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Everyone (more-or-less) agrees that the aim of humanitarian assistance is to help people survive conflicts and disasters by ensuring essential support. In armed conflict, people face many threats: of violence, of being forced from their homes, of being denied access to relief. Often it is precisely these 'protection' issues that lie behind the need for relief intervention. Yet it is unclear what this means in practice. The 'failure to protect' is a charge that can be levelled at the state, the international community or at humanitarian agencies; in each case, however, something different is implied.

International humanitarian law provides a framework and range of instruments to help protect people during conflicts. However, the way wars are now fought, with attacks on civilians often a deliberate strategy rather than a side-effect, puts civilian populations at far greater risk. The political and military interventions in Kosovo and Afghanistan, and now also in Iraq, have been justified by those undertaking them at least partly on humanitarian grounds; but many believe that this merging of political and humanitarian agendas further complicates the protection of people against threats to their security.

Humanitarian protection is the subject of the special feature of this issue of *Humanitarian Exchange*. Taking Iraq as an example, James Darcy reexamines the relevance of questions of legality and legitimacy for protection strategies in the light of the new forms of 'humanitarian intervention'. Peter Marsden explores where protection responsibilities lie for returning Afghan refugees. Madeleine Rees examines the lessons learnt in Bosnia-Herzegovina for the protection of civilians during and after conflict. Looking at humanitarian protection more generally, Andrew Bonwick discusses what is required to achieve 'protective' access, and Henk van Goethem describes an initiative to help organisations recognise assistance and protection as two sides of the same coin. Finally, Christian Captier offers a word of warning about the 'resurrection' of protection.

Other articles in this issue address a range of practice and policy concerns. Alex de Waal and Fabrice Weissman take a fresh look at famine in Africa. Geoff Prescott discusses the implications of weapons of mass destruction for humanitarian operations. Harvey Redgrave, Nick Thompson and Agnès Callamard look at various aspects of how the NGO sector works, and Natalie Folster considers official Canadian aid. As an endpiece, Tony Waters questions the emphasis on return in current refugee policy.

Finally, dedicated as we are to removing barriers to access, we are pleased to announce that HPN membership is now available to everyone free of charge! Details on page 19.

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Website: www.odihpn.org



Iraq: protection, legitimacy and the use of armed force

As war begins in Iraq, James Darcy explores how questions of legality and legitimacy may affect the protection strategies of humanitarian agencies

In January 2003, the HPN hosted a seminar at ODI on the legal and protection questions around a possible attack on Iraq. The meeting began by asking if the legitimacy or otherwise of the use of armed force was relevant to humanitarians. On the face of it – at least on a traditional understanding of the humanitarian role – it is not. To use the legal jargon, the humanitarian protection agenda is concerned with issues of *jus in bello*, governing the way in which war is waged, rather than with *jus ad bellum*, governing the resort to war in the first place. Yet even on the traditional view, the question of legitimacy – moral, legal, political – cannot be ignored. The label ‘humanitarian’ has been applied by political actors to recent armed interventions, most explicitly in the case of Kosovo, justified as a humanitarian intervention or even (to the horror of the sector) ‘humanitarian war’. It was invoked also in Afghanistan, as a secondary rationale for an intervention justified mainly on the grounds of self-defence by the US. In short, humanitarian objectives have increasingly become a *part* of the claim to legitimacy. To that extent at least, humanitarians should address arguments about legitimacy, if only from a concern that the humanitarian agenda may be hijacked by (and subordinated to) political agendas.

The grounds for ...

This is not to say that there may not be, in exceptional circumstances, a case to be made for armed intervention on humanitarian grounds. Such intervention may be justified – indeed required – to stop genocide. The inspiration for the commission that resulted in the report *The Responsibility to Protect* of 2001 was precisely the imperative to prevent another Rwanda. The report sets a high threshold for military intervention, restricting it to cases where it is necessary to prevent:

Large scale loss of life (actual or apprehended), with genocidal intent or not, that is the product of deliberate state action, or state neglect or inability to act, or a failed state situation; or ... large scale ‘ethnic cleansing’, actual or apprehended, whether carried out by killing, forced expulsion, act of terror or rape.

Although little serious attempt has been made to justify a war against Iraq on such grounds, there are signs that a humanitarian or human-rights rationale is now being invoked. There is certainly a retrospective human-rights case to be made, based on the current regime’s treatment of the civilian population

over recent years. Yet few argue that this justifies armed intervention now. Another more forward-looking if non-specific argument is made: that the predictable consequence of failing to act to prevent the development of weapons of mass destruction will be further acts of aggression by Iraq on neighbouring and other civilian populations, resulting in human disaster.

... and the grounds against

Humanitarian agencies have tended to turn this argument on its head: that the directly foreseeable result of a war against Iraq would itself create a humanitarian catastrophe. Whether or not this is argued as a legitimacy point, it is certainly a matter of humanitarian concern as an issue of protection, and one explicitly covered by international humanitarian law. Indeed, in a letter to the *Financial Times* from the directors of some of the UK’s leading aid agencies in December 2002, it is argued that ‘It is hard to see how a war [against Iraq] could be waged without violating international humanitarian law and increasing suffering among the civilian population’.

International armed conflict in Iraq is governed by the four Geneva Conventions of 1949 and the first Additional Protocol of 1977. The UK agencies cite part of Article 54 of Protocol I in particular:

1. Starvation of civilians as a method of warfare is prohibited.
2. It is prohibited to attack, destroy, remove or render useless objects indispensable to the survival of the civilian population, such as food-stuffs, agricultural areas for the production of food-stuffs, crops, livestock, drinking water installations and supplies and irrigation works, for the specific purpose of denying them for their sustenance value to the civilian population or to the adverse Party, whatever the motive, whether in order to starve out civilians, to cause them to move away, or for any other motive.

The same article goes on to stipulate that ‘in no event shall actions against these objects be taken which may be expected to leave the civilian population with such inadequate food or water as to cause its starvation or force its movement’. The provisions of Article 54 have clear implications for both sides of any war. The US has not ratified Protocol I, but the provisions it contains are generally considered to form part of customary international law, and so are binding on all parties.



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Iraqi Kurdistan, April 1991: in a few days, 55,000 Kurds headed for Turkey

Humanitarian agencies cite Iraq's food-distribution system and fragile water and sanitation infrastructure as a particular cause for concern. With a population made vulnerable by years of sanctions and their abuse, with high malnutrition levels and already catastrophic infant-mortality rates, further damage to the infrastructure could only precipitate a human disaster. What is striking about these arguments is that they highlight not the direct but the *indirect* consequences of war on the civilian population. There were significant numbers of direct civilian casualties from the bombing campaigns in Kosovo/Serbia (an estimated 500 people) and in Afghanistan (between 1,000 and 1,300 people). The US military puts the civilian death toll from the 1991 Gulf conflict at 3,200. But the potential *indirect* impact of war on the civilian population, though perhaps less dramatic and less visible, may indeed be a greater cause for humanitarian concern.

The principles of war

Concerns about possible indirect effects do not, of course, mean that civilians face no real immediate dangers in the event of conflict. The course of war is unpredictable, but the principles governing the treatment of civilians are clearly established in the Geneva Conventions and Additional Protocols. First among them is the principle of *distinction*, set out in Article 48 of Protocol I:

In order to ensure respect for and protection of the civilian population and civilian objects, the Parties to the conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly shall direct their operations only against military objectives.

The distinct but related principles of *precaution* and *proportionality* are set out in Articles 57 and 58, which stipulate a requirement to minimise the potential for what is now called 'collateral damage'. Again, these articles impose responsibilities both on the party attacking, and the party attacked. Other provisions relate to the protection of sick and wounded combatants and prisoners of war, which are also of course of significant humanitarian concern.

The Fourth Geneva Convention imposes specific obligations on an occupying power in ensuring the welfare of the civilian population. Article 69 of Protocol I usefully summarises the relevant provisions, including those relating to relief actions:

1. In addition to the duties specified in Article 55 of the Fourth Convention concerning food and medical supplies, the Occupying Power shall, to the fullest extent of the means available to it and without any adverse distinction, also ensure the provision of clothing, bedding, means of shelter, other supplies essential to the survival of the civilian population of the occupied territory and objects necessary for religious worship.
2. Relief actions for the benefit of the civilian population of occupied territories are governed by Articles 59, 60, 61, 62, 108, 109, 110 and 111 of the Fourth Convention, and by Article 71 of this Protocol, and shall be implemented without delay.

There are, of course, protection concerns relating to war on Iraq that may extend beyond that country's borders. The Gulf War of 1991 saw the mass movement of people displaced by the conflict into neighbouring states – which are now wary of a similar exodus. According to UNHCR, more than 600,000 Iraqis could be forced to flee to neighbouring countries. It is hard to see them being welcomed as asylum-seekers. But again, some basic principles of international law – most importantly the principle of non-refoulement – provide a framework for the protection of such people.

In setting the parameters for the *legality* of specific military actions in the context of war, these provisions also provide a moral framework within which the broader questions of political legitimacy are judged. Adherence to the rules of war matters to politicians in part because the perception that they are being breached can undermine the political case for what may be a protracted military engagement. Wars of this kind are fought in a media spotlight, with governments called upon to justify their actions at daily press briefings. Whether or not one accepts the argument that the war on Iraq is inevitably in breach of interna-

tional humanitarian law, it is certain that the way in which such a war is waged – by both sides – has a bearing on the question of political legitimacy that ultimately may be the most important factor in ensuring compliance with the laws of war.

Principles and legitimacy

Questions of legality and legitimacy are of concern to the humanitarian community in part because they have a real-world bearing on the conduct of war. But the basic distinction between the legitimacy of the resort to armed force, and the way in which that force is used, remains important. Ultimately, as Henri Dunant recognised on the battlefield of Solferino a century and a half ago, the humanitarian agenda is set

by what actually happens, not what ought to happen. Our main concern must be with limiting the effects of war – justified or not – on defenceless people.

James Darcy is an international lawyer and a Research Fellow in the Humanitarian Policy Group at ODI. The report of the ODI seminar ‘Iraq: War, Law and Humanitarian Protection’ and a list of related resources are available on the ODI website at www.odi.org.uk. *The Responsibility to Protect*, the report of the International Commission on Intervention and State Sovereignty, is available on the website of the Canadian Department for International Affairs and Trade: www.dfait-maeci.gc.ca/iciss-ciise/report-en.asp.

Afghanistan: a case study in refugee return and protection

The West has portrayed the return of Afghan refugees as a vote of confidence in the post-Taliban settlement. Far from it, says Peter Marsden

Western governments have cited the large-scale return of Afghan refugees from Pakistan and Iran as a key indicator of the success of the US-led military intervention in Afghanistan, and the subsequent Bonn Agreement. It has thus been hailed as a vote of confidence in Afghanistan’s interim, Western-sponsored government, and has been used to justify a more active return policy for Afghan refugees in Europe. In fact, however, the return was largely a result of a combination of duress and inducement. As European refugee organisations seek to challenge the policies of European governments and their adherence to international standards of refugee protection, it is important to take stock of the nature of the protection accorded the refugees who left Pakistan and Iran during 2002, and to consider the implications for the protection of Afghan refugees in Europe.

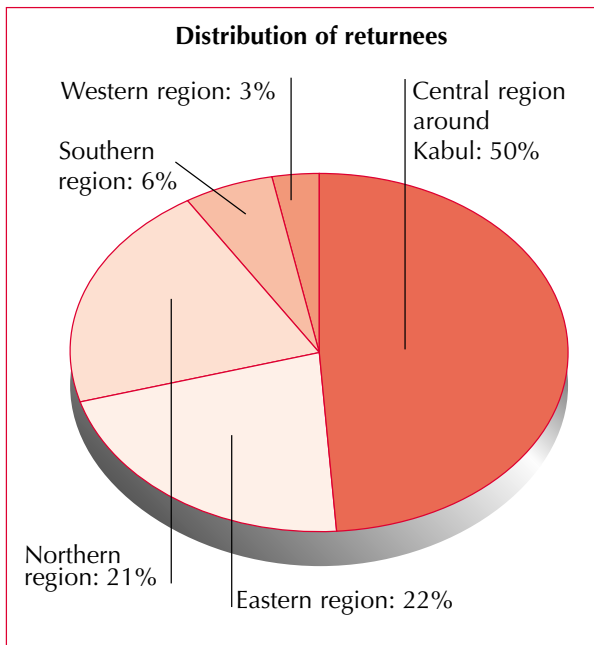
The context

For rural Afghans, the Soviet military intervention in Afghanistan in December 1979 was an assault by a secular power on an Islamic nation. This assault imposed a religious duty on the population to migrate out of a secularised Afghanistan into countries where Islam still prevailed. Pakistan and Iran similarly saw their acceptance of these religious migrants, or *muhajirin*, as a religious duty. Iran, though a signatory to the 1951 Refugee Convention, did not regard the 2.9 million people who entered its territory as refugees within the terms of the Convention. Pakistan, which received more than three million Afghans, was not a signatory, so the question of whether these people were refugees under the Convention did not apply.

Thus, from the outset the refugees in Pakistan and Iran enjoyed no legal protection under the 1951 Convention,

and their rights have remained tenuous ever since. To a degree, Iran has regularised the right of Afghans to live in Iran for specified temporary periods through registration and associated documentation. However, there have been gaps in this process, in which Afghans have felt extremely insecure. This insecurity has been compounded by arbitrary action by Iranian police, in which individual refugees, mostly young men, have been picked up, sent to detention centres and then deported. Their documentation has often simply been torn up. Iran has argued that it has faced a high level of illegal migration, in addition to the refugee flows arising from military and political developments in Afghanistan, and has needed to act firmly to deter this. It has also, quite reasonably, argued that it has taken on a far greater burden than any other state in accepting, at one point, 4.5m refugees from Afghanistan and Iraq, with very limited international financial support.

Until 1992, Pakistan received a reasonable level of financial resources to support the Afghan refugee population. In that year, almost a million went back to Afghanistan to mark the end of the *jihād* against the Soviet occupation. However, the ensuing *mujahideen* war, the Taliban’s advance and drought in 1998–2001 saw further outflows. Meanwhile, international assistance declined from 1992. This fuelled official and public hostility towards the refugees so that, finally, following the Taliban’s advance in the north-east of Afghanistan and the exodus of 170,000 people into Pakistan, the government’s tolerance evaporated. UNHCR was not allowed to register the people pouring into a makeshift camp at Jalozi, precluding the provision of tents, food and other supplies. Following months of negotiations, Pakistan reluctantly



agreed to allow the creation of new camps, but in remote areas some distance from the urban centres where work could be had.

This approach dictated the response to the further outflow that occurred in the autumn of 2001, as a result of the US-led military intervention in Afghanistan. Pakistan thus permitted UNHCR to establish new camps in designated areas, but insecurity and difficult logistics made progress extremely slow. As a result, large numbers were held in makeshift 'waiting areas' on the Afghan border, and tens of thousands had still not been processed when Pakistan finally stopped new registrations in March 2002, in the context of a repatriation agreement agreed with UNHCR and the Afghan government.

Return

Following the establishment of the new, post-Taliban government at the end of 2001, assisted repatriation agreements were drawn up between UNHCR and the governments of Pakistan, Iran and Afghanistan. These provided for 400,000 people to return from each of Pakistan and Iran over the course of the year. However, by the end of 2002 a reported 1.5m Afghans in Pakistan had returned, along with 261,000 from Iran.

In September and October 2002, the Afghanistan Research and Evaluation Unit (AREU) commissioned a study looking at this return process. The study found that the reasons for return were far more complex than was being presented by the international community, and that refugees had returned to a situation which could barely sustain them. Thus, Iran had been placing steady pressure on Afghans to return, progressively withdrawing their entitlements to health and education services and penalising Iranians who employed Afghans. The Iranian police maintained a climate of fear, with arbitrary arrests and deportations of Afghans

and the use of detention centres. The study found that, in 2001, the situation had been regularised, but that those without documentation had been left in an even more vulnerable situation. The Iranian government appears to have permitted a degree of inward illegal migration to meet periodic labour shortfalls in the construction industry, and for menial tasks such as refuse collection, while undertaking large-scale deportations when there was an economic downturn. In 2002, there was a sustained media campaign in which Afghans were advised that it was now time to return, that they would be provided with free transport to their home areas and that the UN would be there to assist them. Returnees were therefore aggrieved to find that UNHCR was making only a contribution to their transport costs, not meeting them in full, and that the UN could provide assistance only to a small fraction of the returnees, and that on a very limited scale.

In Pakistan, it was apparent that the government was seeking to substantially reduce the Afghan refugee population in the principal urban areas, while leaving the camp population to depart at a later stage. Combined with growing police harassment and the closure of one of the major camps, this sent a powerful message that Afghans should not see themselves as having a long-term future in Pakistan. Refugees were also encouraged to return by the media coverage of the donor conference held in Tokyo in January 2002, which gave the clear impression that a substantial amount of funding would be provided for the reconstruction of Afghanistan, and that plenty of jobs would be available.

The AREU report also asked whether the assisted repatriation agreements drawn up between UNHCR and Pakistan, Iran and Afghanistan, which included an assistance package of wheat, cash and some household items, could have reinforced the message from host governments and the international community that it was time to return. Clearly, both the Pakistani and Iranian governments were under enormous internal pressure to send Afghans back. UNHCR was well aware of this, and of the inevitability of large-scale returns even if no assistance was provided to individual returnees. It therefore took the reasonable view that it was better to provide assistance than not. The Afghan government may also have seen some benefit in facilitating a structured repatriation programme, in that its own credibility would be enhanced if large numbers of refugees appeared to be voting with their feet by returning. For the international community, reports of refugees returning in their hundreds of thousands from Pakistan and Iran provided an effective counterweight to reports of chronic insecurity and slow progress in the process of nation-building within Afghanistan.

Conditions in Afghanistan

Whatever the pressures for return, it is clear that conditions are difficult at best. Unlike in earlier years, when UNHCR worked with refugee communities to restore the infrastructure in their villages of origin prior to their return, resources were lacking in 2002 to make

this achievable. This has been, in part, a reflection of the fact that Afghanistan had suffered from three years of drought prior to 2002. The international community has thus needed to give priority to alleviating the hardship brought about by the drought. The international community was also not anticipating such a large return from Pakistan, and had not made adequate preparations to provide for such a number. Refugees thus have to depend on whatever aid resources happen to be arriving in their home areas. There have been particular problems in the Shomali Valley, to the north of Kabul, where a major programme of infrastructure repair should have preceded returns to an area severely damaged by a scorched-earth campaign by the Taliban. The infrastructure of housing and basic public services in Kabul, which has received the largest concentration of returnees, has also come under severe strain. Furthermore, the economic revival that the returnees had been led to expect has been extremely slow in coming, and jobs are scarce.

Refugees are returning to a country where the authorities are in no position to accord them security. Efforts to build a national army and police force are still at an embryonic stage and, even in Kabul, the protection provided by the International Security Assistance Force (ISAF) is more symbolic than real. UNHCR does not have the resources to monitor resources effectively to address possible protection concerns, even though it is doing what it can within the resources available. The individual returnee is, therefore, potentially highly vulnerable to summary justice.

Repatriation or resettlement?

The return of refugees to Afghanistan from Pakistan and Iran in 2002 can be seen in the context of a long-

standing policy approach by UNHCR, supported by Western governments, that sees repatriation rather than resettlement as the desirable solution. However, resettlement has not been an option for Afghan refugees in either Iran or Pakistan, although both countries have acquiesced in high levels of unregistered economic migration over many years. The temptation to present repatriation as a success is therefore considerable, yet return programmes are rarely straightforward. The Afghan economy, like many affected by long-term conflict, is not in a position to receive a large influx of people. The fact that almost two million returned within months of an interim government being formed, with the infrastructure requiring a major programme of investment, has placed a major strain on both the government and the aid community. It could be argued that UNHCR should have discouraged refugees from returning to Afghanistan during 2002, and should have done what it could to prevail upon Iran and Pakistan to ease the pressure on their refugee populations. If UNHCR had done this, it would have been able to send a clear message to European governments that they should also exercise patience. Instead, Western governments feel able to reduce the protection accorded to Afghan asylum-seekers and refugees within their own borders.

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The role of education in protecting children in conflict

Susan Nicolai and Carl Triplehorn

Wars deprive millions of children of an education, yet education in emergencies has not traditionally occupied a prominent place in humanitarian thinking. No one dies from not going to school, and other life-threatening needs – for food, water, shelter or healthcare – can at first glance seem more pressing. Amid conflict and crisis, education programming has been viewed as a luxury, and a task best left to the development community.

This paper argues for a reappraisal of the position of education in emergency programming. It explores the links between education and the wider protection needs of the children it assists. It suggests that, as protection in conflict emerges more clearly as a legitimate humanitarian concern, so the role of education as a tool of protection must be more clearly understood. How does conflict affect a child's education, and what impact does this have on an affected individual's social or cognitive development? In what ways can education enhance the physical and psychosocial protection of children in war-affected or displaced communities? What risks does education programming in these contested environments present, for children and for agencies themselves? What is currently being done, and how could it be done better?

This paper does not offer definitive answers to these questions. Education in emergencies is a young area; the evidence of its impact is often anecdotal, and although its status as a humanitarian concern has gained legitimacy in recent years, it has yet to be accepted across the humanitarian community. Much more needs to be done to enhance our understanding of the links between education and child protection in emergency situations.

Protection in conflict and peacebuilding: some lessons from Bosnia-Herzegovina

*Thanks to massive international engagement, Bosnia today has the most comprehensive legal protection for human rights imaginable. Yet, says **Madeleine Rees**, serious issues of protection, accountability and transparency remain*

When states descend into war, international humanitarian law (IHL) governs the conduct of the warring parties and the protection of non-combatants. The failure of the warring parties in Bosnia to comply with these laws of war caused the UN to establish the International Criminal Tribunal for the Former Yugoslavia in May 1993 (ICTY). Self-evidently, the need for such a tribunal, and for its counterpart body in Rwanda, indicates that the reality of protection in modern warfare is spurious, in fact if not in law; the fate of Yugoslavia is testament to the massive violations of human rights that occur in armed conflict. This article contends that the nature of the violations perpetrated in the conflict form the context for the post-conflict transition, and hence must inform the international community's approach to peacekeeping and peacebuilding. In Bosnia, the conflict was particularly characterised by widespread and systematic use of rape as a method of war, and massive displacement of people which, with executions and disappearances (still estimated at around 30,000), is now termed 'ethnic cleansing' and indicted in the Tribunal as genocide and crimes against humanity.

It is important to remember this in the light of the transition from war to peace, and the priorities established by the international community. This article looks at three areas of concern: issues related to conflict which continue into the present; the failure to anticipate and then to take seriously sexual exploitation and organised crime; and the tensions that have arisen, particularly since 11 September, over actions of the international community that have abnegated the very laws and principles that it is seeking to promote.

The post-war settlement and the role of the international community

At the end of 1995, the Dayton peace accords halted the fighting, if not the war, in Bosnia; that to a certain extent continues today, albeit in a different guise. In the rush to show that Bosnia could be a democratic state, the first elections were held just four months after the end of the conflict, in April 1996. The result enshrined in power the nationalist factions, giving them access to funds and institutionalising

their power-base. In turn, those who had provided the 'right' kind of assistance – such as the racketeers who had brought into Bosnia arms, drugs and anything else that could be paid for – were rewarded. Only after elections in 2000 did a government with an ostensibly reformist agenda emerge. Just two years later, at least in part due to disillusionment at the lack of progress, fresh elections handed the nationalist parties another victory.

Since Dayton dealt only with the warring parties, it automatically excluded women from the negotiations. This meant that the voices of women were not explicitly heard in the talks that established, not only a peace treaty, but also the constitution of Bosnia. After the first elections in 1996, women constituted less than 6% of those in government; generally, those who were not part of the dominant nationalist parties were effectively excluded. Thirty per cent quotas for women candidates were adopted in subsequent elections, but the reversion to open lists has meant that the number of women in elected bodies has fallen dramatically.

Dayton handed a massive role to the international community. It created the Office of the High Representative to oversee the implementation of the accords. The High Representative has enormous and draconian powers, to impose laws and remove officials,



A displaced Roma family

© Miroslav Petrovic/IFRC

overriding the country's elected representatives if they are deemed to be in conflict with the terms of the accords. The UN was given responsibility to build up and train the police force, and NATO provided the military hardware and soldiers to keep the peace and to arrest war criminals. Elections were organised and run under the auspices of the Organisation for Security and Cooperation in Europe (OSCE), which has also worked on human rights and democratisation. Other actors include the UN High Commissioner for Human Rights (UNHCHR), the operational UN agencies and international human-rights and humanitarian organisations. By 1996, there were thought to be more than 60,000 internationals in Bosnia.

This plethora of international organisations has caused a number of problems. Some are internal, to do with creeping mandates and competition for funding and influence. But the key difficulty has been in the way that they interact with the Bosnian authorities. The protection of human rights is properly a role for the state. Bosnia has comprehensive treaty-based and constitutionally-guaranteed protection for human rights. Moreover, according to Dayton the European Convention for the Protection of Human Rights takes priority over every other law. In Bosnia, the state is subject to the writ of the international community. While the mandates of the various international agencies should complement the responsibility of the state, there have been tensions; as one minister has put it, 'we are treated as children but with too many parents and we don't know whom we should obey'.

Dealing with war crimes

Despite the ICTY's success in bringing to justice some of the main players, notably Slobodan Milosevic, the majority of those who committed abuses are still at large. This is mainly the result of a lack of real commitment by those who have power in Bosnia, coupled with inadequate support and pressure from the international community to deal with this crucial issue. For the people of Bosnia, however, 'normality' can never be successful while the war criminal still lives in the village to which his victims wish to return. The lack of a coherent legal framework for prosecution within Bosnia itself has not been effectively addressed, and there is little likelihood that the ICTY will be able to transfer cases to Bosnia by the end of this year, as has been suggested. This is not least because of the absence of effective witness protection; the experience of the ICTY shows that, without this, there is little hope that justice can be done.

Missing persons and people trafficking

The question of missing persons has been marked by a great deal of prevarication on the part of Bosnia's elected officials, and a lot of politicking between international organisations over mandate, funding, disclosure and responsibilities. Progress is finally being made, but many families still do not know the fate of missing relatives. As a result, they cannot get such things as

pensions or insurance or take over property ownership, which are contingent on a declaration of the death of the person concerned.

One particular aspect of this wider problem is the trafficking in, and exploitation of, women for the purposes of sex. Although this began during the war, under the guise of ethnic cleansing and genocide, it has a peacetime manifestation. Trafficking and sexual slavery – which was defined as a war crime by the ICTY – has become conflated with prostitution – and hence something belonging in the private sphere, a matter of morality not law. The individuals who run the trade are the very same people who organised the smuggling routes during the conflict; they are well-connected, and hence untouchable. The implications are enormous for the women and children forced into sex work; the negative impact on the formal economy is significant, as is the corruption which is an integral part of such activities.

The international community has been loathe to deal with the involvement of peacekeepers in the sex trade, even though the market they represent has been a key factor driving the expansion of exploitation. Bosnia shows that simply sending guilty peacekeepers home is not enough; what is needed is a robust position from the very moment of deployment. The international community needs to take its responsibilities seriously, and not allow the immunity of international personnel to become impunity in practice.

By early 2003, the majority of users were probably from the local community. Yet the international community has given insufficient support to government attempts to draw up and implement a national plan of action to combat trafficking and assist victims. Indeed, while significant amounts of donor money are available to combat trafficking, international agencies have secured funding for themselves at the expense of the local organisations and government bodies best placed to provide a sustainable response. The results are obvious in the move away from addressing the needs of victims in favour of law enforcement through raids on brothels (which have not resulted in significant prosecutions of traffickers and have driven much of the trade underground), and the repatriation of women.

Bosnia and the implications of 11 September

Questions of accountability have also arisen in the wake of the 11 September attacks. It is not known what level of threat is posed by the Islamists who fought on the side of Bosnia's Muslims in the war. What is clear, however, is that the international community's response has fallen short of its legal obligations.

Bosnia is one of a number of countries listed by the US State Department as having active cells of Osama bin Laden's al-Qa'eda network, and several individuals have been detained by international forces (this is not

a power found in Dayton). Some have then been handed over to local authorities. In at least one case, an individual was taken directly from an SFOR base to the airport, and removed to Egypt. Of singular importance is the case of the so-called ‘Algerian group’ of six individuals, who were arrested and detained in late 2001 on suspicion of being part of a conspiracy to bomb the US and British embassies in Sarajevo. Their Bosnian citizenship was removed from them. Although in January 2002 the Bosnian Supreme Court ruled that there were insufficient grounds for detention and ordered their release, and the Dayton-established Human Rights Chamber for Bosnia and Herzegovina issued an order for temporary measures to prevent their removal from Bosnian jurisdiction, they were kept in detention and handed over to SFOR troops. The men were later transferred to the US based at Guantanamo Bay in Cuba. In April 2002, the Human Rights Chamber ruled that the rights of four of the men had been contravened, and ordered action to be taken to establish their citizenship, protect their rights in Guantanamo Bay and, if citizenship was established, to ensure their return to Bosnia. However, since the jurisdiction of the Human Rights Chamber is limited to Bosnia, the case was brought against the Bosnian government which, given the pressure exerted at the time by sectors within the international community, had little choice in the matter of the men’s arrest.

Cases such as this have given rise to a significant amount of unease in Bosnia, where there is a legiti-

mate expectation that bodies mandated to uphold the rule of law and protect human rights should not act with impunity. Indeed, the Bosnian government has been in dispute with SFOR over the latter’s detention of a Bosnian citizen for three months; no legal protection was afforded, and SFOR refused to hand the individual over to domestic authorities. Where international forces do not respect domestic law or international human rights standards, it is difficult to see what accountability can apply. In circumstances such as these, how can Bosnia guarantee the rights of its citizens?

Conclusion

Bosnia is a country of tensions, not only within the nationalist determinants of its politics and its impossible constitutional framework, but also in its relations with the international community. There is no doubt that these tensions are inimical to the enjoyment of human rights and the rule of law. By seeking to provide assistance, the international community’s behaviour has had many of the hallmarks of what could be called ‘collective imperialism’. Transparency and accountability are necessary not just within the Bosnian government, but also among its partners; while not always the easiest way of operating, there can be no alternative.

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Access to protect

*There is no question that access is a critical issue for humanitarian protection. The real question, believes **Andrew Bonwick**, is whether we are seeking the right kind of access*

Post Cold-War conflicts are increasingly fought by and between fractured and often criminalised armed groups; many areas are beyond the effective control of *any* state. Civilians are often not simply the accidental victims of armed conflicts, but a deliberate target. Humanitarian need extends beyond material goods – food, water, healthcare – to securing basic physical safety.

In this environment, is the paradigm of access as envisaged in the Geneva Conventions – impartial access for relief supplies – still relevant? Should the humanitarian community instead work for ‘protective’ access, and accept the loss of political independence that comes with it? There are a number of questions to consider:

1. Who are we seeking access for – ourselves, or those we seek to assist?
2. What type of access should be sought – to provide relief, or protection?
3. How long does it take to protect – what are the timelines and timescales involved?
4. How can we negotiate ‘protective’ access – does the humanitarian community have to make pragmatic deals with armed actors in order to achieve ethically desirable objectives? What is the proper role of politics, political actors and their military forces?

Who is access for?

How important are we, the humanitarian community, in the eyes of the people we seek to assist? From the point of view of the ill, hungry or dying person, we are not the main force in their lives. On the one hand

are the principal players in the theatre of human suffering: those who monopolise violence, be it the state or armed group, the criminal gang, the profiteer. It is no accident that, when international humanitarian law was born in the nineteenth century, it focused on restricting the behaviour of these groups; it is perhaps unfortunate that Article 1 of the 1949 Geneva Conventions – ‘The High Contracting Parties undertake to respect and ensure respect for the present Convention in all circumstances’ – has resulted in only very selective action. On the other are the members of the affected communities, and those curious things called ‘coping mechanisms’ which have allowed enormous numbers of people to survive incredible hardship. A cursory look at south Sudan, where humanitarian access is critically limited, is enough to teach the humanitarian community a lesson in humility.

There is a story about participation which, urban myth or not, rings curiously true. A community leader, when asked whether his community had participated in a humanitarian project, replied that the question was badly posed; more relevant was whether the community had allowed the humanitarian organisation to participate in their lives.

Is it, then, less important that we have access to communities than that they have access to us? This is more than an academic question. In Somalia, clan-based welfare systems never ceased to function. Women’s groups also formed spontaneously, and it is a credit to those humanitarian agencies who supported them that they gave those communities access to humanitarian aid, without necessarily having access themselves.

What is access for?

In his 2001 report on the protection of civilians, UN Secretary-General Kofi Annan decried the ‘agony of civilians ... targeted as part of a political strategy’. In the face of mutilation in Sierra Leone, neglect in Liberia or deliberate starvation in Somalia, what type of access should communities have? Access to humanitarian aid, or access to humanitarian protection? It is, in fact, more likely to be both, and the two frequently interact with each other. In 1993, UNHCR head Sadako Ogata said that ‘Humanitarian assistance is much more than relief and logistics. It is essentially and above all about protection – protection of victims of human rights and humanitarian violations’.

What are the timescales?

If we do obtain ‘protective’ access to populations, what should we do with it? Here the question of timelines and timescales, particularly in protracted conflicts and complex emergencies, is critical. First, we need to recognise that, following a catastrophic event like a major population displacement, the ‘humanitarian community’ is rarely on the scene and operational in an effective manner within the first few days, and almost never at the point of displacement itself. This is

Working for communities: assistance or protection?

In April 1991, a photograph in the *Times* newspaper showed a refugee child in Safwan, the demilitarised zone of Southern Iraq, holding a placard reading ‘We don’t need food. We need safety’. In 1995, the three-year siege of Srebrenica in Bosnia ended in the widely-publicised massacre of up to 8,000 men. Women, children and older people were bussed to the frontline, which they walked across before being picked up and taken to Tuzla. Humanitarian workers who asked these refugees if they were hungry or thirsty received the obvious answer – ‘Yes’. Those who asked about their priorities received a different answer – to know whether they were safe (in the circumstances, out of the range of shells), and to know what had happened to their relatives.

when ‘coping mechanisms’ kick in, without exception playing a critical role in every humanitarian crisis. If we accept that access will not happen on day one, and in places like south Sudan might not happen at all, the work (the ‘access’) needs to take place in advance: strengthening coping mechanisms, preparing the interface for when the humanitarian heavy machinery comes rolling in.

Second, when we talk of ‘protective’ access we need to acknowledge that we are talking about changing the *behaviour* of human beings and the groups in which they are organised. Changing behaviour can be reactive and quick – a carrot and stick approach – but long-term changes imply changes in values.

Bosnia-Herzegovina: a failure of protection?

UNPROFOR, the UN military force in Bosnia, conspicuously failed to protect inhabitants from their adversaries. Its 1992 mandate confined it to protecting relief supplies; although gradually expanded, it did not use force to protect civilians until 1995. In the short term, ‘protection’ clearly failed, but in the longer term there was considerable benefit. Although access was almost exclusively denied to areas where ethnic cleansing was taking place, the humanitarian community still managed to produce often detailed reports on what had happened. UNHCR action gave victims access to the humanitarian community. This was an essential part of giving them a voice – the voice which, belatedly, led to the international action that brought the atrocities to an end. A different level of immediacy, a slower timescale, but is this not also ‘protective’?



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Srebrenica: grandmother and grandson hold a photo of the missing father

How do we negotiate access?

Since negotiating implies give and take, we surely need to ask ‘What is the deal?’. International humanitarian law, the Code of Conduct and the Humanitarian Charter all describe essentially the same deal: security, freedom of access, facilitation of transport, non-interference, in return for agencies working with consent and not interfering in the conflict. But the humanitarian community must acknowledge the situation on the ground, where there is frequently a disjunction between *de facto* power and *de jure* legality. The question is thus whether a deal that is attractive to the people in power – those with guns – can be made without sacrificing vital principles. In today’s often complex and messy conflicts where civilians are often deliberately targeted, the obvious answer is no.

The second question is whether the deal changes when we are seeking access for ‘protective’ purposes rather than simply to deliver relief supplies. Allowing this type of access is likely to result in heavy criticism – perhaps public denunciation – of precisely the people who have granted access. In general, the deal becomes less attractive to the people in power. If the humanitarians have little to offer to the people with guns, then how can the deal be acceptably changed?

This raises the issue of the relationship between humanitarianism and the political imperatives of both local and international interests. Which should have primacy, political or humanitarian objectives? Mixing the political with humanitarianism inevitably produces controversial debates, particularly around humanitarian space and the specificity of humanitarian aid. The risk is that humanitarian goals are subordinated to goals not necessarily in the interests of the victims – humanitarian aid becomes another ‘tool in the toolbox’ of diplomacy. However, perhaps this should be reversed, and politics become a tool in the *humanitarian* toolbox. If states are to fulfill their obligations under the Geneva Conventions, there is a need for more consistent demands from humanitarian elements within donor governments, in particular that humanitarian and political action are coherent in addressing a particular crisis.

Can international military intervention secure access?

So what about the military? Can international military intervention, be it through so-called ‘peacekeepers’ or through more aggressive action – unblock humanitarian access in a situation where negotiated access has failed? In other words, does the use of force obviate consent?

Building an environment of protection

The ICRC has developed a very useful ‘egg’ model of protection that looks at three types of action. The yolk is responsive action aimed at putting a stop to an emerging pattern of ‘abuse’ and alleviating its immediate consequences; the white represents remedial action to restore dignity after a pattern of abuse, and the shell is environment-building, ‘fostering a social, cultural, institutional and legal environment conducive to respect for the rights of the individual’.

Environment-building over the medium term means providing the language for debate, setting the norms for engagement, bringing consistency to terms, creating demand for humanitarian access. This appears to be a much-neglected area. Although effective solutions to imminent threats can often be found locally, with the guard on the checkpoint or the local commander, effective environment-building over time provides the language for discussion and improves the chances of success when in crisis-management mode. Facilitating dialogue between communities and those who hold them in sway creates a demand for standards and encourages movement. Informing people of their rights is not enough unless these people are also given a voice. The UN and international NGOs have a role here as a bridge between the state and national civil society.

This takes time – planning for change over years, or indeed generations, rather than the weeks or months typical in humanitarian action. One of the great successes of the human rights movement over the last 50 years was to change the language of debate in international circles from one in which ‘sovereignty’ is a trump-card, to one in which rights language has common currency. The humanitarian community has much to learn from this.

In many of the most intractable conflicts, from the Democratic Republic of Congo and Sudan to Afghanistan and Colombia, the effective control of the state has faded away. Cold War guerrilla movements that may have been artificially united have been replaced by individualism. External financial support has been replaced by war economies based on robbery and illicit trade. Discipline can be rare, and in extremis every combatant is their own commander.

This has consequences. Communities frequently do not identify with the dominant local faction. If, as in Bosnia and as illustrated by its absence in Somalia, outside military involvement to enforce access requires ‘consent’ to be effective, from whom is that consent to come: from local groups, from activists, from the population? It may be hard to determine who is speaking on whose behalf. In these complex environments, humanitarian aid may be manipulated by contesting groups to garner support; humanitarian organisations are no longer considered independent purveyors of relief but as economically ‘interesting’ components. De facto, they are first-rank players on the economic and social scene.

So, despite the use of force, is it *still* only (often unrepresentative) armed groups whose consent can secure access? Even if this were not to be the case, one must also accept that the military, if able to create a secure environment, is doing no more than putting a lid on the problem. Addressing root causes – ‘turning down the heat’ – requires political will.

At a time when NGOs (an important element in helping governments to gain popular support for military interventions when needed) are often unwilling to recommend coercive measures publicly, the ICRC ‘People on War’ survey suggested that 66% of respondents wanted *more* outside intervention; in Colombia this figure was as high as 90%.

Conclusions

A ‘protective’ humanitarian intervention seems *always* to be opposed to the interests of the people (or indeed governments) with guns. If it were compatible with their perceived interests, *ipso facto* it would be redun-

dant. Some compromise is necessary. There needs to be a move away from ‘relief’ access as laid out in the Geneva Conventions, but with clear limits on the political dimensions of humanitarian aid. At its core, humanitarian assistance is an act of humanity, one human being holding out their hand to another.

A truly humanitarian model of access must not only be ready to look at and deal with the causes of displacement and the threats during flight, but also to think in strategic terms over many years. This is a model that is centred around the *victims* having access to the humanitarian community, rather than vice versa, and on a timely and sustained basis. Political will beyond the sticking-plaster of funding for responses to humanitarian crises is needed to do this. Is a change of the law also required to facilitate access? Are the military needed in order to make the ‘deal’ an offer that can’t be refused?

This is a complex and thorny question, but we should not discount the will of the 66% of people who ICRC interviewed calling for more, not less, external intervention, particularly in conflicts where the men with guns seem to represent nobody but themselves. ‘Sovereignty’ must not be allowed to excuse inaction or impede external financial, political and indeed military intervention when that intervention will secure access to humanitarian protection for precisely those people who are unable to secure it through their states.

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NGOs in refugee protection: an unrecognised resource

The majority of humanitarian organisations have been cautious about any suggestion that they should engage in protection activities for refugees. Henk Van Goethem argues that NGO field practitioners can no longer afford this hands-off approach towards protection issues

Traditionally, there has been widespread concern among NGO and Red Cross/Red Crescent humanitarian agencies that overt protection interventions for refugees risk politicising humanitarian work, jeopardising an organisation’s ability to operate with govern-

ment counterparts and to deliver assistance irrespective of the causes that underlie each refugee crisis. Yet increasingly, humanitarian professionals have come to realise that a hands-off approach to protection is no longer enough. In the face of flagrant human rights

abuse against refugees, humanitarians can no longer turn a blind eye without comprising their values. Nor is it tenable in operational terms to merely reiterate that the bulk of refugee protection responsibilities lie with states, supported by UNHCR. Field presence necessarily entails a share in seeking to secure the rights of refugees.

Assistance and protection: two sides of the same human dignity coin

To a cynic, the new emphasis on human rights and protection may seem merely fashion – a repackaging exercise designed to revamp the credibility of humanitarian agencies in the aftermath of international crises frequently characterised as ‘protection failures’. There is no doubt that the language of human rights is powerful: it carries considerable moral and legal authority and acts as a kind of ‘trump card’ in arguments about moral behaviour. But the nature and basis of human rights and protection is often assumed to be universally understood and accepted, whereas the meaning and usage of the term is in fact unclear, obscuring the range and reach of activities required to give it a genuine, tangible content.

It is a well-known fact that humanitarians choose their career because they care deeply about man-made injustices, including forcible displacement. The human impulse to undertake humanitarian activities for uprooted people is grounded in the age-old customs and values of respect, hospitality and solidarity. In other words, the humanitarian ethic has spawned altruistic action to help overcome vulnerability and restore human dignity. Humanitarianism is thus in essence action-oriented. Moreover, its foundations are not confined to moral imperatives, but are also of a legal nature. Modern international law contains a myriad of binding norms that define rights aimed at regulating human behaviour. However, rights cannot have meaning without corresponding duties. To this effect, states and other parties have voluntarily undertaken legal obligations to respect, promote and realise the rights of people in their territories. The norms and principles of greatest relevance to humanitarians are found in national and international human rights, humanitarian and refugee law. By means of their activities, humanitarians promote human well-being and respect for the inalienable rights of the people they assist. As a consequence, humanitarianism is firmly rooted in respect for human rights, and should therefore also seek to realise and protect those rights.

Risks for NGOs in refugee protection

The real question is no longer whether humanitarian actors should play a role in protecting and furthering rights. The unresolved issue is rather *how*, given their varying mandates and methods of working, humanitarian organisations will ensure that the protection of human rights, including refugee rights, is translated into the provision of essential and lifesaving services. Whereas NGOs may not be specifically mandated

Protection: Bella’s story

Bella is a 16-year-old Tutsi girl, attending school in Burundi. Her school is attacked by Hutu rebels, who massacre the students. Bella survives, but is left for dead by the soldiers, lying among the bodies. Once the soldiers have gone, she picks herself up and flees the war zone, heading for Tanzania. When she arrives at the border, she is seized by the soldiers, gang-raped and then abandoned.

Upon regaining consciousness, Bella decides to head for Zambia, where she successfully registers as an asylum-seeker. However, she does not feel safe due to the presence of Hutus in Zambia. With some help from local humanitarian organisations, she travels to Malawi seeking refuge. She is again registered as an asylum-seeker and given shelter at Dzaleka refugee camp, which is run by the Malawi Red Cross. Bella again feels threatened by the prevalence of Hutus in the camp, and is given the option by the Malawian government of accommodation in a nearby city. The city houses an even greater number of Hutus; it is less controlled than the camp, and therefore more dangerous to Bella, so she returns to the camp.

Still feeling vulnerable, Bella accepts protection in return for sexual favours from a male refugee, who also abuses her. She does not reveal this abuse to the camp authorities, who believe she is safe and secure. When the man leaves, she describes the full extent of her ordeal to the Malawi Red Cross, and is given secure accommodation.

In order that Bella can take up an offer of resettlement in Canada, the Red Cross in collaboration with UNHCR accelerates Bella’s application for refugee status, which is quickly accepted.

through international legal conventions to offer protection to refugees, many national and international NGOs operate under mission statements that commit them to providing practical protection to refugees.

Many factors speak in favour of a more robust role for NGO and Red Cross/Red Crescent actors in the practical protection of refugees, not least their far-reaching presence and daily interaction with these populations. Most NGOs working with displaced populations provide material and other forms of assistance and/or take part in the establishment and maintenance of camps and other settlements. This puts them in a good position to monitor and report on rights violations. Operational presence in refugee settlements also enables NGOs to involve refugees in all aspects of the planning and delivery of relief services and goods.

Some agencies with a speciality in relief may be worried about risking their neutrality and organisational independence when developing protection initiatives. Others may feel uncomfortable for fear of blurring traditional divisions of labour between themselves and their contracting donor (often UNHCR). Staff security concerns may at times rightly impede NGOs from engaging in confrontational advocacy work, but do not prevent the same agencies from passing on delicate information through more discrete channels.

Neither ICRC nor UNHCR is able to meet the diversity of refugee protection problems. Under these conditions, collaborative efforts, which draw on each member of the humanitarian community's strengths, are vital to securing refugees' rights. A shared vision of refugee protection and a common understanding of each other's mandates, roles and responsibilities is, therefore, a prerequisite for successful protection partnerships. For everyone involved, doing refugee protection means analysing the context properly, knowing the framework of applicable standards well, and of being trained to work with it sensitively.

Train to protect, as well as assist: the Reach Out project

In late 1997, UNHCR embarked upon a consultation process known as 'Reach Out'. This was intended to reinvigorate support for the essential principles and institutions of refugee protection, and for UNHCR's protection mandate. A concrete outcome of the process was the creation of an inter-agency training project on refugee protection spearheaded and owned by NGOs, and developed in close cooperation with UNHCR.

The Reach Out training project was launched in early 2001 by a large coalition of humanitarian agencies. It aims to enhance the refugee protection awareness and skills of NGO and Red Cross/Red Crescent programme staff. To this end, it gives primarily field-based humanitarians an opportunity to analyse how their assistance efforts could better safeguard the physical, material and legal protection of refugees. By bringing together humanitarian agencies, the UN, the Red Cross/Red Crescent, human-rights defenders and refugee advocacy groups, Reach Out encourages each to determine their protection reach for refugees, and to identify shortcomings, missed opportunities and areas for future joint action. The project provides for two levels of training: three-day introductory workshops, and five-day training of trainers workshops. Participation is free of charge. The reference manual *Protecting Refugees: A Field Guide for NGOs* (a



Participants in an emergency simulation/roleplay workshop, Washington DC, October 2002

joint NGO–UNHCR publication) is the core text for Reach Out workshops.

Two years in, the Reach Out project has conducted 23 training events involving 784 humanitarian workers. Workshops have been held across the world, from Canada to Zambia, in English, French and Russian. In general, the workshops have been well received. But much more remains to be done: interagency training alone, much-needed though it may be, cannot change organisational decision-making. It is only a starting-point for a bottom-up approach from the field.

Shifting mindsets

'Old-schoolers' interpret refugee protection as exclusively UNHCR's field of activity. To an extent, this is reinforced by the split between protection and programme departments in many organisations, including UNHCR. In workshops, Reach Out seeks to dissolve this divide and highlight the protection aspects of all agencies' work, whether they see themselves as protection agencies, humanitarian assistance providers or human rights defenders. Part of the difficulty lies in the fact that, as agencies, we need to better understand our own and each other's potential role in refugee protection.

Reach Out workshops aim to map how combined efforts can be most complementary. One key message is that each of the actors identified, including the government, host communities and groups among the refugees themselves, can pose threats or provide solutions to protection problems. Roles change in different contexts: while host governments hold the primary responsibility for protecting refugees, the political will and capacity to meet this obligation can vary dramati-

cally. Similarly, despite its mandate UNHCR's hands are often tied by reluctant or frustrated host governments, in-house problems and resource constraints. In the field, this means that NGOs and Red Cross/Red Crescent players need to position their programmes around these weaknesses, either by filling gaps or by making others responsible for doing so. Equally, in each workshop location, UNHCR participants are invited to be frank about their agency's limitations, and to make constructive suggestions as to how others can best support its efforts.

Organisational limitations

While training is needed, and working from the bottom up is in many cases the only immediately available option, the effect on the organisation as a whole is limited. Such training is often done in an organisational vacuum, leaving trained people without adequate in-house backing to adjust and rethink refugee programming. Notable exceptions are the International Rescue Committee and Oxfam GB. Both agencies have established protection departments with a mandate to address advocacy and public policy, and to establish protection-sensitive relief programmes for refugee populations.

In the end, protecting refugees is a shared responsibility. For this to be meaningful, the refugee protection debate needs to be grounded in concrete, tangible realities, and our focus must be on the practical steps that agencies can take to improve how they bring refugee rights alive. Many tough challenges lie ahead. Progress is slow, but eventually monitoring human rights violations, alerting the public and media and educating refugees in how to protect themselves will become a central component of relief work.

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What does humanitarian protection really mean?

Christian Captier on why humanitarians should be worried about humanitarian protection

Sometimes it is useful to ask provocative questions, and to reflect on the strange buzzwords that regularly emerge within the so-called 'humanitarian community'. These buzzwords are interesting inasmuch as they somehow embody the spirit or trend of a period. The word 'protection' recently seems to have attained this status, after being resurrected from the legal trenches where it had been buried. Yet the new concept of humanitarian protection is worrying. If not properly handled, it may do more harm than good, marking a step down a dangerous and slippery path.

Repositioning protection

The resurrection of protection is undoubtedly an essential step, a concrete sign of the widespread recognition that protection, or rather its lack, lies at the

heart of humanitarian crises. This change in discourse is well captured in a recent article entitled 'The Responsibility to Protect', by Mohamed Sahnoun and Gareth Evans of the International Commission on Intervention and State Sovereignty. In it, they write: 'There is a developing consensus around the idea that sovereignty must be qualified by the responsibility to protect'. What is most important in this article is the close association of protection with the fundamental idea of responsibility. This is all the more significant because this concept of *responsibility* has largely been under-appreciated by humanitarian actors.

Part of the explanation for this may be traced to Rwanda in 1994, where relief actors were strongly criticised for their incapacity – through technical

failure and amateurism – to cope with the humanitarian consequences of the political crisis there. That is not to say that these criticisms were not accurate (many were), but rather that the humanitarian community has focused so much on these issues that the main lesson of Rwanda has been largely forgotten: what about the failure to protect millions of people when the so-called international community, or rather its main Western actors, had the means to prevent the genocide? For a decade, many in the humanitarian arena preferred to concentrate on performance, coherence and accountability, leaving the notion of responsibility, theirs and others', behind. Thus, this recent shift towards protection, of which this special issue of *Humanitarian Exchange* is further proof, is undoubtedly positive. It reinforces the view that modern humanitarian action cannot be grounded in the old-fashioned relief-development continuum/contiguum. Humanitarian action is closely related to the notion of violence, and here the concept of protection is essential.

In late 1996, the ICRC invited a group of agencies to a series of workshops on protection, which lasted until early 2000. The initial idea behind the first workshop mirrored the Sphere initiative in that it aimed to develop professional standards for protection. This was mainly because, at that time, the ICRC felt that its protection mandate was being eroded by new actors and new practices. Curiously, the process initiated through these workshops moved away from the idea of developing standards towards the more pragmatic and useful objective of forging a commonly-accepted language between diverse actors such as the ICRC, human rights organisations and humanitarian and UN agencies. It was hoped that this would foster a better understanding of the various roles and modus operandi of these actors in protection. The ultimate objective was to promote better operational cooperation between agencies.

This was a sensitive area. Some agencies were still claiming that they had nothing to do with protection, which was either perceived (too narrowly) as an arid legal concept, or (too widely) as a dangerous political activity. Thus for many it seemed that discussing protection in Geneva was enough; back at headquarters, business would go on as usual. For Action contre la Faim (ACF), however, we were convinced that, to

Defining protection

'The concept of protection encompasses all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and spirit of relevant bodies of law (human rights, humanitarian and refugee law). Human rights and humanitarian actors shall conduct these activities impartially and not on the basis of race, national, or ethnic origin, language or gender.' (From an ICRC workshop, January 1999.)

improve our practice and assume our humanitarian responsibility, we had to operationalise protection.

Operationalising protection: ACF's approach

The first step was to recognise and accept the emergence of a new paradigm for humanitarian action, replacing the old and inadequate concept that saw a progression from relief through rehabilitation to development. Aside from 'pure' natural disasters, it is now widely acknowledged that humanitarian needs result from processes of violence, and must be analysed as such, i.e. violations of fundamental rights and the failure of national or international mechanisms regulating violence. With violence as a central element, this new approach builds on the permanent tension and dialectic between assistance and protection by focusing on the constraints and violations 'victims' face.

1. Contextualising actions using an assistance/protection framework

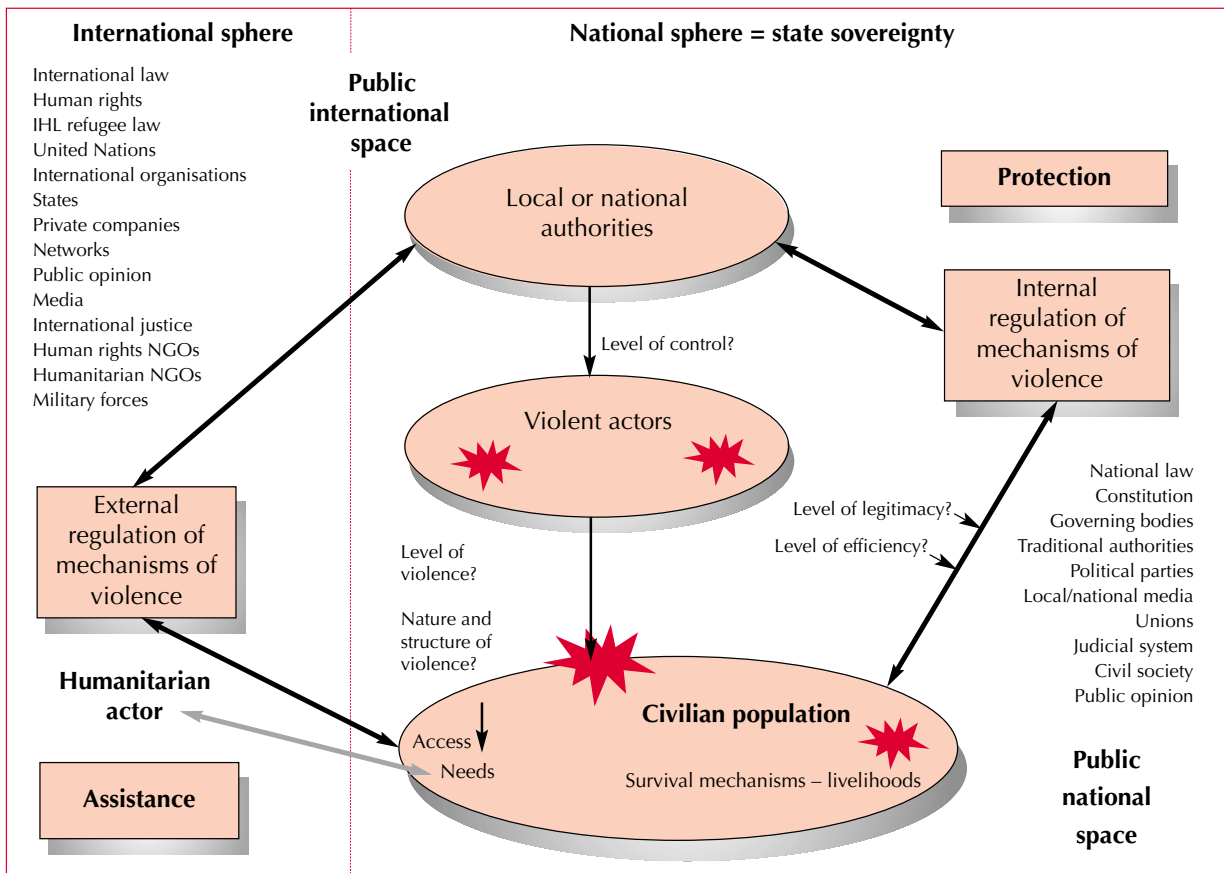
Humanitarian action operates as only one element of a wider political, economic, cultural and social order. The assistance/protection framework we use is called Michotte's graph, after the person who implemented this approach in the field, mainly in Burma and Liberia. By applying this framework to a specific situation, we can visualise the mechanisms that regulate violence, the various actors involved and, most importantly, the multiple interactions between them.

Our primary responsibility is to render appropriate humanitarian assistance, but this has to be done by looking at the side-effects – positive and negative – of such assistance on the pattern of violence. Actions have to be placed in a wider framework; thus, by applying this approach to programmes in Burma, it emerged that a pure assistance strategy could render ACF or indeed any organisation complicit in the government's policy of discrimination against certain groups. Our humanitarian responsibility holds us to delivering the best assistance possible but, by being close to the population, it also impels us to describe the pattern of violence creating needs and denounce those responsible or their active or passive accomplices. Only then can we assume our responsibility as humanitarian actors, which at the extreme may lead to withdrawal from a region or a country, as ACF and some other agencies have done in North Korea. Assistance and protection are two sides of the same coin – the coin of responsible humanitarian action.

2. The three modes of action (adapted from Paul Bonnard's work)

The framework shown in Figure 2 starts from the premise that the objective of humanitarian action is to limit the effects of violations on victims, using three distinct, but complementary, modes of action: denunciation, persuasion and substitution. The idea is to achieve a more coherent approach within an organisation, and to develop a logic of complementarity between actors based on the specificities, such as

Figure 1: Michotte's graph



mandate or skills, of each organisation. It also recognises the primary and ultimate responsibility of what we have called authorities – *vis-à-vis* their populations.

3. Elaborating operational strategies through the three modes of action

ACF is now developing and implementing operational strategies. In doing so, we do not expect any firm answers to the dilemmas confronting us, but we do hope that this will help us to define more precisely our position. Then, in accordance with our core values and specific goals, the question becomes defining concrete operational and advocacy objectives to which programmes and actions are tailored, before implementation using the three modes of action described above, alone or in partnership with other actors. Applying this framework to the Lao or Burmese policy on displacement of population or to the complex situation in Bentiu in Sudan, via defining the nature/structure of the pattern of violations and the position of the various actors, has helped us to refine our assistance and advocacy strategies. This is work in progress, which needs to be regularly monitored and evaluated, especially given the effort required to disseminate this approach through all layers of the organisation, and to integrate all the technical aspects, such as targeting and monitoring, that are essential to efficient humanitarian assistance.

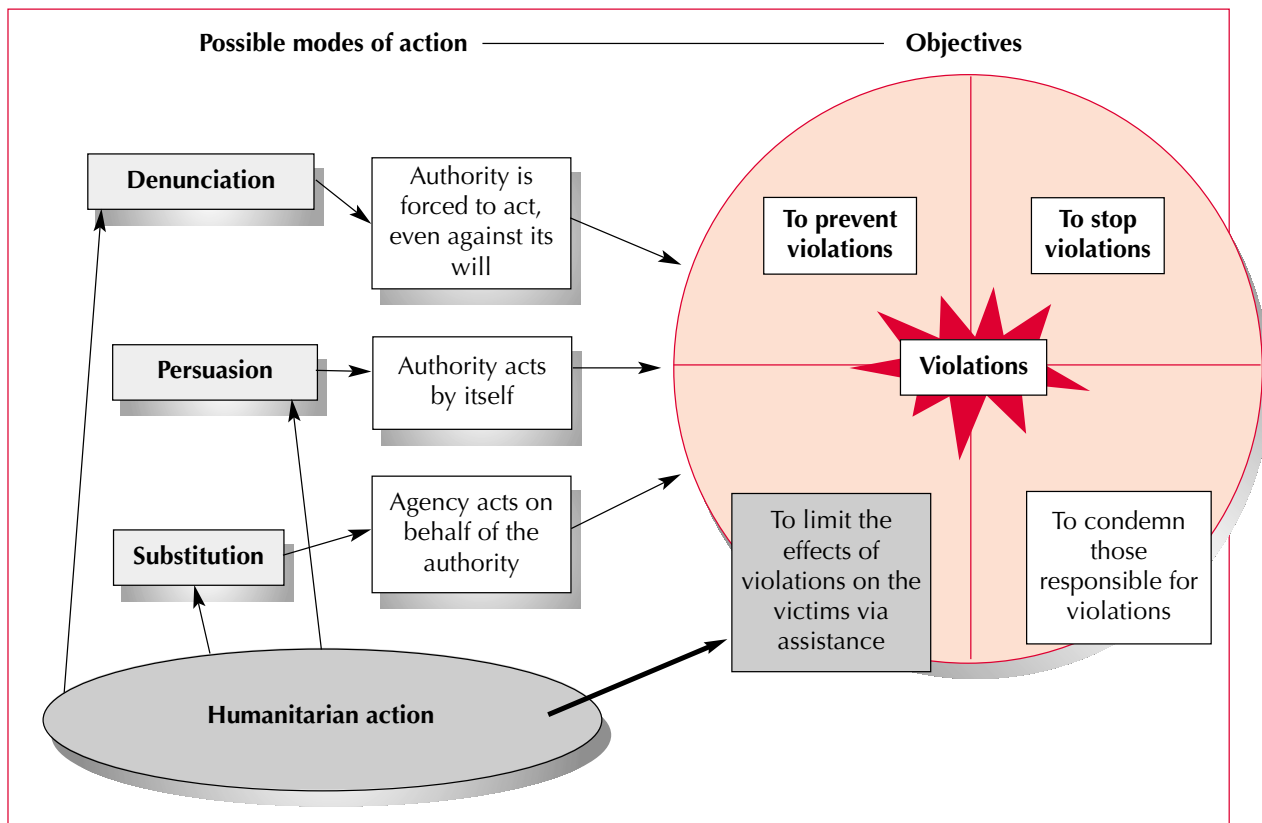
The limits of humanitarian protection

This framework is not without its limitations and its dangers. The first is that it risks condemning you to a legalistic approach. But NGOs are, hopefully not so 'legally straight-jacketed', and can still oppose a legal argument with a moral discourse. Obviously, this requires NGOs to develop a profound knowledge of the legal framework to avoid undermining it unintentionally. Furthermore, grounding part of our action in legal foundations, especially in international humanitarian law, reinforces this framework. The law is still one of the best tools available to exert pressure on those with responsibility to protect victims (states, mainly).

Another risk with this approach is that it may transform humanitarian actors into human rights organisations. There is complementarity here, especially over objectives and modes of action, but it would be a mistake to try to fuse the two; victims need both.

But the most important danger in the assistance/protection approach is that it may give NGOs the impression that *they* are in charge of protecting people. Humanitarian actors have to be extremely careful not to be swallowed up in the protection vacuum created by states' reluctance to shoulder their protection responsibilities. NGOs possess neither the means nor the mandate for this.

Figure 2: Three modes of action



Trying to take on such a heavy responsibility will not only be fatal to humanitarian NGOs, but will also surely be detrimental to victims in the long term.

This is where we approach an answer to the question of what humanitarian protection really means. It cannot mean shouldering the primary responsibility for protecting people; this is for states, not non-governmental, humanitarian actors. Rather, what it should mean is identifying and denouncing failures of protection and highlighting the proper responsibilities of states, warring parties, mandated international organisations or new non-state actors, like multinational companies and private security firms. This denunciation is particularly urgent when the failure lies within our own societies. Just because becoming involved in the local politics of the societies in which we operate is fraught with difficulty should not prevent us from doing so at home. This is not a side issue; if war comes in Iraq, independent humanitarian action will certainly be one of the victims.

Concepts such as ‘humanitarian protection’, beyond being nonsense, lead to the false and dangerous impression that humanitarian actors have the responsibility to protect. Our responsibility is rather to compel others to assume theirs; protection, not humanitarian protection, is required. If humanitarian protection has any meaning, it lies in protecting our commitment to the preservation of humanitarian values and independent humanitarian action, not for itself, but for the dignity of the millions of people, from Somalia to

Chechnya, who are abandoned by all but a few. As David Rieff puts it, ‘The tragedy of humanitarianism may be that for all its failings and limitations, it represents what is decent in an indecent world’.

Christian Captier is Vice-President of Action Contre la Faim, Paris.

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'New variant famine': hypothesis, evidence and implications

Alex de Waal argues that, under the combined pressures of HIV/AIDS, poverty and drought, southern Africa faces a new type of famine, calling for a new type of response

In southern Africa, an HIV/AIDS epidemic, severe poverty in the agrarian sector and external shocks such as drought threaten to create a famine with a distinct vulnerability profile and a new trajectory of impoverishment and coping: a 'new variant famine'. This concept is drawn from existing models of food insecurity and rural livelihoods, revised in accordance with what we know about household responses to HIV/AIDS and reasonable assumptions about future outcomes should rural agrarian communities come under severe compound stresses.

The impact of HIV/AIDS

The HIV/AIDS epidemic forms the central component of the 'new variant famine' hypothesis. HIV/AIDS undermines the sustainability of the livelihoods of affected households, primarily through the costs of the care and treatment of sick household members, the labour costs associated with supporting the sick and orphans, funeral costs and through the shortage of adult labour. This in turn compels adjustments to farming practices, rendering them less productive and more sensitive to external shocks. Household-level studies beginning in the late 1980s confirm this trend across southern Africa. The tendency of the private sector to shift the burden of AIDS by withdrawing sickness benefits increases the burden on rural households. Urban households may also send children orphaned by AIDS to the home village for care. As a result, the rural economy is bearing a disproportionate share of the costs of the HIV/AIDS epidemic, while also being less able to call upon support from the urban economy in times of distress.

In aggregate terms, what we are witnessing is the emergence of a new category of poor people: the 'AIDS-poor'. The basic vulnerability feature of households directly afflicted by HIV/AIDS is the scarcity of labour relative to the number of household members (in other words, they have an adverse dependency ratio). These people cannot be defined geographically or in terms of occupational status: they are scattered throughout rural society. Current aggregate statistical measures for poverty (both average income and headcounts of those living on less than a dollar a day), and population-level dependency ratios do not pick up this category of the AIDS-poor. The tools are too blunt and there are too many confounding factors.

There is a need for new methodological tools to measure and monitor this new component of poverty.

Other households may suffer indirectly: their AIDS-afflicted neighbours may no longer hire labour, or they may assume the burden of upkeep of orphaned children. Some may, also, benefit, by acquiring the land of the distressed household. Again, this area needs more research.

In times of acute communal food insecurity, AIDS-afflicted households are particularly vulnerable. They are likely to find that famine coping strategies are less available and less viable. They may find that they are unable to call upon the support of their neighbours and kin because these networks are already saturated by the demands of caring for orphans or supporting the sick. They may be unable to undertake labour-intensive coping strategies such as gathering wild foods and finding casual employment. Households without mature adults may lack the experience and skills that they need to cope in this way. Hence, they are likely to resort more rapidly to responses such as selling essential assets, crime and sex work.

'New variant famine': the implications for aid

The implications of this hypothesis are clear: we are not witnessing a short-term episode of acute food insecurity in southern Africa. There will be no rapid

HIV and malnutrition

At the level of the individual, there is a vicious interaction between HIV and malnutrition. Undernourished individuals are more susceptible to contracting HIV. This is true for adults who contract HIV sexually, and for infants who contract it from their mothers. An HIV-positive individual has increased nutritional needs, and malnutrition is likely to accelerate the progression to AIDS. Famine is therefore likely to increase the number of cases of AIDS and AIDS-related diseases. The impoverishment, migration, social dislocation and increase in commercial sex work associated with a famine all increase the risks of HIV transmission. Famine is therefore likely to increase the incidence of HIV.

bounce-back to normality should the rains return, as we are accustomed to seeing after drought-famines in various parts of Africa. Rather, the crisis is likely to leave a very substantial proportion of the population in a situation of chronic extreme food insecurity, without sustainable livelihoods and most probably reliant for their survival on a long-term programme of international social welfare. This large, destitute population is likely to suffer from high rates of HIV and AIDS.

If the 'new variant famine' hypothesis is even partly correct, it has a range of implications for famine early warning and prevention, and for relief interventions. Early-warning systems will need to develop new indicators for identifying AIDS-related food insecurity. Because of the stigma, denial and discrimination that is still widely associated with HIV and AIDS, this cannot be done by identifying those who are living with HIV. Rather, it is better to identify proxies that are more directly related to the livelihood outcomes of AIDS-afflicted households.

The most important indicator is the availability of labour relative to the number of household members. The concept of 'effective dependency ratio' (EDR) is a potential indicator. The EDR ratio is adjusted to include chronically sick adults (whether suffering from AIDS or any other chronic disease) in the dependent category. Other indicators may include the production of low-labour distress crops such as cassava, rather than cereals.

Means of preserving viable livelihoods despite the impact of HIV/AIDS will need to be identified and developed. Most research indicates that there is in fact no such thing as a sustainable livelihood for a household in which one or more mature adults are sick with AIDS. The challenge is therefore one of blunting the impact, for example by providing direct assistance, skills training or micro-credit to healthy family members. Food aid has been used in this way, blunting the effects of HIV/AIDS on affected households. Other responses include increasing incomes (for example through better prices for farm produce); increasing productivity; and (perhaps the most viable) providing assistance to meet some of the additional burden of care. One assistance option is direct financial aid to families caring for orphans.

We must face the distinct possibility that we can no longer talk about food aid and other forms of welfare assistance as short-term measures until 'normal' development is 'resumed'. Where there is a generalised



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Fifty-eight-year-old Namukolo Siyuni heads a household of ten orphan children

epidemic of HIV/AIDS, the task will be to prevent the further impoverishment of poor households, and this will require a scaled up welfare programme. Although anathema to developmental orthodoxies, such programmes of vulnerability reduction will surely be preferable to waiting until afflicted households have become wholly destitute.

Food-assistance targeting systems will need to take into account the nature of the AIDS-poor. The nature of the impoverishment and vulnerability brought about by the HIV/AIDS epidemic means that geographical targeting will be inexact. The best means of targeting in these circumstances will probably involve communities themselves identifying the vulnerable.

Food-for-work and other labour-based relief programmes will meet some of the needs of affected communities. If targeted particularly at young women, these may be a means of preventing many from resorting to commercial sex work. However, labour-scarce households may be unable to take advantage of such schemes. Other means of stopping households from descending rapidly through the stages of destitution will also need to be sought, such as cash and food payments for those caring for children.

The vicious interaction between HIV and malnutrition poses particular challenges. Customarily, relief interventions have neglected adults other than nursing and expectant mothers, on the grounds that malnutrition would not seriously endanger their health. This assumption no longer holds. We will need to consider including nutritional supplements to adults in food assistance. Given that only a minority of adults who are living with HIV know they are doing so, or are ready to admit it, this means targeting the entire adult population in an affected area.

Because malnutrition is a risk factor in mother-to-child transmission of HIV, expectant and nursing mothers should be a priority.

A supplementary set of challenges arises in the context of programmes for the scaled-up provision of anti-retroviral (ARV) therapy. For ARVs to be effective, those who take them must not only be well-nourished, but must consume a high-protein diet and eat several times a day. The challenges of a scaled-up programme of administering ARVs for a poorly nourished population engaged in a desperate struggle to find food will be insurmountable. In fact, stabilising the livelihoods and nutrition of a population stricken by a generalised HIV/AIDS epidemic is a prerequisite for effective ARV provision.

The worst-case scenario is that current food insecurity combined with the HIV/AIDS epidemic creates a wide, severe and intractable famine. A less severe outlook is for the continuing impoverishment of a wide section of rural southern Africans and the continued high prevalence of HIV. National and international mobilisation of resources, capacity, programmes and political will can prevent this. Unfortunately, time is not on our side: the crisis of 'new variant famine' may well be upon us before we fully understand what it is, or have the tools and means to respond.

Alex de Waal is Director of Justice Africa and senior advisor on HIV/AIDS and governance to the UN Economic Commission for Africa.

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The food emergency in Ethiopia: what the drought conceals

Fabrice Weissman explores some tough questions about Ethiopia's food problems

According to the Ethiopian Prime Minister and the UN food agencies, around 11 million people in Ethiopia will face serious food shortages in 2003 as a result of 'drought'. Unless the international community provides one and a half million tonnes of food aid, Ethiopia will allegedly be the scene of 'mass starvation'. This appeal, relayed by the majority of humanitarian organisations, comes barely three years after Ethiopia declared that it was on the brink of a famine 'rivalling that of 1984–85'. Whilst at war with Eritrea and engaged in a crucial election period, Addis Ababa claimed in 2000 that a serious drought threatened the lives of 10.5m people. As a result of an intense advocacy campaign involving the Western media, the UN, nearly all NGOs and even Sir Bob Geldof, donors gave the government one of the highest volumes of assistance in its history: 1.2m tonnes of food. Despite this substantial aid, several thousand Ethiopian Somalis died of hunger in the Ogaden region because they did not receive sufficient relief.

The rapid succession of these appeals and the mixed results of previous aid operations raises the question of whether it is Ethiopia's climate that condemns the country to regular famines, or whether the priorities and policies of the government are partly to blame.

A real risk of famine

There is a real risk of famine in Ethiopia. Commercial food imports are limited by economic constraints and the country has to rely on its own agricultural production to feed its people. Yet the farming sector has difficulty keeping up with demographic growth. The Ethiopian population doubled between 1969 and 1999, but the five-year average of cereal and pulses production rose by only 50%. After a significant drop in the 1980s, per capita production has now recovered to levels comparable to the 1960s. However, there are periodic downturns (as in 2002–2003), and output just meets national demand: assuming that all the food available in Ethiopia were equitably distributed, the country would

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be experiencing moderate but widespread scarcity, even in 'good' years.

In reality, however, the entire population does not pay the price of the national food deficit; rather, it is the politically- and economically-marginalised communities that face a growing inability to cover their food needs even when they receive good rains. These include sedentary farmers in the highlands who live in densely-populated areas where there are few job opportunities. Their small agricultural plots (less than 0.5 ha) are situated on rocky soil prone to erosion and in zones particularly vulnerable to climatic hazards. For some years, small farmers in Tigray (East and Centre), Wollo, Wag Hamra and Hararghe have experienced regular food shortages, obliging them progressively to deplete their meagre capital. Caught in a spiral of pauperisation, they are becoming structurally dependent on outside food aid. A well documented study by SCF-UK in Wollo, for instance, shows that the proportion of households with no animal holdings doubled between 1996 and 2000 (rising from 15–20% to more than 30–40%).

Nomadic communities on the arid and semi-arid plains surrounding the Abyssinian plateaux are also exposed to a high risk of famine. For the last few years, the nomadic economy has been experiencing a deepening crisis caused, among other things, by the encroachment of farmland on grazing areas; obstructions to pastoral migration; the increasing scarcity of fodder; and the disappearance of caravan trading. The experience of the Afars, one of the main victims of the 2003 food shortages, is a good example. The development of cotton growing on state farms in the Awash valley has considerably reduced traditional grazing areas and encroached on fallback pasture formerly used during droughts. At times of low rainfall, the irrigation of cotton fields deprives sedentarised agro-pastoral communities downstream of the water they need for the crops. In addition, there is evidence of enormous wastage: diverting the river transforms pastures into unproductive marshes that livestock are unable to graze. Moreover, the Afars face competition from other pastoralists – Somalis in this case – facing a similar economic crisis, and are engaged in a veritable war for the control of pastures, water points, and commercial and smuggling routes.

In such fragile conditions, it only takes small disturbances, such as low rainfall or the reduction of animal export opportunities (as is currently the case due to the closure of the Eritrean border and the lack of



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A UN food distribution in Ethiopia

demand for Ethiopian beef following a recent outbreak of foot and mouth disease) to trigger food shortages which can lead to famine if nothing is done to prevent it.

Localised famines are not completely new to Ethiopia: they have punctuated the country's history since the Axumite empire of antiquity. In the second half of the twentieth century alone, there have been two major crises: the 1973–74 famine, which killed between 50,000 and 200,000 people and precipitated the overthrow of Haile Selassie's imperial regime; and the 1984–85 famine which caused a million deaths. The latter was skilfully manipulated by the Mengistu regime in support of a policy of forced population displacement and asphyxiation of the Eritrean and Tigrayan guerrilla movements. The various actors on the Ethiopian political scene have used famine alternately as a weapon and as a threat. Hunger has often accompanied – when it has not precipitated – radical transformation in Abyssinian society.

The failure of agricultural development

Various tensions within Ethiopian politics oblige the government to handle the shortage carefully. Food issues are high on the official agenda of the current regime, with no less than 12 national programmes wholly or partially devoted to them. The food security strategy and programme (1996 and 1998) aims at 'the elimination of food security problems within seven years (1998–2004)'. Despite the enthusiastic declaration of the Ethiopian Deputy Prime Minister in 1998 that 'hunger in Ethiopia has been eliminated', results have been mediocre.

Ethiopian farming suffers from serious structural problems. The consequences of the famines of 1974–75 and 1984–85 have repercussions to this day:

studies have shown that the inhabitants of regions hard hit by the 1984–85 crisis had only achieved 60% restocking of their herds by the beginning of the 1990s. Furthermore, in the mid-1990s, two-thirds of Ethiopian households had farms of less than one hectare whose average productivity was amongst the lowest in Africa. This poor performance is partly due to deforestation and soil erosion, rudimentary farming techniques, and dependence on erratic rainfall (barely 3% of farmland is irrigated). Moreover, public ownership of land discourages farmers from investing in improving their fields and prevents land consolidation.

The main initiative taken by the authorities to achieve food security has been to extend the economic liberalisation introduced by Mengistu towards the end of his reign in 1988, and to launch an extension programme (PADETES) designed to increase crop yields. The package includes the sale of improved seeds, pesticides and chemical fertilisers, education in new farming techniques and ‘preferential’ access to credit. Loan-repayment conditions, however, are draconian. Farmers who cannot repay their debts due to a poor harvest have their belongings confiscated or are sent to prison (this has triggered several revolts in the southern regions). Under such conditions, only the richer farmers in traditional surplus-producing areas participate in the programme. Furthermore, the government refuses to consider changing the public ownership of land, because it wants to prevent farmers selling their plots and migrating en masse to urban centres. Travel permits from the Mengistu regime have been replaced by the threat of permanent expulsion if farmers abandon ‘their’ land, even temporarily.

Finally, the regime has had no more success than its predecessors in pastoral development. In a bid to encourage the sedentarisation of nomads, it is encouraging the development of irrigated cash-cropping on the semi-arid plains, further reducing grazing areas. Very little is being done to stop the collapse of the pastoral economy. The few projects devoted to this have been designed around a technical approach to soil conservation, ignoring the complexity of the relationship to the land in nomadic cultures. All the projects have encountered steadfast hostility from the populations concerned.

Although the food situation in Ethiopia has improved substantially since the fall of Mengistu, this improvement is fragile, and does not benefit all segments of the population. Not surprisingly, it is the nomadic groups and marginalised farmers who form the majority of the ‘beneficiaries’ registered as ‘natural-disaster victims’ on the distribution lists of the Disaster Prevention and Preparedness Commission (DPPC), the government ministry in charge of relief.

An ‘efficient and transparent’ relief system?

The DPPC plays a key role in assessing food crises and implementing relief operations. With few exceptions, donors, NGOs and UN agencies have to accept its

estimates, follow its beneficiary lists, and at no time intervene in distributions except to ‘monitor’ operations. As Ethiopian legislation states, ‘needless to say, NGOs should adhere to the policy of the Government, and need not interfere with or override the operations which it organises’.

According to USAID and the public statements of NGOs working in Ethiopia, the national distribution system is ‘effective and transparent’. This was not, however, the conclusion of a 1998 survey cited in T. S. Jayne et al., *Targeting of Food Aid in Ethiopia: Chronic Need or Inertia?*. The survey of more than 4,000 households sought to identify the profile of groups that actually received food aid from the DPPC in 1995–96. The survey exposed the lack of correlation between ‘needs’ and ‘allocations’ and showed that households suffering from a shortage of food received less food aid than households with a surplus. Families with an intake of more than 2,800 kcal per person per day received as much as those whose intake was less than 1,000 kcal per person per day, and those receiving the least assistance were found in the critical bracket of 1,000 to 1,679 kcal per person per day. Average aid per capita allocated in Tigray (where the regime’s leaders originate) was eight times higher than the national average. Finally, the researchers observed that ‘households are more likely to receive food aid in the current year if they received food aid in past years’, regardless of their actual vulnerability at the time of distribution.

In regions where aid operations are well established after several years of investment in monitoring and targeting procedures – usually financed by NGOs – the bureaucratic infrastructure has become blind to real developments in food security. ‘Beneficiaries’ have developed skills enabling them to take advantage of these institutional arrangements. A small farmer in Wollo, for example, might plough his field but not sow anything in order to claim that his harvest has failed and convince the authorities of his eligibility for food aid, which will bring him two or three quintals more than a risky harvest. Rather than a ‘dependency syndrome’, he and other beneficiaries have developed genuine skills allowing them to diversify their methods of obtaining food. Strategies such as these flourish mainly in areas such as Wollo, where farming no longer provides enough to meet the needs of the most disadvantaged.

Targeting ‘errors’ also reflect political choices. Disparities between regions are the direct result of the central government’s control over the allocation of relief. Priority is given to ‘politically useful’ areas and regions that have powerful contacts in Addis Ababa able to tip the balance in their favour. In other words, decisions about food allocation reflect the balance of power between the various components of the ruling coalition as much as the actual or supposed status of food security across the country. At the lowest tier of the distribution system, local government officials

are responsible for identifying beneficiaries. Their room for manoeuvre and administrative functions encourage them to use relief to support patronage or policing. Hence, during the famine in the Ogaden in 2000, some communities spared by the food crisis received relief while others, although disaster-stricken, were excluded because they did not belong to the dominant clans in the areas in which they sought help.

Clearly, the national production deficit recorded in 2003 will, together with the drought, make things worse for hundreds of thousands of Ethiopians who already face chronic food shortages. While it is not up to humanitarian agencies to solve the food problems of Ethiopia, humanitarian NGOs do have a responsibility not to hide the social and political origins of the crisis afflicting marginalised populations, and to ensure that relief actually gets to those who need it. It is crucial that they preserve their operational independence from the DPPC in order to reach those who might otherwise be excluded from vital assistance.

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Weapons of mass destruction: hope for the best, prepare for the worst?

Are aid agencies ready for the possible use of weapons of mass destruction? Geoff Prescott considers the evidence, and reviews what needs to be done

The debate over nuclear, chemical and biological weapons – weapons of mass destruction (WMD) – has so far centred on the preparedness and protection of relief workers caught up in a Middle Eastern war. The challenge for the humanitarian community is, however, much broader. Should humanitarian agencies respond to WMD victims? If so, what preparation, training and equipment do they need? For every victim of a nerve-gas attack, for instance, intubation may be needed, and oxygen administered – that is one medic per patient. In the event of a biological-weapon attack, victims may need to be vetted and quarantined – are refugee and displacement camps capable of this? Are camps designed to allow rapid construction of decontamination units for new arrivals should this be necessary? This article, based on a study by Merlin and the London School of Hygiene and Tropical Medicine, looks at whether, and how, agencies should plan to respond to WMD use.

WMD and the humanitarian imperative

Humanitarian organisations are required to take ‘all possible steps ... to prevent or alleviate suffering arising out of conflict or calamity’, and to act with sufficient independence to ensure that their assistance is impartial. Many agencies have extensive experience in providing services at short notice to large numbers of displaced people. They are not, however, trained, equipped or staffed to deal with issues of decontami-

nation, unusual clinical diagnosis or treatment, hazard control and psychological care after a WMD event. This highly specialised knowledge, training and equipment currently resides almost solely with the military, which means that Western militaries alone may be in a position to render humanitarian assistance to WMD victims. Working with belligerent forces while maintaining core principles of neutrality, independence and impartiality poses particular difficulties for humanitarian agencies. While this continued dependence on the military is a cause of concern, at a minimum it may at least be worth considering acquiring some of the public-health capacity to assist victims of WMDs in the future.

How should agencies respond to the use of WMD?

Agencies will need to develop an independent, neutral capacity to respond to casualties of a WMD event, whether deliberate or accidental.

One of the major obstacles facing agencies is translating medical knowledge into treatment guidelines, emergency response kits and standards. Turning information about WMD into guidelines, procedures and protocols still needs to be done. At present, there is a wealth of confusing information that needs to be analysed and translated into ‘aid-speak’.

Biological and chemical weapons: definitions and prohibitions

Developing, producing and using biological and chemical weapons is prohibited by a number of international treaties, namely the 1925 Geneva Protocol, the 1972 Biological and Toxin Weapons Convention and the 1993 Chemical Weapons Convention. The two conventions include provision for assistance in the event of attack or threat of attack. The Organisation for the Prohibition of Chemical Weapons (OPCW), the international authority for the 1993 Convention, is making practical arrangements for providing such assistance if chemical weapons are used. There is no similar organisation for biological weapons.

Under Article I of the Biological Weapons Convention:

Each State Party to this Convention undertakes never in any circumstances to develop, produce, stockpile or otherwise acquire or retain:

- (1) Microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes;
- (2) Weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.

According to Article II of the Chemical Weapons Convention:

1. 'Chemical Weapons' means the following, together or separately:
 - (a) Toxic chemicals and their precursors, except where intended for purposes not prohibited under this Convention, as long as the types and quantities are consistent with such purposes;
 - (b) Munitions and devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in subparagraph (a), which would be released as a result of the employment of such munitions and devices;
 - (c) Any equipment specifically designed for use directly in connection with the employment of munitions and devices specified in subparagraph (b).

A starting point would be adapting existing clinical information into an accessible format for humanitarian workers in the field. Ensuring that staff have access to treatment protocols were key recommendations to emerge from an examination of health facilities' response to the 1995 sarin nerve-gas attack in Tokyo. Although Japanese health workers lacked treatment protocols and training to care for casualties caused by chemical weapons, they did have a sophisticated hospital system with access to laboratories and a wide range of treatments. NGO field staff at present only have themselves and whatever supplies happen to be to hand.

Common protocols need to be agreed to enable the rapid collection of epidemiological information for effective early warning. The assumption that biological or chemical agents will be instantly apparent, and immediately identified, is questionable. Where agencies suspect that a WMD may be used, they may need surveillance and epidemiological systems in place. The design and standards for these systems need to be user-friendly, and practical enough to be implemented at field level.

Emergency drugs and equipment stock lists need to be reviewed and adapted to include materials essential to the care of victims of at least chemical or biological warfare. In some instances, it may be appropriate to have these materials packaged into kits to allow pre-posi-

tioning and rapid deployment. Current emergency kits contain some of the drugs required, but probably not in sufficient quantities. Clinicians responding to the sarin attack, for example, used up to ten times normal doses to save life. Decisions also need to be made regarding the potential provision of skilled supportive care, such as oxygen and intubation, which is not usually available in relief settings, but which can be critical to survival after exposure to certain chemicals and toxins.

Non-medical protocols and kits for water, shelter, nutrition and sanitation will also need reviewing. Decontaminating vehicles, people and equipment will require greater quantities of water, bleach and soap. Clothing may become an essential supply, since decontamination may necessitate the destruction of the clothes of people suspected of contact with biological and chemical agents. The design of IDP and refugee camps may have to be altered to allow the segregation of people believed to be infected with biological agents. Limiting the spread of infectious diseases may require quarantine for hundreds of thousands of people. How will this be managed if food has still to be distributed in quarantined areas?

The creation of an independent team skilled in biology, toxicology, public health and psychology, and accessible by telephone, radio or internet link, would enable NGO field staff to obtain immediate support in interpreting data, clinical management, protection

and control methods. Some humanitarian staff may also need to be trained in the essential elements of early recognition, medical treatment and care of victims. This may be difficult and hard to imagine doing, but Western militaries train their medical personnel, so it should be possible for humanitarian organisations to do the same.

In sum, protocols, standards, systems, kits and supplies in both the medical and non-medical aspects of emergency relief work need to be reviewed and adjusted as necessary. This will take a considerable amount of work. Fortunately, a lot of the information needed to do this is available, albeit not in a format or style suited to humanitarian relief.

The need for coordination

It is very unlikely that, in the event of WMD use, individual agencies will be able to provide effective humanitarian assistance by themselves. Even more than in other types of emergencies, coordinated action will be the key to protecting and saving the lives of victims. Since coordination remains difficult, a platform of *cooperation* between those agencies willing to engage with WMD is probably necessary. In research for the WMD study, we found that many agencies saw their role as supportive or subordinate to the military, and so looked to non-neutral coordination for their direction. Rather than argue over the merits of such a stance, it is at least worth flagging up that agencies will probably need to ascertain in advance which of their number could respond to a WMD event if required. Agencies with a common view of impartiality, neutrality and independence may wish to consider creating a small, multi-agency, multi-sectoral humanitarian assessment team, protected and equipped to function in high-risk areas. While it is hard to imagine many volunteering for such a task, the job of independently assessing suspected WMD events may fall to the humanitarian community. In the event of a nuclear accident in North Korea, for instance, what is the regime more likely to accept – a NATO assessment team, or one from the humanitarian community?

Hope for the best, prepare for the worst?

WMD has particular resonance and urgency at the moment. Yet even if the current Middle Eastern situation subsides, an event involving WMD appears increasingly likely, and could occur in many places in the world. The humanitarian community has a choice: it can either prepare to intervene to assist victims, or it can opt out. By starting work now, agencies may gradually develop a neutral, impartial and independent capacity to respond to WMD. The alternative is to hope that WMDs are never again used, or leave the response to others if they are.

Geoff Prescott is Chief Executive Officer, Merlin. This article is based on a study entitled *Hope for the Best ... Prepare for the Worst: How Humanitarian Organisations can Organise To Respond to Weapons of Mass Destruction* (London: London School of Hygiene and Tropical Medicine/Merlin, January 2003). The report was written by Geoff Prescott, Linda Doull, Egbert Sondorp, Hilary Bower and Aroop Mozumder. It is available at: www.lshtm.ac.uk/hpu/docs/wmd.pdf; and at www.merlin.org.uk.

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Private giving, public purse: some trends and patterns in the financing of humanitarian response

While a great deal of research has been done on the scale and implications of official funding for humanitarian action, very little attention has been paid to private sources of finance. Here, Harvey Redgrave goes over the accounts of some of the major UK agencies, and asks where the money comes from

Who funds the humanitarian activities of the West's major NGOs? This is more than an academic question; while arguably the relationship between independent agencies and their primary official

donors is based on more than simply funding, encompassing such things as trust and mutual respect, questions are being asked about the desirability of accepting official money in particular circumstances.

This unease, coupled with a sense that official donors are taking a more hands-on approach to the management of their humanitarian assistance funding, has prompted a large amount of recent work looking at the size of official funding and the politics around its giving. However, the flip-side of the coin – the size and source of *private* finance, from donations, legacies, trading or investment – has gone relatively unmarked. As this article shows, this may be missing a very sizeable part of the picture.

The scale of official funding

The last ten years have seen a sharp increase in the amount of official funding for humanitarian activities. Research by the Humanitarian Policy Group at ODI shows that, between 1990 and 2000, official humanitarian assistance from the major Western donors increased almost three-fold, from just over \$2 billion to nearly \$6bn. The bulk of this money comes from just a handful of countries; the US heads the list, usually by a factor of three or four.

Changes in the amount of funding to humanitarian activities have coincided with changes in where this money is going. Although data is weak and the picture complex, these shifts appear to have broadly favoured NGOs at the expense of the ‘traditional’ multilateral recipients, primarily the UN. In the UK in 1999–2000, for instance, the Department for International Development (DFID) disbursed some £221 million (\$350m) of its humanitarian assistance directly through NGOs and the Red Cross, and in earmarked funding to the UN; this was around double the £102m (\$160m) that went in unearmarked funding to the multilaterals. For the European Commission, the picture is starker still: just a fifth of its humanitarian spending went through the UN agencies in 1998–2000.

Official versus private: the picture for individual agencies

How have these shifts played out in the funding fortunes of individual agencies? This article looks at a necessarily limited sample, namely agencies that are members of the Disasters Emergency Committee (DEC), an umbrella fund-raising organisation bringing together some of the UK’s largest humanitarian NGOs. Data is largely drawn from the published annual accounts of these agencies, and looks at the years between 1997 and 2001. The research was conducted between September and October 2002; details of most NGOs’ annual accounts were only available up to April 2001.

Two important distinctions need to be made at the outset. The first is that several of these agencies – Oxfam, the British Red Cross, Save the Children, Care, Christian Aid, CAFOD, Tearfund and World Vision – are part of larger international federations. The Save the Children alliance, for example, incorporates 32 member countries, with a total worldwide income in 2001 of more than \$430m. This article looks purely at the finances of the UK sections of these organisations. The second point is that, at least in

terms of how they report their spending, some of these agencies are significantly more ‘humanitarian’ than others. Thus, while in 2000 Merlin reported 90% of its expenditure as going on ‘humanitarian’ activities, Oxfam allocated 37%, and Help the Aged just 2%.

These caveats aside, an analysis of recent accounts yields three important observations:

1. Overall levels of received income have increased enormously.
2. A significant proportion of this income is from ‘private’, as opposed to official, sources.
3. The smaller the agency, the larger the proportion of funding coming from official sources.

The growth in agency income

Table 1 shows the extent and rate of the growth in the income of those DEC agencies for which information was available, in the years 1997–2001.

For most of these agencies, levels of income increased substantially; for some, notably the British Red Cross, they more than doubled. Overall, the income of the agencies reviewed here grew by a startling £337m (\$532m). While around two-thirds of this is taken care of by a massive expansion in the income of just two of these agencies, Oxfam and the British Red Cross, across the board most did well. (One notable exception to this generally buoyant picture is Children Aid’s Direct, which ceased to exist in 2002. For more on its demise, see the article by Nick Thompson in this issue.)

Official versus private funding sources

Figure 1 illustrates the proportion of total income coming from official government donors.

These figures confirm that, in 2001, the DEC agencies received a significant – but for many, not a preponderant – amount of their income from official sources. Overall, official funding accounted for more than £281m out of a total of just over £900m, or around a third. Official sources of funding include grants received from multilateral and UN organisations, and income from government donor bodies. For the majority of the agencies looked at here, the primary official contributor has been DFID.

Figure 2 shows that, while DFID’s contribution did not comprise the *overall majority* of official income sources, it was usually the most significant. Funds derived from the second-largest contributor – ECHO – accounted for a larger proportion than DFID only in the cases of Concern and Merlin (£6.4m and £2.5m respectively). In the case of Oxfam, the largest single contribution to total official funding was in the form of food aid received from the World Food Programme – £16m – with donations from the EU totalling £10m.

Smaller versus larger agencies

Figure 1 also shows that the degree of dependence on official funding varied significantly among the

Table 1: Agency income (£000)

Agency	1997	1998	1999	2000	2001	% change
Oxfam GB	91,812	98,037	124,255	124,125	187,336	104%
British Red Cross	43,947	120,854	154,984	138,206	157,519	258%
Save the Children UK	81,876	81,925	95,387	106,159	115,576	41%
Help the Aged	56,179	63,117	66,960	60,350	70,089	25%
Action Aid	42,373	44,948	49,620	62,723	68,089	61%
Christian Aid	39,356	37,925	48,396	57,735	52,872	34%
Care International UK	20,205	22,813	29,755	36,948	38,072	88%
Tearfund	24,212	23,845	33,602	36,507	32,313	34%
World Vision	16,183	17,878	22,223	26,516	29,297	81%
Children's Aid Direct	7,161	8,790	16,712	13,500	6,958	-3%
Merlin	5,666	7,515	7,380	6,496	7,789	37%

agencies reviewed. Thus, for Oxfam and Save the Children official funding accounted for around a third of total income. For the British Red Cross, it was about 45%. Faith-based agencies too relied less on official funds. Tearfund, for example, received about £2.5m from official sources, out of an overall income of over £33m. For the smaller agencies, however, the picture can be markedly different: official funding accounted for over 80% of Merlin's income.

This wide variation is a function of the number of different funding sources available to each agency. Larger agencies and faith-based organisations have access to a wider variety of funding streams than

others, and so official funding occupies a comparatively smaller position overall. Oxfam is sufficiently massive and well-endowed to mount the kind of large-scale appeal and sustained advertising campaign necessary to mobilise high levels of giving from private individuals, and can maintain an extensive merchandising and retailing business (in 2001, Oxfam incurred trading costs of £55m, and spent £15m on fundraising). Similarly, faith-based agencies have access to a network of 'funding points' and advertising opportunities through churches and places of worship, along with a sympathetic constituency whose faith presumably inclines them to give for the sake of the less unfortunate.

The DEC and fund-raising

The DEC itself is an important funding-raising tool; in some instances, DEC fund-raising has outstripped DFID's spending in response to major disasters. Following the Gujarat earthquake in 2002, for instance, the DEC raised £5m, against DFID's humanitarian expenditure in the year of £2m. In eight major emergencies between 1998 and 2002, DEC appeals attracted £150.5m.

Table 2: The DEC and DFID compared

Emergency	Total funds raised through DEC appeals	DFID humanitarian expenditure
Goma eruption 2002	£5m	£2m
Gujarat earthquake '01	£24m	£12.2m
Mozambique floods '00	£32m	£12.2m
Orissa cyclone 1999	£7m	£3.9m
Kosovo crisis 1999	£53m	£113.9m
Hurricane Mitch 1998	£18.5m	£10m
Bangladesh floods 1998	£5.5m	£15.7m
Sudan famine 1998	£10.5m	£23.5m
Total	£150.5m	£193.4m

Figure 1: The proportion of funding from official sources, 2001

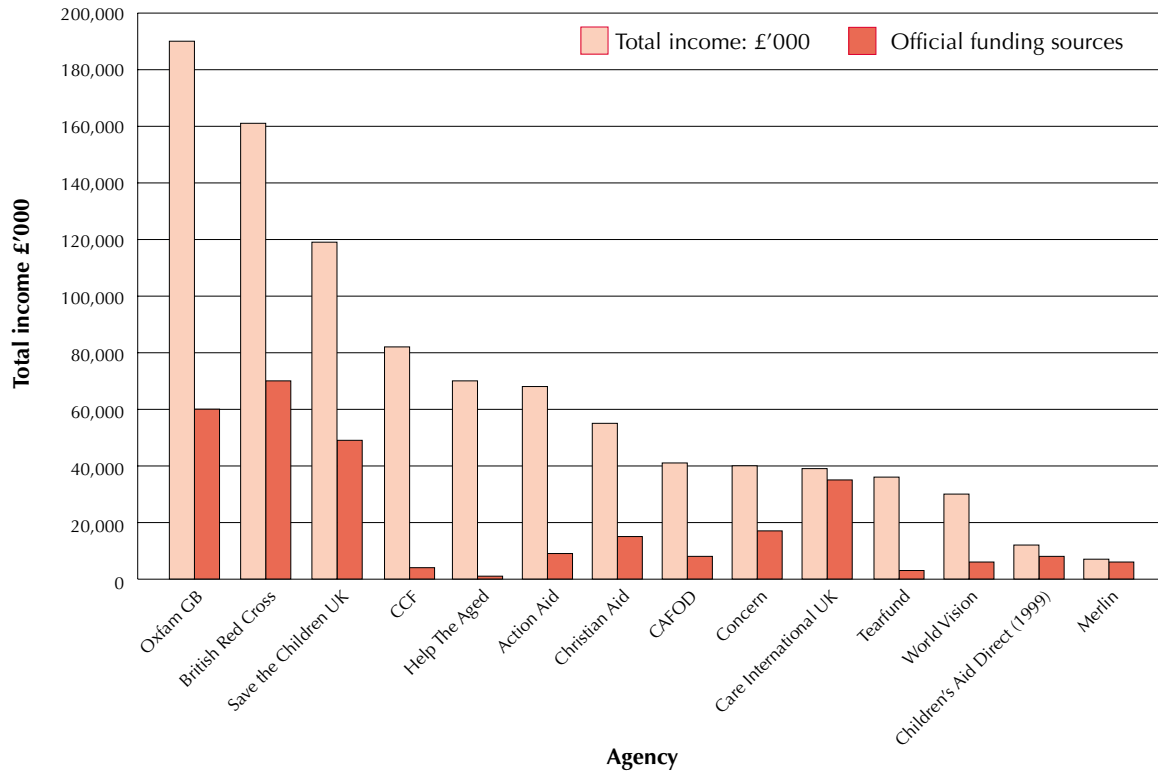


Figure 2: DFID's contribution (2001)

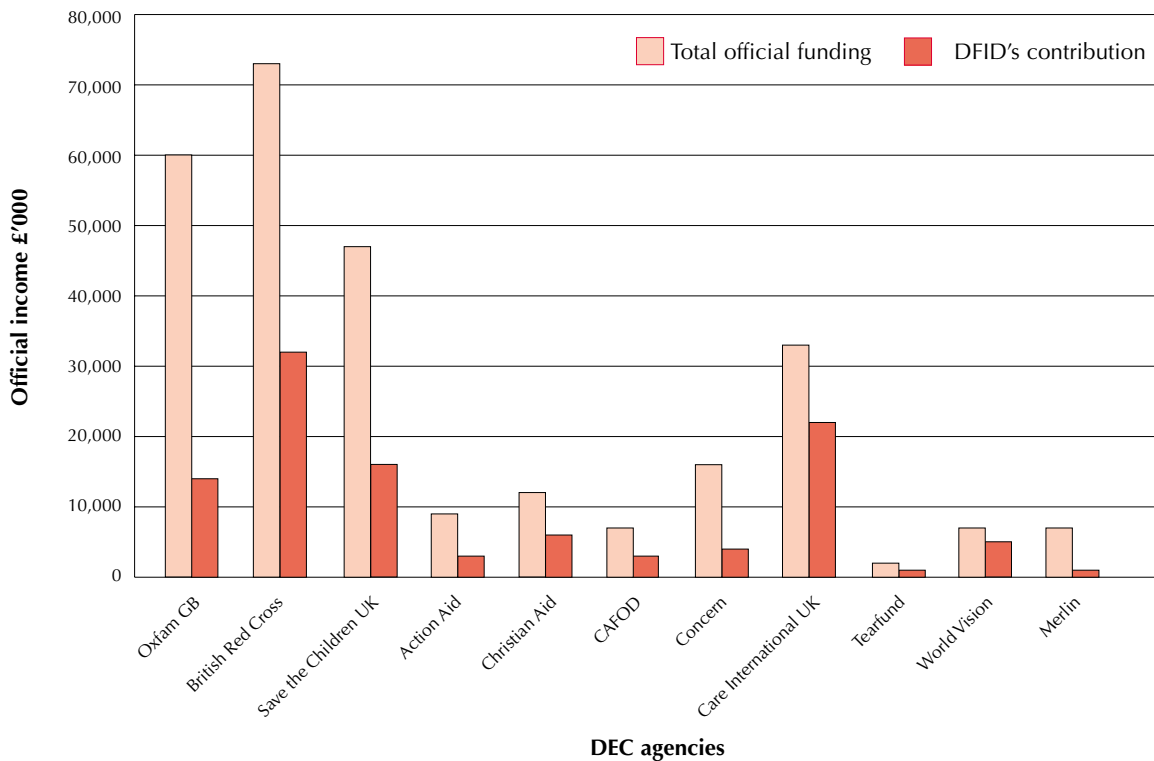


Figure 3 depicts this by breaking income sources down in more detail. It shows three individual agencies, one large, secular agency (Oxfam); one faith-based agency (Christian Aid) and one relatively small agency (Merlin).

These charts clearly show the different ways that agencies can access funding. Thus, Oxfam draws heavily on its trading income, and from donations and legacies, while Christian Aid benefits substantially from the mobilisation of its constituency during the fund-raising of Christian Aid Week, on income from its own emergency appeals and from legacies. By contrast, Merlin depends almost exclusively on just two sources of income, official funding and private giving – there is no mass access of funds from a large-scale, established campaign, no investment income and no trading activity.

Some tentative conclusions

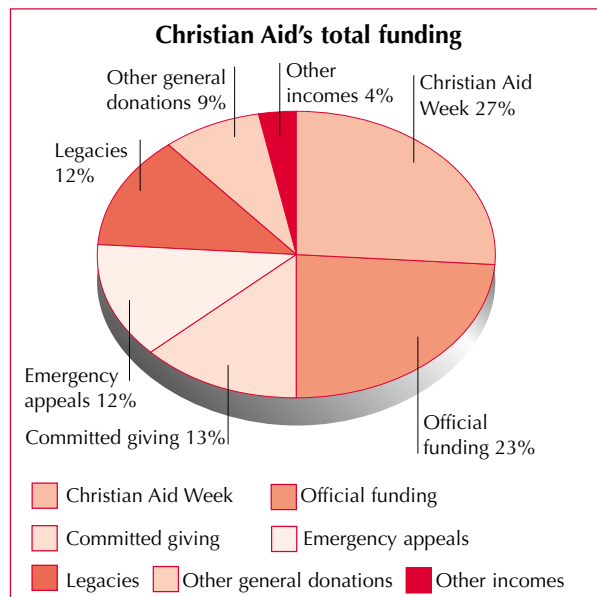
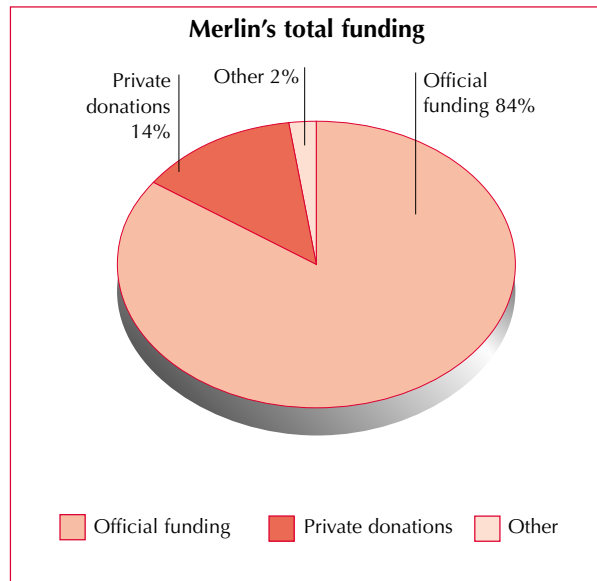
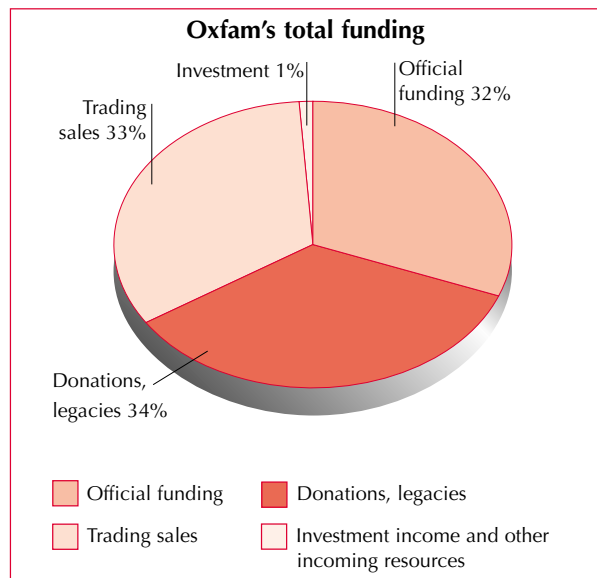
The sample looked at in this article is too small to enable any firm conclusions to be drawn concerning wider trends in the NGO sector globally. Given the variety and heterogeneity of the sector, there will always be exceptions to any rule. That said, some tentative conclusions can be advanced. The first is probably beyond dispute: NGOs are increasingly important players in the delivery of humanitarian assistance. It is possible that we are seeing a consolidation in the sector, with smaller, less well-endowed agencies ceasing to operate, or being incorporated in some form within larger and more powerful organisations. It is also possible that, in some instances and some sectors, NGOs may directly challenge the UN agencies as lead providers of aid.

Second, agencies draw on a wide variety of sources for their funding. This may seem self-evident, but it is important to say, not least because it has consequences for debates over agency independence. Some agencies, probably the smaller, secular ones, may be disproportionately reliant on the funding they receive from government sources; for others, and this is likely to include the larger ones like Oxfam, official funding is likely to account for a smaller slice of the overall funding pie.

It is not axiomatic that reliance on official funding equals a loss of independence; the relationship between funder and recipient is too complex for that. But it may be useful to take a look at precisely how that funding relationship measures up to the many, perhaps more significant, sources of finance open to those agencies equipped to take advantage of them.

And third, researching this article highlighted just how difficult it is to gather the kind of reliable, comparable figures that would enable in-depth analysis of who funds what, and where the money goes. There is, for instance, no accepted definition of ‘humanitarian’ action, for example, and reporting on humanitarian

Figure 3: Funding breakdowns (2001)



expenditure is inconsistent across the sector. Given the potentially significant amounts involved, the political environments in which they are given and the crucial importance of the activities this money funds, more work in this area is surely needed.

Harvey Redgrave is a public policy researcher for the Office for Public Management, a not-for-profit consultancy. He wrote this article in a private capacity.

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This article drew heavily on HPG research into changing patterns of funding and disbursement. See in particular Joanna Macrae et al., *Uncertain Power: The Changing Role of Official Donors in Humanitarian Action*, HPG Report 12 (London: ODI, 2002); and Joanna Macrae (ed.), *The New Humanitarianisms: A Review of Trends in Global Humanitarian Action*, HPG Report 11 (London: ODI, 2002). Both reports, together with summary briefing papers and background papers, are available on the ODI website at www.odi.org/hpg/publications.html.

The end of Children's Aid Direct

Nick Thompson tells a cautionary tale of one British NGO's painful demise

British charity Children's Aid Direct (CAD) ceased to exist as an independent entity at the end of August 2002. After 12 years' providing humanitarian relief to children and families in crisis overseas, CAD's doors were finally closed for financial reasons. This article is written in the hope that it may help other NGOs facing financial difficulties. It does not dwell on the reasons for the collapse, nor does it apportion blame. What happened to CAD could happen to other NGOs. There are lessons to be learned from CAD's demise.

Much that CAD achieved over those 12 years was exemplary, in particular the high quality of humanitarian work at the point of delivery, the speed of response to appeals from institutional/government donors, and the willingness to undertake work at the frontiers of safety and security. We remain proud of these qualities, even after the hard times of 2002.

The story begins at a meeting in February 2002. The meeting was the first of a series for the newly-appointed chair of trustees, during which the executive director and the acting director of finance spelt out in great detail the true nature of the organisation's finances, and the longer-term prognosis. After this meeting, we spent two months in negotiations with other NGOs trying to find a merger partner, but in May CAD had to enter into a company voluntary agreement (CVA). Under the CVA, a process particular to the UK, CAD's creditors agreed not to take legal action if we took steps to recover and repay as much as we could, thus avoiding having to go into liquidation (in which case creditors would have lost virtually everything). This meant that, from May, when the CVA came into force, until

August, all CAD's programmes had to be wound down, staff made redundant and assets sold. By the end of August, we had merged all that was left (essentially our database) with another NGO. Those four months were extremely stressful, and very exacting.

Although the CVA arrangement applied only in the UK, what happened to CAD is relevant to any other charity throughout the world. There was no single reason for its demise. It was a combination of many factors, a chain of individually small misfortunes or mistakes. To have prevented the collapse, the chain needed to have been broken a long time previously, and a number of those parts of the chain removed. Some of these links in the chain will apply to other NGOs, and need addressing if others are to avoid the grief and pain that CAD has had to go through.

Uncontrollable factors

For a number of years, it had been CAD's practice to spread its operations by maintaining a presence on average in ten countries at any one time. On occasions over the past few years, particularly at times when trustees became aware of financial pressures, it was asked whether we should not reduce the number of countries that we operate in. However, the fewer countries we were in, the fewer opportunities there were of identifying new contracts. Because 75% of our income was from institutional donors, this was a major factor. To this day, it is not clear whether reducing (or indeed increasing) the size of CAD's operations could have had a significant impact on its future. The fact was that arguments for not dropping below ten always prevailed at the time.

The conduct of our institutional donors was a very significant factor in CAD's demise. Some were extremely slow in paying. Even after a huge push to recover outstanding funds in the autumn, by the end of 2002 (after CAD had ceased to exist) we were still owed an estimated £450,000 (more than \$730,000). The biggest impact was from CAD's major donor; once our financial difficulties became known, this donor demanded bank guarantees for every new grant. This was one of the factors that pushed CAD over the edge.

Outdoor activities represented CAD's major source of unrestricted funding. Six or seven events were held every year, where teams from various companies were sponsored to climb mountains in the UK. The outbreak of foot and mouth disease among Britain's beef herds in 2001, which caused the closure of the national parks where these mountaineering trips took place, was a huge blow, and highlighted again that too great a dependence on one single fundraising activity was dangerous.

During the final months of CAD's existence, many people asked what role our external auditors played. Looking back, their reflections and support for the work we undertook at the time were excellent. A senior partner attended virtually all of our many crisis board meetings, and consistently confirmed that all our actions were legitimate. His reassurance was most helpful. Interestingly enough, though, only two weeks before the fateful discussions with the incoming chair in early February, the board had met to receive the auditor's report of the previous year's accounts. His report, whilst urging caution, confirmed his satisfaction with the 2000/1 accounts. The auditor's role appeared to be reflecting on the previous year's financial performance and commenting on the legality of continuing to trade, rather than giving direct advice on solving the enormous financial problems we found ourselves in.

The final external factor, and again one not unique to CAD, came from fluctuations in exchange rates. The net loss to us over three years was considerable.

Culture and behaviour

Not all of the reasons for CAD's collapse were external, of course; some relate to the culture of the organisation. CAD was rightly proud of its record of providing an excellent service in the field. It had done this without ever building up financial reserves, preferring instead to spend every penny available. The result was an unbusinesslike approach – the idea of living within our means entered CAD's lexicon only in its final couple of years. Financial crises were old hat; 'we've been here before' was a common response, and persisted even after the February watershed. For what appeared to be a very positive, task-centred organisation, there was a culture of secrecy. The minutes of all meetings with trustees and senior managers were

confidential. As a result, financial difficulties were often kept quiet.

Governance

The distance between CAD's board and its staff, even at head office, was obvious. Staff would see trustees passing through the office every three months for board meetings. The board did not challenge management, and knew little of the issues facing staff. Board members were genuinely shocked when, in early 2002, they saw the size of the list of outstanding creditors. A new briefing system was introduced in September 2001 to let staff and trustees know far more about what was happening. One such briefing in October explained CAD's cash-flow difficulties in detail, and why this meant things were slowing down dramatically. One of the trustees contacted the executive director at the time, amazed that the situation was so advanced.

The failure to recognise impending insolvency early enough was the outcome of a board that kept its distance and failed to ask searching questions. In drawing up the budget for the new financial year in September 2001, it was not apparent even then that CAD was probably insolvent. Likewise, the impending insolvency was not made clear to the new executive director when he began in September 2001. None of the trustees had personal experience of working for an NGO, yet as with any charity they were solely and collectively responsible and accountable for everything the charity did.

Management and day-to-day running

Although CAD had a clear mission statement, this did not appear to be owned and shared by all staff and departments. Staff from the different departments in head office rarely spoke to each other, and there were many internal barriers between departments. The charity had been developed through the inspiration and energy of one individual, but as the organisation grew, a more managerial style and culture was lacking. The new executive director arrived too late, and trustees did not choose a candidate with a particular specialist knowledge of finance. The over-reliance on one particular model for fundraising was a long-standing mistake. During the period when information was being assembled for this article, there was also a view, though not one shared by all concerned, that too much emphasis had been placed on fulfilling all of the projects proposed by the programmes department, and not enough time spent on adapting to the realities of fundraising capacity and to general financial disciplines. The unnecessary secrecy surrounding the handling of information reflected the inappropriate way in which the whole organisation was managed.

Financial failings

CAD had a considerable overdraft for over four years. The failure to create reserves and an over-dependence

on the overdraft created the cash-flow problems that became increasingly evident during the autumn of 2001. In the past, budget controls had been inadequate: 'spend because it's needed', rather than 'spend if it's affordable'. There were poor controls over purchasing and systems of approval; money was applied with scant attention to controls. In the final 18 months, financial-monitoring systems were tightened considerably, but by this time it was too late.

In previous years, constructing the budget had been an interesting exercise, with little involvement from operational managers. CAD was not alone in co-mingling budgets (keeping all the income from different contracts in one account), but to create separate bank accounts for every grant would have been an enormous and hugely expensive task, and one not required by donors. It did, however, cause serious difficulties as the lack of cash flow became more and more of a problem.

The relationship with the charity's bankers was mixed. Two years ago, the bank insisted on an independent financial review. The process was fraught; the independent audit team sent in by the bank showed little knowledge of the way NGOs operate, and much energy was spent trying to educate them. The outcome was inconclusive, other than to lead the bank to put pressure on CAD to reduce the size of its overdraft. This reduction was successfully achieved, but at the cost of further delaying payments to creditors. Once the cycle of delaying creditors and reducing cash flow took hold, work in the field slowed down, in some cases grinding virtually to a halt. This led to delays in finishing off contracts, further delays in beginning new contracts, and therefore delays in the budgeted flow of income. The outcome was that, for the first three months of the new financial year, no new grant money was received, and budget predictions were knocked back

by three months. The cash-flow problems became severe and, by the time the new chair was appointed, the situation had got out of hand.

Conclusion

It is ironic that, from the February watershed, many of the old weaknesses disappeared. The dialogue between trustees and management improved dramatically and the involvement and commitment shown by all staff was very impressive. It is tragic that this all happened too late in the day. But it remains impossible to know at what point a rescue plan could have been mounted, and the crisis avoided; too many weak links needed to be repaired.

In the end, CAD's history and culture proved too much. Governance was weak, management kept trustees in the dark and trustees failed to ask the right questions. There were too many financial failings. Some were fairly small, but added together they resulted in a lethal mixture. CAD was constantly using money today which was committed for tomorrow; as one of the trustees pithily put it, 'no matter what your heart says, follow the money'. Trustees have enormous responsibilities vested in them, but are left with no external monitoring and precious little support. Staff are not members of managing boards, and bear virtually no corporate responsibility if anything goes wrong. For a local charity with a relatively small turnover this may not be a major issue, but for an agency the size of CAD, with a turnover of £15m (\$24m), the responsibilities of trustees are great. Including full-time paid directors on the board, as is the case in the commercial world, together with external scrutiny are therefore fundamental issues that need to be addressed if another agency is not to share CAD's fate.

Nick Thompson is former executive director of CAD. His email address is: nickthompson@cybase.co.uk.

Accountability in humanitarian action: a forthcoming special feature

The next issue of *Humanitarian Exchange*, in July 2003, will include a special feature on accountability in humanitarian action.

The humanitarian sector has seen a variety of initiatives in recent years aimed at strengthening the accountability of organisations which provide humanitarian aid to the principles and values of humanitarianism, to those who are responsible for their governance, to the donors, to the public and – last but not least – to the people it is designed to help. Much has been learnt, but there is a lot still to be done if humanitarian actors are to be truly responsible and accountable for their power, influence and activity.

If you or your organisation have ideas and experience you would like to share by writing an article for the special feature, please contact us by email hpn@odi.org.uk or phone +44 (0)20 7922 0331.

The HAP and humanitarian accountability

Agnès Callamard reports on the work of the Humanitarian Accountability Project

Once again, talk of war dominates the international agenda, and once again humanitarians confront some difficult questions about the ethos and ownership of humanitarian action in contested and politicised environments. Agencies often operate in difficult circumstances, between crisis and reconstruction, between disasters and post-disasters, between states and non-states, where evidence conflicts and politics intrudes. In these contexts, difficulties arise around the applicability of international and domestic legal standards, and about the fundamental principles that guide humanitarian work.

To claim humanitarianism back from militarisation or instrumentalisation, we must insist that humanitarian work is based on, and guided by, ethics and accountability: as Hugo Slim has suggested, we must take the moral cue from those suffering and surviving crisis situations, rather than rely on the traditional role-model of the ‘heroic intervener’, which is too often a military construct. Just as important, we must also be in a position to *uphold* and *demonstrate* our claims to these principles, and our distinctive competence in solidarity with crisis-affected people. This is why the call for stronger humanitarian accountability was made, and this is why the Humanitarian Accountability Project (HAP) was established.

The Humanitarian Accountability Project

The HAP was set up two years ago by a number of humanitarian agencies, in response to concerns about the lack of accountability towards crisis-affected communities. The HAP was the last of a series of initiatives within the humanitarian community over the 1990s, which sought collectively to address the changes and challenges the sector faced. Over the last two years, some 70 staff and consultants have conducted three field operations to try out accountability mechanisms in real time emergency situations, undertaken five research projects, and engaged in a variety of advocacy activities on accountability.

Why humanitarian accountability?

The need for accountability in the context of humanitarian action stems from the simple fact that humanitarian actors exercise influence and power over the lives of crisis-affected individuals and communities. The HAP defined accountability as involving two sets of principles and mechanisms:

- those by which individuals, organisations and states (referred to as duty bearers) account for their actions and are held responsible for them; and
- those by which individuals, organisations and states may safely and legitimately report concerns,

complaints and abuses, and get redress where appropriate.

Thus, we deliberately moved away from a definition that focused exclusively on the process or duty of accounting (and being held responsible). For duty-bearers to account for their actions, there must be other mechanisms in place, allowing citizens, staff, service users and others to ask questions, or report complaints.

Main findings: field operations

The HAP carried out three field trials to test various approaches to field-level accountability: in Sierra Leone in December 2001–May 2002; in Afghanistan in May–July 2002; and in Cambodia in August 2002–February 2003. The HAP progressively moved from being the accountability mechanism (in Sierra Leone) to supporting agencies in setting up or strengthening their own accountability mechanisms (in Cambodia). The trial in Afghanistan served as the connection or transition between these two approaches.

In Sierra Leone, the HAP tested the feasibility of a ‘trouble-shooter’ or ‘constable’ mechanism. It investigated a number of accountability issues, and provided rapid redress to humanitarian claimants by approaching field-based duty-bearers. The main shortcoming with this approach was that its impact did not extend beyond the beneficiaries concerned, it did not outlast the team’s departure and it did little to foster institutional change and managerial accountability.

To address questions of cost-effectiveness and sustainability, in the Afghanistan field trial we opted for the HAP acting as an accountability catalyst through monitoring and facilitation. Monitoring allowed the HAP to build its credibility and legitimacy, and to raise its profile by bringing up cases or issues. But agencies requested more than facilitation: they wanted technical and strategic support for accountability.

This encouraged us to use the Cambodia trial to work with committed agencies in developing their accountability mechanisms. The agencies and the HAP worked *together* to monitor and respond to beneficiaries’ concerns, assess organisational practices, provide accountability training and identify a permanent mechanism that would outlast the HAP.

The field trials provided interesting findings regarding accountability mechanisms and their respective effectiveness and sustainability. HAP’s research shows that, to be accountable to beneficiaries, agencies should inform, listen to, monitor and respond to concerns, and report

HAP's proposed successor*Vision*

A humanitarian sector with a trusted and widely accepted accountability framework, which is transparent and accessible to all relevant parties.

Mission

To achieve and promote the highest standards of accountability through self-regulation by members linked by common respect for the rights and dignity of beneficiaries.

Standards of accountability*1. Commitment to humanitarian standards and rights*

Members state their commitment to respect and foster humanitarian standards and the rights of beneficiaries

2. Setting standards and building capacity

Members set a framework of accountability to their stakeholders. This framework includes standards, principles, policies, guidelines, training and other capacity-building work. It must include measurable performance indicators. Standards may be internal to the organisation, or they may be collective. Members periodically review standards and performance indicators, and revise them if necessary. They also provide appropriate training in the use and implementation of standards.

3. Communication

Members inform, and consult with, all stakeholders, particularly beneficiaries and staff, about the standards adopted, the programmes to be undertaken and the mechanisms available for addressing concerns.

4. Participation in programmes

Members involve beneficiaries in the planning, implementation, monitoring and evaluation of programmes and report to them on progress, subject only to operational constraints.

5. Monitoring and reporting on compliance

Members involve beneficiaries and staff when they monitor and revise standards. Members regularly monitor and evaluate compliance with standards, using robust processes. Members report at least annually to stakeholders, including beneficiaries, on their compliance with standards.

6. Addressing complaints

Members put in place mechanisms that enable beneficiaries and staff to report complaints and seek redress safely.

7. Implementing partners

Members are committed to the implementation of these principles when working through implementing partners.

back. In particular, agencies should be encouraged to set up mechanisms allowing them to listen to complaints from beneficiaries. Operational actors are in the best position to ensure and strengthen accountability to beneficiaries. This requires setting up accountability mechanisms within operations, as well as strengthening managerial accountability and responsibilities. Accountability to beneficiaries will not be sustainable and institutionalised unless self-regulation, at both agency and inter-agency level, is improved and strengthened. No independent body, however large, will ensure that the millions of humanitarian claimants have access to avenues of recourse if and when they have legitimate complaints and concerns.

HAP field trials also underscored many instances of a lack of accountability to beneficiaries, though these were

by no means newly discovered by us. The concerns cited most often by crisis-affected individuals included:

- a lack of information regarding relief entitlements and the future of the assistance;
- an inability to recognise and identify who is who among relief workers, and who works for which organisation;
- that it was impossible to raise issues or ask questions;
- misunderstanding, misinformation or disinformation regarding relief entitlements;
- concerns about protection and insecurity; and
- corruption among officials or beneficiaries.

These problems were especially acute for the poorest, women-headed households, for children and for the handicapped.

Main findings: research and advocacy

HAP research projects included a field study on the Gujarat earthquake and inquiries into the legal responsibilities of humanitarian actors, the relevance of medical ethics to humanitarian work, the 'accountable organisation' and mechanisms of accountability.

Advocacy work has taken place in headquarters and at field level, and sought to increase consensus within and outside the humanitarian sector around the necessity to improve accountability towards crisis-affected communities. The HAP developed user-friendly documents and messages and systematically advocated for the strengthening of accountability in various NGO and UN settings and meetings, and with a large variety of actors.

This work has identified a number of findings. Humanitarian agencies have gone a long way towards accountability through a firm commitment to human rights, setting up quality standards and indicators, evaluating their programmes and consulting with humanitarian claimants. However, important weaknesses remain: there is insufficient monitoring of how standards are being implemented, and insufficient compliance with them; knowledge of standards in the field is inadequate, and mechanisms for complaint and redress are non-existent; managerial accountability is weak and there is insufficient commitment among organisations' leadership.

Our research highlighted a number of lessons from other sectors. Other professions have increased quality and strengthened accountability through a focus on collective responsibility, strong self-regulation and, in serious cases, recourse to independent mechanisms. Medical ethics are particularly relevant to the principles and practice of humanitarian work. Central to medical care is the trust that patients have in doctors. This trust is essential, but comes with high levels of responsibility for doctors. Peer review constitutes a

particularly important mechanism of quality control. Finally, of course, humanitarian actors carry a range of responsibilities under criminal and civil law: duty of care, fiduciary duty or trust, and protection responsibilities, for example.

Towards a permanent accountability mechanism

A fundamental conclusion to emerge from HAP's work is that accountability may best be strengthened and implemented through the creation of a strong international self-regulatory body. This model recognises that accountability is the primary responsibility of operational agencies, which are also best placed to ensure and strengthen accountability to their stakeholders. A permanent accountability mechanism would seek to assist these agencies in meeting this responsibility by providing strategic and technical support, monitoring and developing accountability standards and practices.

In January 2003, HAP member agencies and others agreed to the HAP proposal for an international, membership-based, self-regulatory body focusing on accountability towards beneficiaries. This new organisation proposes a 'staircase' approach to accountability. By this we mean that not all member agencies are expected to implement accountability standards in the same way, and at the same speed. The proposal is that each member agency will develop and report on its own work-plan, milestones and time-frame. The proposal prioritises 'learning', and insists on monitoring and compliance procedures. The main functions of the new organisation will consist in building and strengthening the capacity of member agencies through technical and strategic support, in the field and at headquarters, and monitoring progress made.

Agnès Callamard is the Director of the Humanitarian Accountability Project. The HAP website is at www.hapgeneva.org.

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Canadian international humanitarian assistance

As part of our series on major donor governments, **Natalie Folster** looks at the policies and structures of Canadian humanitarian assistance

Canada's programme of official humanitarian assistance is relatively modest, accounting for some 2.5% of global expenditure, down from 6% in 1992–93. In real terms, the funds allocated to humanitarian aid have declined over the decade, from C\$111,092,000 in 1990/91 (about US\$72m) to some C\$99,616,921 (US\$65m) in 2000/01. However, this is part of an overall reduction in Canada's overseas development aid (ODA); the proportion of ODA spent on humanitarian assistance has in fact increased since the late 1980s, and now accounts for between 7% and 8% of annual ODA, up from an average of around 3.5% throughout the 1990s. Canada is now committed to doubling its ODA by 2010. After a decade and a half of cuts to the aid budget, this marks a renewal of Canada's commitment to devote 0.7% of its GNP to foreign aid – a pledge made 30 years ago, but never achieved.

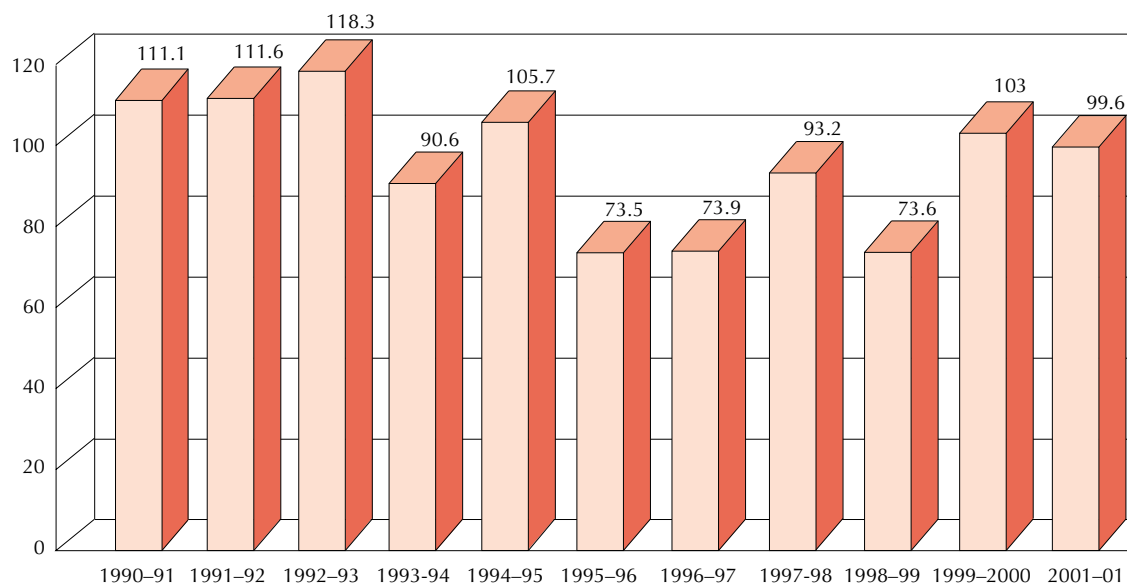
The international humanitarian assistance programme is managed by the Canadian International Development Agency (CIDA). It is a responsive fund, which means that grants are made based on requests from eligible relief organisations. These are experienced Canadian NGOs and international appeals made through the UN and the International Red Cross. CIDA does not provide emergency relief directly to other governments. In allocating resources, CIDA has traditionally relied on its NGO partners and the UN to assess needs and prioritise their requests for funds.

The proportion of Canadian international humanitarian assistance channelled through the UN agencies has fluctuated over the 1990s, from a high of almost 72% to just over 56% in 2000–20001; recently, there has been a small shift (5%–8%) in favour of Canadian NGOs. Funding to the Red Cross, CIDA's most significant partner in the administration of government-funded humanitarian relief, has increased slightly over the past decade, and currently accounts for 22.3% of the international humanitarian assistance budget.

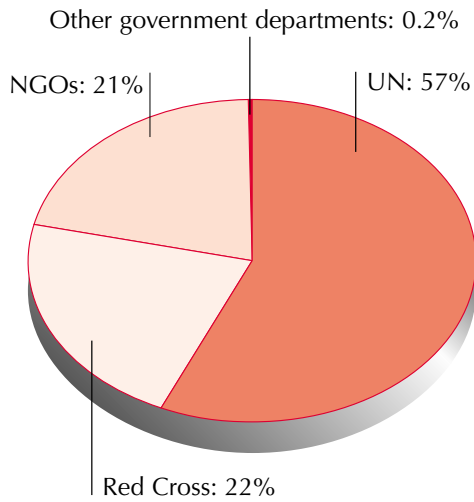
CIDA has five primary funding categories in its humanitarian assistance programme: core funding for the international humanitarian aid programme and its implementing agents; complex emergencies; natural disasters; disaster preparedness; and 'special projects'. There have been wide annual fluctuations in the resources allocated for each of these, in part explained by the unpredictability of individual catastrophes, in part the result of political and economic factors influencing the response (or lack thereof) to a particular crisis.

CIDA's figures reveal that relief in complex emergencies makes up the majority of disbursements, ranging from a high-point of 76.7% of total international humanitarian assistance in 1990–91 to a low of 45.9% in 1997–98, and making up about 50% of expenditure in 2001. Overall, the proportion of the humanitarian

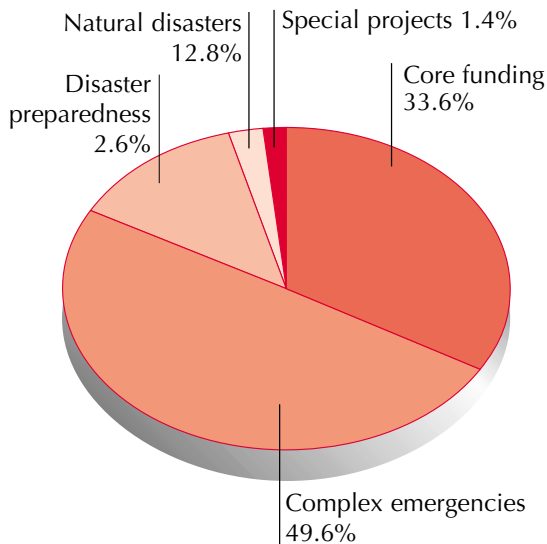
Funding for international humanitarian assistance (C\$m)



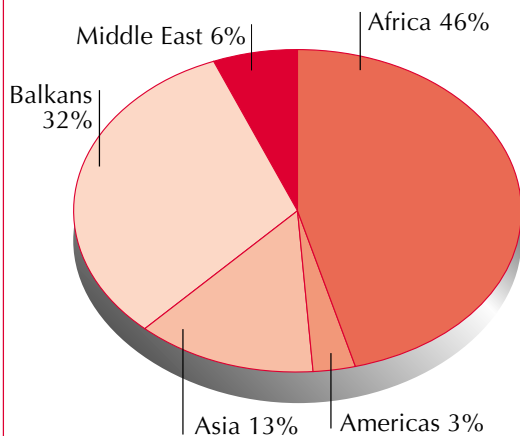
Funding by recipient, 2000–2001



Funding by type, 2000–2001



Complex emergencies: funding by region, 2000–2001



aid budget devoted to complex emergencies in Africa, Asia, the Americas and the Middle East has declined, while there has been a corresponding increase in Canadian involvement in relief efforts in the Balkans since 1998–99.

Institutional developments

Following an independent evaluation of the Canadian response to Hurricane Mitch, and the recommendations of an analysis of the humanitarian aid programme, both commissioned by CIDA in 1999, it was decided to establish an emergency response unit at CIDA. The unit was set up in response to perceived weaknesses in CIDA’s ability to respond effectively to international crises. Beforehand, the common practice in the event of an emergency was for all humanitarian aid staff members but one to drop what they were doing and organise the response to the latest crisis. There was also a sense that neither CIDA’s development assistance field offices nor the UN resident representatives knew enough about the humanitarian relief system. Officials believed that CIDA was not always receiving information early enough to decide what the Canadian response to a crisis should be. Thus, a field presence was deemed necessary to make rapid needs assessments. The mechanism was formalised in 2001, and is administered by the Canadian Red Cross. It will provide logistical support to a Canadian Humanitarian Assessment Team (drawn from a roster of Canadians who can be deployed on short notice from within CIDA, the Department of Foreign Affairs and International Trade (DFAIT) and NGOs); offer training to international humanitarian groups; and deal with public inquiries in response to international disasters.

The political context

Humanitarian relief comprises a very small portion of Canada’s entire aid budget, which is itself generally of little interest to the average Canadian taxpayer. As such, it appears to have been insulated from the political pressures which have shaped the broader aid programme and foreign policy overall – pressure from domestic commercial interests seeking overseas markets for their goods; Canadian domestic politics, and the perceived need to maintain a presence in over 100 countries as a reflection of Canada’s multicultural heritage; and Canada’s cultivation of its ‘honest broker’ middle-power position on the international stage, which includes peacekeeping. This role of ‘international humanitarian’ may, however, be more image than substance these days – Canada has fewer peacekeepers serving abroad than Bangladesh.

Canadian aid policy has rarely been a priority issue among elected officials, who generally focus on domestic concerns. As part of ODA, the international humanitarian assistance programme falls under the purview of two parliamentary committees: the Public Accounts Committee, which oversees all government expenditure, and the Foreign Affairs Committee, whose sub-committee on Human Rights and

International Development is the forum for discussions of aid policy. In addition to its routine review of CIDA's annual budget estimates, the Foreign Affairs Committee and its sub-committee hold hearings on selected topics chosen by committee members. This agenda is largely dictated by current events, and focused on briefing members on various issues rather than examining policy issues in detail. The only documentation on aid policy and its implementation that parliament is required to consider on a regular basis are CIDA's annual *Performance Report* and *Report on Planning and Priorities*, which are general overviews of the entire development assistance programme and self-assessments of performance.

In addition to its own – little-used – oversight mechanisms, parliament receives annual reports from the Office of the Auditor-General (OAG) on the activities of all federal government departments and programmes. This report is made public, generally receives prominent coverage in the national media and has become an important influence on public discourse and government policy. Although various aspects of CIDA have been scrutinised over the past decade, the international humanitarian assistance programme has never been examined, in part again because of its small size. Nonetheless, CIDA has introduced some significant reforms in response to criticisms contained in the Auditor-General's reports.

The NGO sector

Canada is home to a well-organised lobby of NGOs involved in international development and relief work. On occasion, NGOs have been able to influence Canadian aid policy through direct representations to government decision-makers, and by mobilising public support through the media. CIDA holds regular, formal consultations with representatives of NGOs, the academic community and the commercial private sector on aid policy issues in general. It also offers training on the Sphere initiative. However, some NGOs are critical of a trend in the consultation process towards seeking consensus among all 'stakeholders' on policy directions, rather than on determining what course of action would most effectively fulfil the stated objectives of the aid programme.

In 1998, a group of Canadian NGOs decided that they needed a forum for discussion of international

humanitarian assistance policy, and through which they could lobby the government on policy issues. The result was the Policy and Advocacy Group for Emergency Relief (PAGER). PAGER includes observers from CIDA and DFAIT, and is cited as a relatively rare example of sustained cooperation between CIDA, DFAIT and the NGO sector. The group meets on an *ad hoc* basis, with a focus on sharing information rather than solving problems.

Canadian NGOs as a whole perform a useful role in scrutinising CIDA's international humanitarian assistance programme. However, it would be wrong to regard the NGO community as a unified bloc, confronting or cooperating with the government. There exist significant differences of opinion among them. For example, some NGOs oppose CIDA's Emergency Response Unit on the grounds that it compromises the neutrality of other Canadian organisations working in the field. Particularly contentious is the maintenance and direct disbursement by CIDA of a stockpile of emergency supplies. This reserve, left over from Canadian disaster preparedness for Y2K, is stored at a military base in Ontario. Some of these goods have been delivered by Canadian officials in emergencies in Mozambique and El Salvador. CIDA defends its actions on the grounds that it needs information from the field in order to know how to respond. Further, the agency says that this stockpile is very small, amounting to 30 tonnes of supplies; enough for two plane loads. The policy now is to reserve this supply for immediate response to crises in the Western hemisphere.

Natalie Folster works in the Policy Branch of the Canadian International Development Agency.

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Evaluating Sphere: your opinions count

Six years after it was launched, the Sphere Project is being evaluated by the Mailman School of Public Health at Columbia University and the Institute of Public Health Uganda at Makerere University. As part of the evaluation, a survey is being conducted of people who are working or who have worked in humanitarian assistance. Your opinion is valuable, whatever position or post you hold or have held, whether you use the Sphere Project or have never heard of it, whether you agree with the Sphere Project or disagree.

The survey form is available on-line at www.sphere-eval.hs.columbia.edu, or from:

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Refugee camps and the problem of ethnic extremism

Large encampments to receive fleeing refugees facilitate reception and save lives. Yet, argues Tony Waters, the long-term effects of camp life may themselves create the potential for further conflict

Refugee camps are a way of controlling the technical, political and social problems inherent to conflict. They permit easy access to vulnerable, needy people in difficult and dangerous environments, meeting immediate needs for food, shelter and healthcare and helping to overcome the typical reluctance of host countries to receive foreigners. They also provide a convenient short-term holding place for refugees able to return after a short period. Yet is doubtful whether they are of long-term benefit, particularly when compared to the successes of some second- and third-country resettlement programmes. This is not because immediate physical needs are not met; rather, the segregation, inequality and social isolation of the refugee camp can fuel political resentments which prolong the refugee situation, and create the potential for further conflict.

The modern refugee camp

Typically, refugee camps are established in the early days of an emergency. They are sited within walking distance of a border (most refugees flee on foot), there are water sources that can be developed quickly, and there are few local people around to create political problems for the host country. Often, the host country's military has asserted some level of control in the confined area of the camp. Confinement is usually combined with regulations restricting economic activities like farming or foraging, and social activities such as school attendance. This limits contact between refugees and the host population. Settled camp conditions are conducive to the control of mortality and morbidity rates in vulnerable refugee populations otherwise at great risk. At the same time, however, camp conditions can generate their own, less obvious problems.

Refugee populations are typically isolated and made idle by the circumstances in which they find themselves. As a result, a 'refugee culture' can emerge, often among young people. This culture develops its own definitions of who is part of the group, and who is not. A caste-like inequality between refugees, locals and expatriate camp staff becomes normal, and a hierarchy emerges in which

refugees are defined as the recipients of international largesse, host-country nationals provide the services refugees are banned from providing for themselves, and a small group of expatriates brings in what money there is. Meanwhile, life in the home country continues, and another social stratification emerges: between the people in the camp, and the people who stayed behind. Unable to visit, refugees create mental images of what the home country is about socially and politically, interpreting what snippets of information come their way to confirm their fears, hopes and suspicions about when they might return.

The regularisation of assistance

The emergency period can pass quickly, often within weeks or months. However, by default the dependent camp situations assisted by UNHCR, and fed by WFP, are maintained because the easiest thing to do is simply to continue. Thus, humanitarian agencies typically focus on the establishment of a 'maintenance' policy for the continuation of the camp situation, in the hope that a quick repatriation will be organised. For the international humanitarian community, maintenance is viewed as the completion of the 'emergency'. After all, under difficult circumstances infrastructure has been built, political relationships have been established with the host country, food pipelines set up and major purchases made with donor money. In essence, maintenance for the agencies means the regularisation of their aid programmes. The



Large-scale need: within two weeks, over 100,000 people fled Kosovo for Macedonia

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problem is that maintenance policies rigidify the principles established during the initial flight. And these maintenance policies kick in at the same time that refugee culture is being established in the context of crowded camp conditions, norms for food distribution from international supplies are established, and the other tools used to receive and sustain fleeing refugee masses developed. This is fertile ground for the legitimisation of refugee nostalgia for a vanished past.

Dreams of return

Refugee ideologies quickly emerge with the establishment of camp routines, which typically suit the more powerful actors, including the humanitarian community, the host country and ethnic nationalists whose ideology feeds on nostalgia for the homeland. In particular, an ideology is established that voluntary repatriation, sometime, eventually, sooner rather than later, is the only solution. Not coincidentally, this is a convenient policy for humanitarian actors, the host country and refugee leaders alike: humanitarian actors because they have the infrastructure, routines and resources to maintain camps to control the situation, host countries because they do not want to deal with the issues of integrating foreigners, offending local constituencies in the process, and refugee leaders because they nurture dreams of leading a liberation force back to the home country.

Promises of eventual return can become very attractive to refugees faced with frequent reminders that they are 'different', both from host-country nationals and from the people back home. In this kind of environment, extremism can flourish, and refugee populations, tantalised by promises of return to a mythologised 'homeland', can be mobilised for political purposes. Refugee camps for Palestinians in the West Bank and Gaza provide some of the most fertile recruiting-grounds for suicide bombers. Closed camps for Rwandans in Zaire in the late 1990s provided first a cover for the toppled, genocidal government, then a military target for the new regime. In both cases, the hundreds of thousands of refugees suffered.

Repatriation or resettlement?

Repatriation is usually seen as the best long-term solution to a refugee crisis. In certain circumstances, Mozambique in the early 1990s for instance, it can work well, but the experience of the last 30 to 40 years suggests that this is the exception. Resettlement – which often permits refugees to re-establish self-sufficiency as quickly as possible – is in fact at least as common, irrespective of the typically hostile political winds that oppose it. Resettlement also has the advantage of redirecting attention away from dreams of return, and towards lives elsewhere. Not every country wants or needs 'their' refugees back; this is why many refugee crises are resolved not just by mass voluntary repatriation, but by permanent relocation elsewhere.

The flight from the Indochinese countries in the 1970s and 1980s is an example of how diverting refugee

attention away from camps leads to other alternatives. Whether legally or illegally, most Indochinese refugees ended up resettled in countries as varied as the US, China, Australia and Thailand. One of the unsung successes of the Indochinese refugee resettlement programmes is that there are no teeming refugee camps in the region. Similarly, Iranians after the fall of the Shah, Burundians in Tanzania, Central Americans in Mexico and the US, Russians in Israel and Eastern Europeans in Germany found new lives not dominated by food distribution lines, head counts and the dreary segregated life of the modern refugee camp.

Stumbling-blocks

The capacity to manage refugee camps effectively allows potential hosts to avoid difficult political questions about resettlement, while persisting in the illusion that the refugee camp itself is there only 'temporarily'. Camps provide the veneer of respectability: people do not starve because they are there; and due to the skilled delivery of medical care, refugees often have low mortality and morbidity rates, particularly in the short run. This is of course a good thing; but in the big picture is it the most important? Predictably, the provision of high-quality health care results in high birth rates and low infant mortality. But just as predictably, refugee camps isolated from the rest of the world will produce large numbers of angry young men focused on violently righting the perceived wrongs of the past.

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