mandate. However it was expressed as a general concern for all actors.

Three key issues require further discussion:

- Should humanitarian aid be used to further political goals that are generally considered to be desirable, for example democracy? Or should the introduction of criteria other than need alone into decision-making about humanitarian aid be resisted on the grounds that it ceases to be humanitarian and will lead to its use to pursue other less desirable agendas?
- It is commonly accepted that humanitarian assistance should be seen as part of the international community's overall response to a particular crisis. But how can this be achieved while retaining respect for principles such as the humanitarian imperative, independence, and impartiality?
- To what extent should a humanitarian principles framework be used in the grey areas prior to or after

conflict; rehabilitation aid for example, or investment in post-conflict countries with bad human rights records but which might help secure peace?

What did emerge was that the different standpoints were often a matter of degree situated in the grey, context specific areas between the theoretical poles. One of the successes of the conference was that it managed to shed some light on these grey areas and promote mutual understanding. Practical outcomes were as follows:

- A commitment by the UK government to the ten underlying points of their ‘new humanitarianism’
- A proposal that a further workshop be held in the field to bring together those already involved in the implementation of ground rules to facilitate a more detailed sharing of experience and establishing of common trends.

The conference took place during the fourth anniversary of the Rwandese genocide. ♦

## Environmental Responses in Emergency Situations

*Kingston upon Thames, UK 19 March 1998*

The aim of this workshop, which brought together 25 representatives from relief and development agencies, environmental organisations and donors from the UK and Europe, including Russia, was to increase understanding and move towards consensus on best practice of environmental responses in emergency situations. The one day workshop was organised by the Green Cross UK, one of 16 national organisations working to promote sustainable solutions to environmental destruction and degradation, and presided by Mikhail Gorbachev. One of the hopes for the day was to explore the potential role of the Environmental Response Network, a project part funded by the EU LIFE programme to develop environmental expertise and information specific to disaster situations, to be run by Green Cross UK.

The explicit workshop themes were: to establish current understanding and practice of environmental responses in disaster situations; present three examples of recent disasters by guest specialists; floods in Central Europe, mass refugee movement in Tanzania and a major industrial accident in Siberia; and finally, how to progress in terms of taking environmental considerations into account before, during and after disasters, with special emphasis on Environmental Impact Techniques, action plans and local participation.

While there are certainly similarities in treating such different events and impacts, what became apparent during the day was the important differences between responses to natural, as distinct from man-made disaster, in terms of preventative measures, working with local institutions, political motivations behind the causes of the catastrophe and resulting willingness or reluctance to provide ‘clean up’ assistance and hence level and type of involvement of the international aid/environmental community.

Of most relevance to the majority of RRN readers is the presentation made by Dr R. Black of Sussex University who considered the environmental response to the huge Rwandan refugee influx to Tanzania in 1994. Rather than focusing on the already well-known findings of a number of impact assessments in the region, the paper concentrated on the question of implementation. Black questions the need for increased environmental expertise, instead underlining the fact that while environmental consultants are able to identify major environmental needs and make recommendations to return the environment to a sustainable state, what they do not do is to assess the *relative* importance of these environmental issues in relation to the human suffering and inevitable constraints on the options for agency staff to implement desired preventative or mitigating measures. ♦

Contact: Green Cross UK, Reg Bailey Building, Kingston University, Kingston upon Thames, Surrey, KT1 2EE, UK. Tel: + 44 181 547 8274, fax: +44 181 5477980 email: greencross@kingston.ac.uk

## The World Bank and Conflict Prevention

*World Bank Conflict Prevention and Post-Conflict Reconstruction: Perspectives and Prospects Conference, 20/21 April 1998, Paris*

At a two day conference bringing together over 100 representatives from NGOs, donors, the World Bank and the UN for this event, Mark Malloch Brown, the Bank’s Vice President for External and UN Affairs reminded participants that, ‘the Bank is still the Bank’. But he recognised that it needed to pull together a range of concerned parties to develop realistic dialogue regarding post-conflict policy orientation. He noted that all parties must have confidence in the economic development strategy; there must be an articulated exit strategy; and that transparency is crucial for maintaining (or regaining) public confidence North and South.

Conclusions emerging from the first day included: rejection of the notion of ‘linear’ models of relief to



development; the need for a constructive international presence to act as moderator rather than as a decisive actor; and the need for coherent political and humanitarian action. Yet the impression remained that the international community is still coming to terms with the complexities of violent conflict and has yet not reached the stage of articulating lessons learned.

The second and third sessions of the first day focussed on social capital and the private sector. Day 2 offered the opportunity for government and international organisation representatives to present their institution's approach to relief-development linkages and post-conflict reconstruction.

A range of structures exist to deal with pre, during and post crisis situations. The EU and USA prioritise the relationship between foreign and humanitarian policy rather than linkages between emergency-development. At the other end of the spectrum are those which maintain a separation between foreign and humanitarian policy instruments, preferring to integrate their emergency and development tools (CIDA, SIDA and DFID). Some organisations have developed post-conflict units, such as the World Bank and WHO while others look to single structures to integrate conflict prevention and development activities (Norway, the Netherlands).

The structure adopted clearly affects adaptability to change and raises difficult questions over definitions of emergency, development and foreign policy. NGOs present rejected time-specific definitions – ie emergency, post emergency, arguing in favour of flexibility of response.

Three key lessons emerged from the discussion:

1. A full comparative evaluation is needed of the advantages and disadvantages of these diverse instruments if real progress is to be made.

Two issues in particular need addressing;

2. Separation of emergency and development functions is no longer workable. Few people can be sure that today's 'calm' regions will not be affected by profound cleavages tomorrow: Kenya, Zimbabwe, Congo-Brazzaville, Pakistan and Indonesia illustrate this point. Developmental expertise is needed both to forge relationships between humanitarian agencies and local groups pre, during and post conflict, as well as offering valuable support and knowledge in reconstruction phases.
3. How to reconcile the role of the state in political interventions seeking an end to conflict or the application of international humanitarian law with the need to negotiate neutral humanitarian space.◆

## A 'new humanitarianism' at the UK Department for International Development

Two speeches delivered by Clare Short, and George Foulkes, respectively Secretary of State and Undersecretary of State for International Development earlier this year, point to important developments in the UK Government's thinking on humanitarian policy and in particular introduce the term 'new humanitarianism' into current debates.

George Foulkes, spoke on 'UK Policy on Conflict and Humanitarian Assistance' at an ODI lunchtime meeting on 12 March 1998.

The seminar formed part of the 'Beyond the White Paper' series, set up to discuss particular aspects of the White Paper, open to representatives of NGO, UN, media and academic organisations. Foulkes' opened the discussion by acknowledging calls by 'thoughtful humanitarians' for a 'radical reappraisal of the humanitarian idea'. His approach to the meeting was to demonstrate DFID's responsiveness to such demands by posing 6 key questions and 'listening', together with members of the relevant department also present, to suggestions on how DFID should seek to address these challenges. The key questions elaborated were:

- 1) "Has there been a fundamental – and perhaps permanent shift in the context of humanitarian operations", referring to the complexity of the post-Cold War context and the need for better analysis of the causes and dynamics of conflict to inform policy.
- 2) "Is there a new humanitarian imperative?" Is there a growing sense of a need for solidarity with oppressed populations and can political advocacy be part of humanitarianism?
- 3) "Is public and private humanitarianism collapsing?" Is the decline in humanitarian giving since 1994 a sign of a new indifference to humanitarian need or is the public more sophisticated, demanding more than just compassion for their money, more activism? It was felt by some that the source of the assumption about a decline in aid giving, and from what quarters (public or private) would

benefit from greater clarification if it is to have a significant effect on donor aid policy.

- 4) "How can the voices of the victims of humanitarian crises be allowed to come through more clearly?", raising questions such as whether the voices to be consulted in conflict are necessarily neutral – are local partners sometimes also perpetrators of violence.
- 5) "What are the new 'rules of engagement' for humanitarians in modern crises". This question raised several much debated issues surrounding what is seen by some to be the progressive politicisation of aid: the differing and sometimes divergent views held by humanitarian agencies on adherence to principles of neutrality, making relief more 'developmental' and combining capacity building and peace building projects with humanitarian objectives, in turn raising questions of aid conditionality. In order to respond to the variety of objectives which shape policy formulation, does there need to be a better division of labour between service delivery, advocacy and policy-setting agencies?
- 6) "Should there be mandatory principles for humanitarian intervention and accountability arrangements for humanitarian agencies?". This question again raised the issue of what is understood by the term 'principles' and by whom.

The full text can be found on the ODI's web site at [www.oneworld.org/odi/](http://www.oneworld.org/odi/)

Clare Short went further in her keynote address to the ECHO/ODI Conference on 'Principled Aid in an Unprincipled World' held in London on 7 April 1998 (see page 30), elaborating 10 key principles upon which DFID's new 'human rights based policy on international development' is to be founded.

"My department will:

- 1) seek always to uphold international humanitarian law and human rights laws and conventions
- 2) seek to promote a more universal approach in addressing humanitarian needs wherever they arise
- 3) seek to work with other efforts aimed at tackling the underlying causes of a crisis and building peace and stability
- 4) seek to work with other committed members of the international community, and in particular seek partnership across the North and South divide to secure better international

systems and mechanisms for timely joint humanitarian action

- 5) agree 'ground rules' that prevent diversion of humanitarian goods and collusion with unconstitutional armed groups
- 6) be impartial, ie. our help will seek to relieve the suffering of non-combatants without discrimination on political or other grounds with priority given to the most urgent cases of distress
- 7) seek the best possible assessment of needs, and a clear framework of standards and accountability from those who work to deliver our assistance.
- 8) encourage the participation of people and communities affected by crises to help them find durable solutions which respect their rights and dignity
- 9) where possible, seek to rebuild livelihoods and communities, and build capacity to reduce vulnerability to future crises
- 10) we recognise that humanitarian intervention in conflict situations often poses genuine moral dilemmas. We will base our decisions on explicit analyses of the choices open to us and the ethical considerations involved and communicate our conclusions openly to our partners.

While the two speeches demonstrate a pro-active approach by the government to addressing the challenges currently facing the humanitarian community, they appear to leave some important questions unanswered.

1. The emphasis by both speakers on efforts to build capacity as well as develop tools to assist in peace-building inevitably leads to the question – are humanitarian assistance delivery and advocacy by agencies compatible with peace-building activities? Could/should humanitarian agencies committed to the principle of neutrality take on a significant role in local peace-building efforts?
2. Has there been a misconstruing of lessons identified from Rwanda in informing the new policies? There is a distinct risk that criticism of the aid community for its role in 'feeding killers' in eastern Zaire is being used to justify the withholding of humanitarian assistance for fear it will be abused by parties to a conflict. Yet lessons from Rwanda and other recent humanitarian crises point rather to the failure of the political system to address major human rights abuses than to the failures of the humanitarian aid system.
3. How is humanitarian policy linked to wider foreign policy and trade objectives, and how, if the analysis of the dynamics of some conflicts are correct – ie. increasingly influenced and perpetuated by

transnational as well as national commercial concerns which gain from war economies, or the role of arms transfers – can DFID involve those departments in the solutions, particularly where such conflicts may be in ‘non-strategic’ regions?

4. The decentralisation of management responsibility for a large part of the UK’s humanitarian assistance efforts (see page 18) brings programme managers and technical support personnel closer to the country level and ensures closer integration of prevention preparedness, mitigation and rehabilitation activities within the overall bilateral development efforts. But is there a risk that this may result in a reduced degree of autonomy for humanitarian activities and possibly also a lack of policy consistency in approaches to similar humanitarian problems occurring in different parts of the world?
5. The reduced autonomy of humanitarian activity may also be threatened by the co-location of humanitarian policy formulation and advisory functions with the ‘conflict management’ function? Is there a risk that this juxtaposition will be interpreted as signalling that UK government policy on conflict will be approached primarily through the ‘tool’ of humanitarian aid?

### **Assessing the Nutritional Vulnerability of Older People** in Developing Countries, London School of Hygiene and Tropical Medicine (LSHTM), September 23-24, 1997

A Symposium was held at the LSHTM to disseminate the results of a 5 year collaborative research programme carried out by the Public Health Nutrition Unit of LSHTM and HelpAge International. The Symposium, attended by over 70 representatives of NGOs, UN agencies, governments and universities was the first of its kind and was intended to elicit ways of ameliorating the quality of life of older people and to advocate for greater attention to be paid to the plight of older people. A field handbook based on the research and designed to furnish field workers with screening tools for assessing nutritional vulnerability and possible strategies to address nutritional problems, was introduced at the Symposium. This handbook will be published later this year after field testing is completed.

For further information or copies of the report, please contact Karen Peachey, HelpAge International, 67-74 Saffron Hill, London EC1N 8QX, UK. Tel: 0171 404 7201, e-mail [K.Peachey@HelpAge.org](mailto:K.Peachey@HelpAge.org).

## **Forthcoming Conferences**

### **Disaster and After: The Practicalities of Information Service in Times of War and other Catastrophes**, 4-6 September 1998, Badcock Hall, University of Bristol

The International Group of the Library Association is organising this three day conference to be held in September. Fees: Full Board, Accommodation and Conference, £165. Non-Residential Fee, including refreshments, lunch and dinner: £115. Day and morning/afternoon sessions can be booked individually. Quotations for individual sessions on request.

For further information, please contact: Philip Thomas, 25 Bromford Gardens, Westfield Road, Edgbaston, Birmingham B15 3XD, UK Tel: +44 (0)121 454 0935 Fax: +44 (0)121 454 7330 Email: [pzdt@btinternet.com](mailto:pzdt@btinternet.com).

### **Dealing with the Past: Reconciliation Processes and Peace-building**, Belfast, Northern Ireland, 8-9 June

INCORE (Initiative on Conflict Resolution and Ethnicity) is hosting an international conference on the above theme. Speakers include Sir Kenneth Bloomfield, of the Northern Ireland commission on Victims, and the Tip O’Neill Fellow, Brandon Hamber of the Centre for the Study of Violence and Reconciliation, South Africa. The conference will feature participants from Argentina, Nicaragua and Northern Ireland.

For details contact: Lyn Moffett, INCORE, Aberfoyle House, Northland Rd., Londonderry, N. Ireland BT48 7JA Tel: +44 (0)1504 375507 Fax: +44 (0)1504 375510 Website: [www.incore.ulst.ac.uk/](http://www.incore.ulst.ac.uk/)

### **Eighth World Conference on Disaster Management**, the Hamilton Convention Centre, Hamilton (Ontario) Canada, June 14-17

This conference will bring together top professionals in Emergency Response, Business Continuity and Emergency Health Care for three full days of programmes and networking opportunities.

For further information, please contact: 8th World Conference on Disaster Management, c/o Canadian Centre for Emergency Preparedness, P.O. Box 2911, Hamilton (Ontario) L8N 3R5 Canada Tel: +1 800 965 4608 or 905 546 3911 Fax: +1 905 546 2489 Email: Website: [www.nas.net](http://www.nas.net)

# Publications



## **Private Armies and Military Intervention.**

David Shearer, 1998, Int. Inst. for Strategic Studies, London, Adelphi paper no. 316, fax 44 (0) 171/836 3108.

The study first examines major factors that led to the rise of international private security companies in the 1990s. A review of existing legislation on hired soldiers concludes that it is vague in its formulation, not implemented even by signatory states and probably not fully applicable to the new private security companies. With the exception of the South African Executive Outcomes, most of these are US and UK based. A review of the services they offer and perform leads to a distinction between those that offer passive, defensive security, and others that offer strategic engagement, ranging from military analysis and -advice to training, facilitating the procurement of military materiel and, at times, active combat involvement. A closer look is then taken at the activities and impact of Executive Outcomes in Angola and Sierra Leone, and of the US-based Military Professional Resources Incorporated in Croatia and Bosnia. It is hard not to conclude that they are politically interesting to contracting governments and the international community alike, and financially far more cost-effective than UN troops. No less concerning is the conclusion that fairly quickly they have strengthened parts of the Angolan, Sierra Leonean, Croatian and Bosniac army to the point that they could exercise enough military pressure on their respective opponents to force the latter to the negotiation table. The balance of force on the battlefield may be more effective in creating a climate for negotiation than much shuttle diplomacy. Given the many political, military and financial advantages, it must be expected that there will remain a serious market for private armies. There are however serious questions about private armies. The first one is who can monitor that they too respect human rights and international humanitarian law? The second is that of their accountability. In principle the private security companies are accountable only to those who contract them. Generally they claim that they only work for 'legitimate governments' but this is a fluctuating reality especially in internal wars. UK and US based firms, more than Executive Outcomes, have also tended to be alert to the foreign policy positions of their host governments, the US based firms even being closely linked to the US defense establishment. Executive Outcomes on the other hand is seriously suspected of having very close ties to international mining companies, and Angola and Sierra

Leone could not have afforded their services had it not been for the natural resources to which their military actions provided renewed access. Transparency of operations and of business relationships are therefore urgently required. The controversy over the UK based Sandline Int. involvement in Papua New Guinea and in Sierra Leone highlights the unease over this new phenomenon. The author discerns a willingness among private security companies to seek legitimacy, advocating critical, but constructive engagement, rather than a sweeping dismissal of alleged 'mercenaries'.

## **Human Rights Watch. World Report 1998. Events of 1997** email: [hrwdc@hrw.org](mailto:hrwdc@hrw.org)

A very well informed report that covers over 60 countries worldwide.

## **'Out of Conflict. From war to peace in Africa.'** ed. G. Sorbo & P. Vale. 1997, Nordiska Afrikainstitutet, Uppsala, 213 pp.

This book is an outcome of a 1995 workshop to draw lessons from recent conflict management experiences in Africa. There is a dire need for a better knowledge and understanding of African initiatives and policy trends. Very few people know for example about African peace keeping forces in Chad in 1982, or the pressures exercised by regional authorities to stall a military coup in Lesotho in 1994. Tanzania for example, has been very active, often diplomatically, sometimes militarily, in the various conflicts in the Great Lakes. When African leaders started realising that civil wars often lead to regional destabilisation, the OAU finally took on a more active role in conflict-prevention and -management. Since 1992, a number of initiatives are underway to strengthen the OAU's capacity to do so. Interestingly the French and British military are sharing insights from their doctrines and training for peace-keeping with African military forces. The regional organisations, notably ECOWAS, SADC and IGAD, have also become more active with regard to conflict-management. All this amounts to an urgent need for better coordination between the conflict-managers, process in which the UN will usually retain a lead role. The various articles touch on this, as well as on key UN interventions, notably in Somalia and in Rwanda, and one also makes mention of the required role of civil society in conflict-resolution. But it is hard not to feel that a series of articles which critically and analytically explore these specific issues more systematically and in-depth, would have made a

greater and more valuable contribution. The book's value will depend very much on the knowledge base that a reader starts with. Those in need of a sound introduction to the subject will find it worthwhile. But it does not provide lessons and policy recommendations beyond the obvious, such as prevention being better than a cure. For that the articles are too panoramic in their sweep, analytically not sufficiently in-depth and not critical enough in their inquiry. Finally, the authors do not always escape some assumptions that are becoming paradigmatic but which need not be accepted at face value: that Africans are better at solving African conflicts, that regional problems require regional solutions, and that the regional organisations (set up for economic collaboration) are a suitable vehicle for this. Africans, just like Europeans and others, have shown themselves often unable to resolve their conflicts, and neighbouring countries do not necessarily have a greater impartiality than international intervenors. For African regional organisations, just as for the EU, SAARC or ASEAN, the challenge is to transform themselves from frameworks for regional economic cooperation into frameworks for regional security, an expansion of role and responsibility that needs to be studied and not just positioned or assumed.

**La France dans l'Afrique de l'Après Guerre Froide. Interventions et justifications.** Inger Osterdahl, Nordiska Afrikainstitutet, document de recherche 2 (France in Post Cold War Africa) (pp. 90 folio) Uppsala 1997. PO Box 1703, Uppsala, SE75147, SWEDEN.

Adding to a growing body of literature on international law (IL) and its application, this booklet explores IL loopholes and the resulting failure by intervening states to support justice over order and stability.

After a particularly shaky record of political and military support in recent years, France's strategic role in Africa has rarely been out of the spotlight. Taking case study material from Gabon, Togo, Zaire and Rwanda between 1986-1996 the author uses French military interventions to illustrate fundamental inconsistencies in the application of the principle of non-intervention, enshrined in International Law.

The study considers both legal and political issues. Two principal legal loopholes in adherence to international law emerge: differences in interpretation of the law and the existence of 'legal' exceptions to the principle of non-intervention. The principle of non-intervention is enshrined in international law, yet as with many aspects of international law, definitions of 'intervention' and 'non-intervention' vary – do the terms cover military, economic, political and cultural spheres or only armed, military ones? Further complicating the role of

international law is the existence of a number of exceptions to the principle, making some forms of intervention 'legal' – thus not contravening the principle as such. This question is particularly relevant with regard to French armed intervention in Francophone sub-Saharan Africa, where acceptable exceptions to the principle, or 'justifications' have included: collective defence, invitation or consent by host authority and authorisation by the UN Security Council. Also comparatively uncontested is protection or evacuation of French nationals. More contested are interventions: in support of a people for reasons of self determination; against an intervention by a third party; support for one or other party to a conflict; to protect a democratic system; and finally to uphold human rights abuses in the country in question.

Political developments during the 1980s are seen to have further clouded the application of the law. French policy towards Africa remained relatively predictable until the late 1970s and the arrival of the socialists in power. Yet by 1990, Mitterrand's early policy, inspired by human rights ideals and the euphoria which accompanied the end of the Cold War, had weakened to one where France's former colonies were left to find their own way to democracy, no longer encouraged to rely on French unconditional support. (The author expects further changes as the French national defence capabilities decline as a result of economic imperatives and EU plans for a political union progresses).

Drawing on case study material from four African countries between 1986 and 1996, the author seeks to illustrate the legal tools available to France to justify a range of interventions for no clear, at least to the outside world, political goals.

Though the study does not cover the most recent events in Zaire and Rwanda, it offers a basis from which to assess these more recent actions. Zaire and Rwanda in particular highlight the failure of the international community to respond to collapsing states. In such cases it seems that intervention by France was on the basis of maintaining order rather than in support of justice, and such a choice was made possible by the loopholes in the law outlined above. But the author points out that there are no easy solutions: to tighten those loopholes, formalising intervention on the grounds of democracy and human rights alone to avoid propping up corrupt dictatorships raises other questions: is democracy the only acceptable and legitimate form of government? What constitutes abuse meriting armed intervention? And in collapsing states – how to determine the legitimate power which can invite armed interventions?

**Famine Crimes.** Alex de Waal, 1997, African Rights and The International African Institute, in association with James Currey, Oxford and Indiana University Press. 238pp. ISBN 0-85255-811-2

This is a strange book: in places, full of informative and interesting information, and elegantly written, yet elsewhere deeply confused in its conclusions. The author is justifiably angry at the crimes against humanity that he has witnessed, yet lets his anger cloud his perception and judgement. The strong bias against humanitarian agencies, that runs through the book, sits oddly alongside analysis that not only shows that the main responsibility for famine lies elsewhere, but also recounts numerous instances of where it was only due to NGO presence that the world was alerted to the existence of famine. Disturbingly, the reader is left with the strong impression that the author himself is unconvinced with his own analysis, but having begun the book with a certain view of the world, was unable, as the work progressed, to absorb the lessons of his own research.

One of the principal arguments of the book is that 'generalised, internationalised responsibility for famine is far less valuable than specific, local political accountability', and that humanitarian aid has prevented such local accountability. However, the book not only fails to prove the case against aid, but also fails to convincingly demonstrate that local political accountability, of the kind envisaged, is achievable, except under very particular circumstances.

For the author, 'in the most effective anti-famine contracts, famine is a political scandal..... The contract is enforced by throwing out a government that allows it to happen and otherwise punishing those in power'. This seems rather naive: there are few cases where the powerless have risen up and overthrown their leaders, and even fewer where such action has resulted in genuine change for the disenfranchised. The book itself contains numerous examples of where those in power have not been punished, including in those cases where the 'humanitarian international', the author's bogeyman, was not present. In China, for example, in the famine of 1958-1961, there were an estimated 15-30 million deaths, without the regime ever being seriously threatened. Can the past failures of populations (whether in Zaire, Sudan or Liberia) to rid themselves of corrupt leaderships really be put down to the presence of NGOs? This is an important point, because the implicit argument of the book is that international agencies should let people suffer in the short-term in order to achieve an anti-famine contract in the longer-term. If such an anti-famine contract is almost impossible to achieve, this argument is, at best, rather weak.

Some of the best writing in the book is in the informative chapters on India and the famines of the colonial period that preceded the creation of the strong anti-famine contract that continues to exist today. The example serves to demonstrate, however, that it was only a very particular colonial history and set of events that led to the establishment of this anti-famine contract. Such contracts are extremely rare. As the author points out, there is no similar 'contract' in India against female infanticide or chronic malnutrition, and not even the same degree of anti-famine contract in Bangladesh: in 1974, 'rural Bangladeshis suffered and died with scarcely a hint of unrest'.

The author is hard-pushed to find evidence of anti-famine contracts in Africa. In 1943, 300,000 people died in a famine in Rwanda, yet this 'cataclysm played no role in either nationalist mobilisation or the political ideology of post-colonial Rwanda'. Even in Botswana, which the author considers to have the most robust anti-famine political contract in Africa, de Waal believes that a decade of generous drought relief provides only the foundation for an emerging anti-famine political contract, and that it cannot be assumed that 'Indian solutions' can be transferred to Africa. Where an anti-famine contract has been established, such as in Tigray, under the TPLF, no evidence is presented that this was undermined by the relief provided by the international community. Aid is clearly not the main factor in determining whether or not an anti-famine contract is established.

The book contains interesting analysis on the lack of political insight in many donor strategies against famine, and their subsequent failure to correctly regard famine as a broad political, social and economic phenomenon. Accounts of the UN intervention in Somalia, and of the history of the 1984/85 famine in Ethiopia are excellent. The book also contains an informative history of NGO involvement in famine, exploring in some depth the response to the famine in Biafra, 'a formative experience for an entire generation of NGO relief workers'. While recognising that the response was 'an unsurpassed effort in logistical achievement and sheer physical courage', de Waal also quotes those who believe that the humanitarian intervention prolonged the war, allowing the Biafran resistance to continue when it would otherwise have been crushed more quickly. Importantly for the author, 'the cost of continued resistance was not only many lives lost, but the transformation of Biafra's cause from political independence to that of a "ward of the international community" and an object of pity'.

The analysis of the 1988 famine in Sudan shows that the international humanitarian intervention was a response to *and not a cause of* the lack of an anti-famine coalition in the South - whether due to failures by the

regime in power, the SPLA or the Northern opposition. De Waal laments the fact that this response was 'apolitical', yet does not indicate what the alternatives could have been. (As in other parts of the book, the reader is asked to trust in the omniscience of the author, as the links between analysis and conclusions are rarely clear.)

The author's dislike of NGOs leads to him to make some plainly foolish statements. For example, when talking about mortality in southern Sudan he reports that 'the 'megadeaths' predicted by some relief workers did not materialise, *as they never in fact do*'. Yet, at other points in the book, de Waal himself refers to instances where famine-induced mortality was high: perhaps 30,000 people dying in the displaced camps of Southern Sudan in 1988; 'an entirely preventable tragedy' (Sudan 1984/5) costing an estimated 250,000 lives; 40-80,000 people dying in Wollo province in 1973; in Ethiopia where 'no one can say how many people died to within half a million'; and, China, with 15-30 million deaths.

In the final instance, the author appears not to have the courage of his own convictions. After 200 pages of what sometimes amounts to little more than a rant against the 'humanitarian international', the penultimate page includes the view that 'it is morally unacceptable to allow people to suffer and die on the grounds that relieving their suffering will support an obnoxious government or army'. Had the book started with this premise, it could have explored more fruitfully the real dilemmas involved in the provision of humanitarian assistance. Instead, having made this point, the author then goes on to fully hedge his bets by declaring that 'the rule that aid should not be provided where there is a reasonable chance of a belligerent party obtaining substantial material advantage from it should be reinstated'.

### **NGOs and complex political emergencies.**

David Hulme and Jonathan Goodhand; Working Paper 1, University of Manchester (IDPM) and INTRAC, 1997. (Pp. 33, A4)

Against a background of attack on humanitarianism and the role of NGOs in 'fuelling conflict', this enigmatic title presents a conceptual framework for analysis of NGO roles in three complex political emergencies (CPEs). Working Paper 1 is the first of two papers based on a two-year study funded by DFID to explore the potential contribution of NGOs to peace-building in CPEs. This first paper begins with a review of current literature on conflict and NGOs and presents a conceptual framework for analysis of case study material. The second will draw on comparative case studies of NGOs in Afghanistan, Sri Lanka and Liberia. The authors seek to add to research which has gone before or is currently under way in their use of two distinct methodological tools: i) conducting the study

from the viewpoint of the community rather than the more familiar international and national perspectives; not least because in order to tackle the hold on societies enjoyed by 'conflict entrepreneurs' through a sophisticated understanding of community level dynamics, peacebuilders must have access to the same tools, and ii) drawing on case study material from Central and SE Asia to broaden the basis for comparison outside the traditional African conflict context.

Chapter 1 offers tentative definitions of terms such as peace-building and conflict, in a bid to contribute to a set of 'programmable' definitions. The authors subscribe to the view that conflict is an inherent part of change in a society and that it follows therefore that the key is not how to prevent, but how to manage conflict. NGOs have also tended to use the term peace-building rather loosely, often unhelpfully subsuming elements of prevention, alleviation and resolution of conflict; where there does seem to be growing consensus however is that peace-building is not a single event but refers to pre-, during and post conflict phases.

Chapter 2 looks at causes and mutations of conflict, acknowledging that conflict can change itself, so that the original causes may no longer be those which sustain the conflict eg. vested interests such as drug warlords in Afghanistan in continuing uncertainty and conflict are identified as important features of CPEs.

The equation 'increased social capital = reduced conflict' is considered, and the authors ask; if social compacting is considered to be an appropriate tool for peace-building, can it be enhanced by external intervention given the complexity of social structures? Is social capital always positive? Is there such a thing as anti-social capital whereby certain groups are excluded?

The conceptual framework begins with a breakdown of NGO roles along a sort of worst to best case scenario: fuelling conflict, a holding operation and peace-building. Against this the authors consider a table of indicators to measure the impact of NGOs, and finally explore issues such as 'social capital as peace capital and peace auditing NGOs in relation to the framework. Whether you agree or not or find such frameworks too simplistic, clarity is a useful starting point for discussion and the paper is clearly articulated and readable.

The study itself appears extensive in its remit, aiming to cover: how donors identify which NGOs to support, how to channel funding to enhance NGO performance and accountability and how NGO responses are related to and integrated within a wider response. Each could form the subject of a single research project. And to present the findings from a community perspective is ambitious – indeed a study on how to achieve even this would be extremely valuable...

**Colombia's Silent Crisis. One million displaced by violence.** 1998 US Committee for Refugees, 1717 Massachusetts Ave., NW Suite 701, Washington DC 20036 (44p.)

One in 40 Colombians, a total of about one million, is now internally displaced because of political violence. This is a threefold increase since 1992 in what remains a little understood and generally ignored crisis. In the early 90s guerrillas were mostly responsible for the displacement, in recent years paramilitary groups. Since 1997 large scale and forced 'group displacement' is becoming more regular. Tens of thousands of Colombians fled to Venezuela, Ecuador or Panama but are not there recognised as refugees but considered undocumented immigrants. Political figures, human rights workers and NGO personnel working with the displaced have been the object of intimidation, threat and violence. The report looks at the causes, the conditions of the displaced and the response of the government, NGOs, the church and international actors.

**DAC Guidelines on Conflict, Peace and Development Cooperation (1998)**

Many readers will already be familiar with the DAC Guidelines, published as part of the OECD's Development Cooperation Guidelines Series. The Guidelines were drawn up following a High Level Meeting of the Development Assistance Committee in 1995 where Development Cooperation Ministers and heads of Aid Agencies met to discuss the 'growing demands and opportunities for development cooperation to contribute more pro-actively to conflict prevention and post-conflict rehabilitation and reconstruction'. A Special Task Force was set up to undertake a programme of work to draw out lessons from experience in linkages between conflict, peace and development cooperation.

Issues covered range from broad policy questions, such as 'bridging humanitarian relief to development', to more technical ones, such as recommendations on monetary and exchange rate policy formulation. Some chapter headings give an indication of the breadth of the subjects covered:

- Understanding violent conflict and its links with development;
- International community and in-country coordination;
- From humanitarian relief to development; foundations for peacebuilding;
- Good governance and civil society;
- Supporting post-conflict recovery: operational principles;
- Regional approaches to conflict prevention and peace-building.

The Guidelines are essentially aimed at donors, a key audience in changing policy in conflict situation. A number of concerns with the Guidelines have, however, been raised regarding certain fundamental assumptions upon which they are based :

- that relief, development and peace-building objectives can be subsumed into the same programmes. This assumption raises policy questions over activities such as capacity building in emergencies – for example, is it always appropriate for those delivering relief items to assist in identifying and working with local groups who may have an important stake in the outcome of the conflict?
- that the causes of conflict are essentially internal and can be dealt with by local level peace-building projects (which are in turn based on enhancing communication between different groups in society), possibly ignoring the external influences on the maintenance of conflict, such as international commercial interests;
- that there is a general consensus on how societies are supposed to be and that peace is good *per se*, i.e. without a better analysis of what peace means to the majority of a population, or a closer inspection of 'whose peace' it is.

It is emphasised however, that these Guidelines are 'work in progress' and it is hoped therefore, that as the subject of constant reassessment, the next edition will take into account a growing body of literature and calls for more research into the wider causes of conflict.

**'A Safer Future. Reducing the human cost of war.'** by Ed Cairns. 125 pp. Oxfam, Oxford. ISBN 0 8 5598 386 8

Putting so much information and insight into such a short and highly readable publication is a veritable 'tour de force'. The different chapters successively look at how civilians have become the targets in modern war, what the international law instruments are to regulate the conduct of armed groups and how governments worldwide are failing to uphold their responsibilities to help protect civilians, the proliferation of especially small arms, the problems with diplomacy, humanitarian aid and refugees, the factors that contribute to the risk of war, and the factors and local capacities that can help to make a society stable. It concludes with four key recommendations: to curb the arms trade, to bring war criminals to justice through an international criminal court, to adopt a 'peace and security first' approach in all international public and private relations, and to uphold the rights of refugees and other civilians. The author sees the geo-politics of the Cold War replaced in the New World Order by a no less problematic geo-economics. A strong plea is made for a systematic



'conflict impact assessment' for all international economic, trade, aid and investment policies, and a complementary code of conduct for private business operating in tense or conflict-affected areas. Finally it is argued that more of the available aid should be used to address basic needs and promote human development. A comprehensive and credible report that can be a reference book for various audiences and purposes.

**Forgotten Victims of a Hidden War. Internally Displaced Karen in Burma.**

1998, Burma Ethnic Research Foundation, PO Box 1865, Bangrak, 10500 Bangkok, Thailand.

International attention since 1988 has focused on the pro-democracy opposition movement in Burma/Myanmar. There has been far less attention given to the ethnic minorities who have been in violent conflict with the state authorities often for decades. The Thai authorities do not clearly recognise those who fled the border as refugees, although since 1994 UNHCR has recognized them as a group of concern and increased its monitoring. The barring of access to the large numbers of internally displaced in Burma, has impeded closer monitoring of the impact of forced resettlement into militarised villages, discrimination and abuse, on ethnic minorities such as the Karen. Crossborder assistance has been ad hoc and limited. In its 1997 offensive the Burmese army gained control over substantial amounts of Karen land, and the social and welfare services of the Karen National Union disintegrated. More strategic and coordinated action of national and international actors requires a more comprehensive assessment which this study starts to provide. Based on surveys, it puts the conflict with the Karen into the broader context of decade-long violent opposition to an authoritarian state in Burma. The report also contains several maps.

**Somaliland. A country report.** by M. Bradbury. 1997. London, Catholic Institute for International Relations, Unit 3 Canonbury Yard, 190a New North Road, Islington, London N1 7BJ.

The bulk of this report is a fascinating analysis of the attempts by Somalis to reconcile traditional and modern systems of governance, to restore security, recreate a sense of nationhood, and forms of governance that are effective but also culturally appropriate and perceived as legitimate. It traces the shifting role and influence of politicians, merchants and businessmen, militia and bandits, elders, and intellectuals in the Somali diaspora, through a complex mixture of clan, political and economic interests. Whereas in (south) Somalia the UN made a dramatic shift from a top-down to a district council approach to peace making, it did not support indigenous steps towards peace making and demobilisation in Somaliland. Although the people of Somaliland thereby were left the space to reestablish their own social contracts, this report shows that the same tension between a top down and a grassroots approach arises within the national body politic. Most revealingly, it draws attention to the fact that the elders, perceived as traditional conflict mediators, can be coopted by nascent state structures, if these have control over economic resources and revenue. In this complex environment aid agencies have to find strategies for capacity building that support rather than contradict the search of so many Somalis in the first place for a new and viable 'nation'.

**The State of the World's Refugees 1997-98. A humanitarian agenda.** 1997, UNHCR, Oxford University Press.

This comprehensive and authoritative publication is now available but will be reviewed in RRN Newsletter 12, together with other publications on the global situation of refugees and internally displaced people.

# Letters

*Please send us your comments on our publications: omissions, corrections, additions, views or just encouragement!*



Kate Longley, researcher at University College, London, recently incorporated elements of RRN's Good Practice Review 4 entitled 'Seed Provision During and After Emergencies' in a report for DFIS-ESRMU – 'Seed management practices of farmers affected by war: a case study from northern Sierra Leone'.

OXFAM Cambodia have been actively disseminating RRN materials in the past months: the 3rd NGO fair to be held in Phnom Penh saw the distribution of a number of leaflets and newsletters. Articles about the RRN have also been carried in local newsletters – a practice that will hopefully continue!

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More than 10% of you (both French and English) returned your questionnaires – thank you! A number of elements of information have been drawn from the results and we hope to contact those who indicated a willingness to help by telephone in order to further discuss our work. Many of you identified yourselves as willing to disseminate RRN material in your field and a number of you are interested in contributing written material. Thank you. We will be in touch soon!

It was interesting to note that the majority of our members have been working in the field for some time:

