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Report

Terms of Engagement: Conditions and Conditionality in Humanitarian Action

Report of a conference organised by the Overseas Development Institute and the Centre for Humanitarian Dialogue in Geneva, 3-4 May, 2000

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Conference Report

'Terms of Engagement: Conditions and Conditionality in Humanitarian Action'

1. Introduction and rationale

The conference was convened by the Overseas Development Institute and the Centre for Humanitarian Dialogue to discuss different views on the 'Terms of engagement' between humanitarian and political actors. It was held in Geneva on the 3 and 4 May, 2000. This report aims to give an overview of the various debates, and indicate areas of consensus and of disagreement. As the conference was held under 'Chatham House rules' contributions have not been attributed.

The roots of humanitarian crises are political, and, as is commonly pointed out, political problems require political solutions. Humanitarian actors thus must engage with a variety of political actors in the pursuit of humanitarian objectives. On the one hand, humanitarians engage with, usually western, donor governments. And, on the other, humanitarians must necessarily deal with the parties to a particular conflict. The conference aimed to examine and clarify these relationships. In particular it was hoped to clarify and develop consensus on the distinction between the conditions that humanitarian agencies need to work in a principled and effective way, and the growing use of conditionality by donors and agencies, for both humanitarian and political purposes.[1]

International humanitarian and human rights law places a number of obligations on the parties to a conflict. Primarily of course this is in terms of how they fight and the respect due to those 'hors de combat'. IHL also places obligations on authorities in terms of permitting impartial humanitarian action for those they are unable or unwilling to assist and protect. In many conflicts however, these obligations are ignored - indeed abuse of civilians is often a goal. The compliance of warring parties with IHL and human rights law is thus the primary issue facing most humanitarian operations.

However, faced with non-compliance, humanitarian agencies are placed in a dilemma, and this was the focus of the conference. Agencies themselves have very little influence over the behaviour of the belligerents, and thus over the conditions in which they have to work. Yet if they refused to work unless the conditions were perfect they would be unable to promote the interests of large numbers of conflict-affected people. In effect, the question is how far can they compromise their principles?

The situation is further complicated by the growing role of humanitarianism in world politics. While this has been welcomed by many humanitarians, it has been accompanied by a blurring of humanitarian and political agendas. This has been most notable in the increasing demand, particularly from western donor governments, that external humanitarian and political action should be 'coherent' in terms of addressing a particular crisis.[2] This demand has arisen from the growing appreciation of the political impact of humanitarian aid, most importantly in Rwanda, and the appreciation of the importance of political action to address humanitarian crises. However, for many this 'integrationist' approach to humanitarian and political action risks compromising the independence of humanitarian action, it risks subordinating it to political goals not necessarily in the interests of the victims and so reduces the ability of humanitarians to respond to need alone, a core element of the humanitarian ethic. These problems are particularly acute in 'unstrategic' conflicts were there is little international political will.

These two developments: the deliberate violation of IHL by the belligerents; and the growing demand for a 'coherent' political and humanitarian approach, have combined to put new pressures on humanitarian action and to redefine the nature of the relationship between humanitarianism and politics.

Thus agencies are forced to confront a number of issues on which the conference was focussed.

- What conditions need to be in place to work in a principled and effective way?
- What can agencies do to promote (and not undermine) those conditions?
- What should agencies do when those conditions no longer exist?
- What should be the role of external political actors in promoting those conditions?
- And what, if anything, is the role of conditionality in this process?

2. Highlights

A more detailed discussion of the issues is presented in below. Here some of the important areas of agreement and disagreement at the conference will be highlighted.

2.1 Relationship between humanitarian actors and donors/member states

- Humanitarians have to be realistic. They are, whether they like it or not, part of a political game. The point is to manage their role in it such that they can uphold the interests of the victims.

- However, there seemed to be a broad consensus that the integrationist agenda of the past few years had gone far enough and that a re-thinking of what till now has been seen as the necessary 'coherence' between humanitarian and political action was necessary. Put another way, in many conflicts the political part of the equation is still not delivering, so there is little for humanitarian agencies to be coherent with. However, this does not mean a return to a humanitarian isolationism; 'complementarity' was suggested as an alternative organising concept to 'coherence' for the humanitarian/political relationship.

- On a specific mechanism of coherence, political conditionality, there was consensus it was inappropriate for humanitarian action, both ethically and practically.

2.2 Relationship between humanitarian actors and warring parties

There was perhaps less consensus here;

- Some agreement that there was a problem with different agencies having different approaches to minimum conditions, or 'minima', in that it creates confusion, and can in effect 'hand over the keys' to the belligerents. Though also some reluctance to admit this. Some argument to say that differing approaches reflect different mandates or missions and that this can be productive.

- There is still only a shaky consensus on principles, on what it means to be a humanitarian, with the exception of the principle of impartiality which appears to be common.

- However, diversity amongst humanitarian actors is a reality that has to be accepted, we should aim to make this creative, not destructive.

There were different approaches as to how to deal with these issues.

- One view, perhaps held mostly by UN and donors, was that there should be some kind of globally agreed set of 'minima' for the terms of engagement with warring parties, a kind of universal bottom line. This would help avoid reinventing the wheel and provide agencies, and negotiators, with a central reference point.

- But also a view that each agency should make its own ethical choice based on its own mandate or mission and that anything like 'standards' on this issue is out of the question on the grounds of agency independence.

3. The discussions in detail

3.1 The Humanitarian 'we' and the role and nature of principles

A considerable amount of discussion revolved around the extent to which there can be said to be a 'humanitarian community' or not, and if so what might define it. Some speakers felt this question was a distraction, that the reality is a wide range of actors and that it is more important to search for complementary approaches based on common ground than to try and impose 'ideological' straightjackets. Others felt the issue was important, as the global political context in which the concept of 'humanitarianism' is becoming more and more central, provides both opportunities and threats to the humanitarian agenda. Given this, it was argued humanitarians need to be to more united in terms of their understanding of their role, and be able to communicate this clearly to others, notably international political actors, if they are to capitalise on these developments and protect humanitarian space. It was also felt to be necessary to share common concepts if discussions on lesson learning and coordination were to have any meaning. Some felt that at least humanitarians should be able to say what humanitarianism is not, if not what it is; military humanitarianism for instance, or 'humanitarian war' was deemed to be an unacceptable use of the term.

In terms of what might serve to define humanitarians, or eligibility for membership of the club, principles and codes were seen as the most useful (see Section 3). The core principles of humanity, impartiality, independence and neutrality were put forward, as was the Red Cross/NGO Code of Conduct. While some felt that the meaning of these principles were still not widely agreed on, there seemed to be consensus at least around the principle of impartiality, in that need alone determined response. Some speakers also argued that in reality the common ground was much greater than might appear during such 'theological' disputes, and that most humanitarians understood this philosophy 'in their water' if not in their head. But the UN in particular it was noted, will inevitably suffer from tensions between the conduct of its peacemaking and humanitarian mandates as the principles guiding these roles will legitimately conflict.

That common principles appear to permit a wide variety of approaches to humanitarianism was evident from the different approaches present; from a practical,

mortality-reduction focus to humanitarian action as political protest. It was also pointed out that principles change in reaction to new circumstances. The Code of Conduct for instance now reads like a dated document as it does not mention protection for instance, and it was suggested it should be revised and updated. This raised the issue of compliance to codes and principles. It was argued that even for major NGOs compliance was uncertain and a number of speakers felt that increased effort should be put into improving compliance mechanisms.

A number of speakers remarked on the tensions between the somewhat abstract, timeless nature of some principles such as 'impartiality' and the need to reinterpret these to suit different contexts. But also that it is precisely in these grey areas that pragmatism can take over from principle. It was also pointed out that principles exist at different levels. Some are core, such as impartiality, others are more like tools that are in effect a form of abstracted and accumulated experience. It was also pointed out that principles are not just abstract, but have a sound practical value in the field, for instance in negotiating access.

3.2 Conditionality

One particular issue of principle was the use of conditionality by humanitarians or donors. The use of conditionality[3] is one possible response to belligerents ignoring their obligations under IHL. It is a response felt by many to become more likely as humanitarian and political boundaries are blurred, especially in conflicts where there is little political engagement and aid forms the primary vehicle for external engagement.

A number of speakers attempted to introduce greater clarity to an often unclear subject. A distinction was made between the conditions that need to exist in order for humanitarian work to be principled and effective, and conditionality imposed to bring these conditions about. One speaker made a distinction between implicit humanitarian conditionality, in other words humanitarians only working where conditions were acceptable, and explicit political conditionality, i.e. donors imposing political demands on belligerents (see Section 2). Another speaker identified 'ethical conditionally', or withdrawing when the 'net impact' of aid was harmful, 'legal conditionality', or conditionality with the objective of enforcing compliance with international law, and 'political conditionality', which was to do with a donor's foreign policy goals (see Section 7).

There was however, consensus that conditionality should not be applied to humanitarian action; that it is both ethically and practically inappropriate. Ethically it runs counter to the very nature of humanitarianism. Practically it is unlikely to have much impact on belligerents anyway, owing to the small role that aid plays in their decision-making. However, there was also consensus that there are grey areas that need careful treatment. For example there is a subtle difference between withdrawing because conditions are no longer right for humanitarian action, and setting demands or conditions on the authorities for re-starting work. The latter can result in, in effect, 'handing over the keys' for restarting work to the belligerents. A second grey area is a result of the blurring of humanitarian and political boundaries, where the example of demanding equal access on the basis of gender for instance could be seen as political or humanitarian. There is also an unclear boundary between humanitarian aid and rehabilitation and development, where political conditionality is more acceptable. Whatever the form of conditionality, it was pointed out that those who impose it should be accountable for its consequences.

3.3 Terms of engagement with donors/ member states

Donor governments have a dual role in the humanitarian system, being both donors to humanitarian organisations and member states of the UN with particular foreign policy goals. These two roles may not always be in harmony. It was stressed that donors in their role as political actors had the prime responsibility for international political action in dealing with conflict, and that many failures of humanitarian action, such as Burundi and Chechnya, should be seen as failures of political action. The issue was how this role relates to their funding of humanitarian action and so relations with humanitarian actors.

In the past few years, this issue has been conditioned by two main concerns; the argument that as humanitarian action has political consequences, donors should try and use humanitarian aid for 'good' political goals. And secondly the demand that humanitarian action should be 'coherent' with external political intervention to manage a particular crisis. There was however, a surprising degree of consensus at the conference that this approach needed a reappraisal and that perhaps 'complementarity' between humanitarian and political intervention should be the goal rather than coherence. It was argued that it was unacceptable for humanitarian action, which is governed by an ethic of impartiality, to be 'under the wing' of a peace-making process, where the ethics of getting a deal are much looser and involve bribing, cajoling and a degree of *realpolitique* inappropriate for humanitarian action (see Section 6). It was also pointed out that in many conflicts the international political will to act has in fact been absent, so there has anyway been little to be coherent with. In these situations, 'coherence' meant in reality that aid became not a substitute for policy but the policy itself. Complementarity, as opposed to coherence, might at least expose the different roles of humanitarian and political action and emphasise that political solutions

need political problems, not aid solutions masquerading as political solutions.

All donors present re-affirmed that need, i.e. impartiality, should be the sole criteria for funding, but accepted that there was in reality political pressure on resource allocation. It was argued that donors are not just chequebooks and that they too should be bound by an active concern for principles and should not fund if they consider work to be ineffective and unprincipled. But it was also emphasised that donors should respect the independence of agencies as this is a key element of the humanitarian system in that it enables them to respond to need alone, free from political pressure. It was also argued that the humanitarian idea was in fact quite fragile and that its long-term survival requires that donor governments do not attempt to use it for short-term political goals. It was suggested that one way of ensuring this was to reinforce legislation in donor countries requiring humanitarian funding to be impartial. It was also suggested that donors review the experience of bodies such as the Afghanistan Support Group (ASG) and the Somali Aid Coordination Body (SACB) which have developed in an ad hoc way. It was also suggested that adherence to humanitarian criteria be included in the DAC process. In addition, it was suggested that donors and foreign policy actors needed to understand humanitarian principles better, and that humanitarian agencies had a role to play in pointing out the humanitarian consequences of certain courses of action.

3.4 Engagement with the belligerents

Broadly, there was consensus that the current variety of approaches to engagement (and disengagement) was haphazard, reflecting the diversity of the system (see Section 2). But there was no consensus on whether this was negative or positive and on what might be done about this. Different actors have different missions or mandates which determine different approaches. ICRC for instance will continue dialogue with the 'authorities' under almost any circumstances in pursuit of their goal of promoting the interests of the victims (see Section 4). The UN on the other hand is more constrained in talking with rebel groups, for instance the RUF because of its political status, though it also has a humanitarian goal.

A particular issue was the extent to which agencies should be coordinated in their approach or not. On the positive side, it was argued that diversity can have some positive impacts; if one agency withdraws it may put pressure on the authorities to improve conditions for those that stay for example. More practically, diversity of approach is the reality, the UN charter for instance is unlikely to change in the near future. Any kind of top-down coordination of NGOs would be unacceptable as it would compromise independence and so might lead to politicisation and might reduce their comparative advantage, namely flexibility (see

Section 5). On the other hand, in a number of places the disunity of the system has effectively allowed the belligerents themselves to decide on conditions. A lack of unity undermines what little leverage the agencies have, and gives the appearance of a lack of concern for principle. The consensus was that we should look for ways of making diversity a strength, not a weakness.

In terms of the process of engagement, the importance of starting from a principled, rather than a pragmatic position was emphasised as a way of forestalling later problems. And also that the process of engagement itself was an arena in which humanitarians must make clear their principles to belligerents, both through dissemination and through the process of negotiation itself. The high level of skill and analysis that was needed for successful long-term negotiation was emphasised, and doubts raised as to whether this was an area that many agencies devoted sufficient attention to.

3.5 'Minima'

A particular focus was thus whether or not it would be useful to have a comprehensive list of 'minima' or an agreed 'bottom line' for engagement with belligerents and whether such a list could: serve as a central reference point; prevent re-inventing the wheel in new situations; introduce greater consistency and improve coordination between agencies. Speakers from different agencies elucidated different 'bottom lines' and conditions and criteria for engagement and withdrawal (see Sections 4 and 5). Such criteria are drawn both from law and from experience. The need for independent access for monitoring for instance might be said to be a working principle based on experience rather than a core principle. The point was made that principles and bottom lines have to be interpreted in a particular context and that this gives considerable scope for variation, obliging agencies to do what they can to be consistent both over time and across countries. It was also pointed out that bottom lines are in part a function of agency mandate and role. For many, the scale of need was of prime importance, with greater need justifying greater compromise, assuming that agencies could actually meet that need. A number of common criteria used in decisions about 'terms of engagement' emerged:

- The scale of abuses and of need
- The potential for humanitarian action to have a positive impact on that need
- That humanitarian action is not co-opted to initiate or perpetuate violations
- That humanitarian action is not co-opted for the political benefit of the authorities without any corresponding benefit to the victims
- That *all* victims have access to assistance and protection provided by agencies
- The ability to have free access for assessment,

distribution and monitoring
• Independent decision-making on resource
  allocation, from both donors and the belligerents
• Access to authorities at all levels
• Security of staff
• Impact on other humanitarian actors of withdrawal
However, there was considerable disagreement over
whether developing such a common list would be
desirable or even possible - in a more formal way.

3.6 The decision-making process

Apart from the criteria themselves, there was also
discussion about the decision-making process (see
Sections 4 and 5): how do agencies engage in what is
in effect ethical decision-making. A key issue is
consistency in the application of global principles in a
variety of very different contexts: free access in North
Korea presents different dilemmas to that in
Afghanistan. Broadly, there seemed to be agreement
that a kind of 'net-benefit' calculation was undertaken,
i.e. in simple terms can we do more harm than good.
But reaching this conclusion is very complex and
requires both ethical clarity and factual accuracy.
Approaches differ and ICRC for instance relies heavily
on the law and on past experience built up through
'doctrine'. Other agencies rely more on high levels of
internal debate. A number of people felt that ICRC's
consistency and 'predictability' was admirable, and that
while its approach may lose out in terms of flexibility,
it at least provides a 'fail-safe' way of dealing with very
complex issues.

4. Possible next steps

A variety of suggestions were made as to possible
further research and policy reforms. They are collected
here for ease of reference rather than to imply any
kind of consensus endorsement:

• Unpack and elucidate the idea of complementarity,
  both between humanitarians and political actors and
  between humanitarian actors. Where has the system
  undermined itself, where has it been
  complementarity? How could this be enhanced?

• Revise and update the Red Cross/NGO Code of
  Conduct, introduce a much more rigorous 'sign-
  up' process.

• Enhance compliance mechanisms to existing codes
  and commitments such as Sphere.

• Ensure accountability procedures and mechanisms
  are in place for the imposition of conditionalityby
  donor governments and agencies.

• Investigate further the idea of 'minima', at a global
  level or in country-specific context.

• Individual agencies should map out their policy on
  'terms of engagement' by examining how they made
  decisions in specific cases in the past.

• Develop negotiation skills and analysis capacity.

• Investigate further how ethical/legal advice, based
  on the law and past experience, could be made
  available to agencies.

• Include a requirement for impartiality in donor
  government domestic legislation.

• Review the role of donor support groups such as
  the ASG and SACB.

• Adapt the DAC process to include adherence to
  humanitarian criteria.

• Humanitarian agencies should be more focussed
  in terms of lobbying political actors about their
  specific role, and the likely humanitarian
  consequences of political actions.

Footnotes

[1] See the background paper for the conference in Section
2 for a more detailed discussion of the issues.

[2] Macrae, J., Leader, N. (2000, forthcoming) Shifting Sands:
The theory and practice of 'coherence' between political
and humanitarian responses to complex emergencies.
London, HPG Report No. 8, Overseas Development
Institute

[3] Conditionality was defined as 'A lever to promote
objectives set by the donor, which the recipient
government would not otherwise have agreed to'.

The Papers

With the exception of the background paper, the papers presented here were not intended for publication, rather as supplementary notes. However, given the interest in the subject it was felt useful to make them available to a wider audience. In some cases speakers have taken the opportunity to revise their notes for publication.

Section 2:
Background Paper

Nicholas Leader and Joanna Macrae

New Times, Old Chestnuts

*Behold, I send you forth as sheep in the midst of wolves:
be ye therefore as wise as serpents, and harmless as doves.*
Matthew, 10 v.16

Introduction

How can unarmed humanitarian actors operate in an environment dominated by the gun? The traditional wisdom is that they operate with consent and according to strict rules that guarantee their humanitarian motives. In other words the humanitarian sheep can only survive amidst the wolves of conflict by a subtle and paradoxical combination of political savvy and making a virtue of their harmlessness. Thus the classical model of humanitarianism, as expressed in International Humanitarian Law (IHL), assumes what can be seen as a deal. The belligerents agree to fight by certain rules, to assume certain responsibilities for those under their care, and to permit humanitarians to work under certain agreed conditions. Humanitarians, in return, agree not to interfere in the conflict, to be 'harmless'. It is, of course, a very one sided deal, the belligerents hold all the cards.

This meeting is about what to do when this deal has broken down, and thus when harmlessness and 'the wisdom of serpents' are not enough. In particular, we are concerned with the different responsibilities of humanitarian and political actors in response to this situation, and the role played by the provision and/or withholding of aid. This paper seeks to raise some key issues for the meeting and highlight some key areas where policy development is necessary and, it is hoped, possible. Questions such as: what do humanitarian agencies do when the conditions that they need to work do not exist? How can they promote them? What should they do when they can not? And what should be the role of political actors?

Background

The context is complex, but its broad outlines are familiar:

- **The emergence in parts of the world of 'pariah regimes', 'failed states', and 'war economies'.** There are significant differences between, say, Serbia and Afghanistan. The similarity is that they exist outside the accepted rules and fora of the international system – both economic and political. Broadly, political elites in these areas have developed strategies of survival that neither seek nor require political legitimacy, internally or internationally (Duffield, 1998). They are no longer part of, or dependent on, the old Cold War patronage system for financial and political backing, and as a replacement they have often forged links to the international grey economy. This makes them less amenable to external pressure. These processes result in long-term conflict and instability, forced displacement, and massive abuses of human rights.

- **The shaking of the tree of sovereignty,** that grew so strongly in the aftermath of the Second World war and during the post-colonial era. This has many facets, but in terms of dealing with the problems mentioned above it has led to increasingly interventionist strategies by the 'international community' in the affairs of these states. This has included bombing, invasion, punitive sanctions and aid conditionality. Indeed, the 1990s have seen an extraordinary bout of experimentation and innovation in inter-state relations (Roberts, 1999). Much of this intervention has been cloaked in the language of rights, democracy and humanitarianism. While genuine humanitarian motives amongst western policy makers are undeniable, more traditional national interest motives have played a strong role too. One relevant feature of this bout of innovation is the ditching of the myth of the separation between economic and political interference that characterised much Cold War humanitarian and development assistance (Macrae and Leader, 2000). Thus there has been an increasing use of aid conditionality for leveraging political as well as economic reforms. There is also an increasing demand that these interventionist strategies should be 'coherent' in their service of these higher political goals.

- **The growing disillusionment with humanitarian assistance and to an extent humanitarianism itself.** The late 1980s and early 1990s saw a massive growth in donor government expenditure on relief for conflict victims, in part a reflection of the greater opportunities for

intervention mentioned above. This carried with it a massive, but uncoordinated and unregulated, expansion of the organisational capacity to deliver this relief. It also led to a growing recognition of the political impact of aid, in particular the perception that aid can 'fuel conflict'. Despite significant attempts at reform[1], the humanitarian system is still often uncoordinated and variable in terms of professional standards. In particular, it appears to be much easier to agree over technical standards than over principles or 'terms of engagement'. In more recent years, a growing appreciation of the political impact of relief, and the desire that aid should address root causes, protect human rights, and contribute to peace-building as part of an overall coherent strategy, has meant that for many agencies and donors, it is no longer acceptable for humanitarian aid to be concerned with the relief of suffering alone. This too has realigned the traditional division of responsibility between political and humanitarian action, in effect bringing them closer together. Donor government expenditure has also moved into new areas, particularly post-conflict, such as security and governance.

However, despite the universalism at the core of the human rights ideology used to justify much of this intervention, there is in fact, a massive inconsistency in terms of response. The political, military and economic investment that powerful states have made in dealing with, for example, Kosovo dwarfs that which is devoted to, for example, Sudan and Angola. In these 'un-strategic' countries, the breaking down of the broader aid-politics barriers, the mono-ethics of rights and democracy, and the accepted wisdom that 'no aid is neutral' have combined to make aid not a substitute for policy, but the primary vehicle for intervention, if only by default. This central role of aid, (and so aid agencies), has produced serious strains, particularly on the principles and objectives by which such aid should be, or not be, disbursed. Thus the current debates around principles.

In these 'un-strategic' conflicts we are thus confronted with a puzzle. Aid disbursement, or its withholding in the form of conditionality – probably the least sophisticated political tool in the toolbox of international relations – has become the prime intervention in precisely those places where political action is needed most. Precisely where humanitarianism is least likely to be accepted, in places where the belligerents have no need of it, it is most exposed. It seems that the lesson of the Rwanda evaluation – that humanitarian action cannot substitute for political action – has ended up legitimising the politicisation of aid rather than, as intended, spurring greater investment in political machinery. Not surprisingly, this approach has not worked. Indeed, it has resulted in what can only be described as a catastrophic failure of international responsibility to the citizens of these failed states, reflected in appalling levels of child mortality,

life expectancy and other indicators. The international community has sent a sheep to confront wolves. And then blamed the sheep for allowing itself to fatten up the wolves.

This is the challenge that humanitarian agencies and donor aid officials have to confront: how to conduct principled and effective humanitarian action in an environment where those principles are not accepted. While this often results in security problems, the focus here is not security, rather the broader set of conditions that allow principled and effective work. In practice there has been a variety of responses. Agencies have taken two broad approaches. On the one hand, what might be called consent-building approaches. These would include:

• the negotiation of Memoranda of Understanding or 'Ground Rules' between agencies and the belligerents,[2]

• dissemination of legal norms, and

• 'critical engagement'.[3]

On the other hand there are risk-avoidance approaches, for example:

• stricter codes of conduct for agencies themselves,[4]

• the reduction of assistance to what is meant to be 'life-saving' only,[5]

• suspension,

• and finally outright withdrawal.[6]

Donor governments have used an ad hoc combination of diplomatic pressure, diplomatic isolation, condemnation, diplomatic and economic sanctions, and conditionality in order to pressure belligerents into a range of actions, from respecting IHL to signing peace agreements. In both approaches conditionality[7] has been used as an adjunct, positive in the former (ie, rewarding 'good behaviour'), negative (punishing 'bad') in the latter.

Importantly, as the role of aid and its manner of delivery has changed to take account of broader objectives, both donors and agencies have motives and objectives that go beyond that of sustaining humanitarian space. Agencies are often concerned with institutional survival and competition. Donors often have national interest and other motivations alongside their humanitarian goals. Both sets of actors are concerned with rights and peace, and not just the relief of suffering.

Key issues for policy development

In this conference we would like to focus on one key

question: How can humanitarian needs be met in a principled and effective way in conflicts where the belligerents do not accept humanitarian principles? This problem has a number of connected parts:

• What are the minimum conditions that agencies need in order to work?

• What actions can they take to build and sustain those conditions, by for instance negotiation with the belligerents?

• What action should they take if these negotiations fail? What role has conditionality in this process?

• And what should be the role and responsibility of donor governments?

Before examining these questions in more detail, the paper will touch on the nature of the knowledge and analysis that underpins these decisions.

Understanding and analysis

The 'world view' of both political and humanitarian actors, and their way of working as a result, rests on certain necessary assumptions. In particular, they share the Clauswitzean assumption that conflict is at root a political process and that belligerents are concerned with both international and national political legitimacy. Much recent analysis of conflicts challenges this assumption. If conflict is not about politics but in fact 'the pursuit of economics by other means' (Keen, 1998), and political legitimacy is neither sought nor needed, this assumption does not hold. This view argues that there is in effect a new form of political economy that depends on, and so creates, long-term instability and which the traditional, state-based, international political machinery is unable to understand, let alone deal with. This 'mis-match' would account for the failure of much traditional, state-centred, mediation-based, international diplomacy. In Afghanistan for instance, it has been argued that the UN's failure in terms of bringing peace has been due to its inability to understand that the nature of the state itself is at the root of the conflict, rather than the composition of government. The capacity of the traditional function of the diplomatic arm of donor governments, to provide analysis, is also limited in many conflicts. Most analysis is done by agencies, academics and increasingly by donor aid bureaucracies rather than by the diplomatic and political arms of government. But agencies rarely invest in the sort of sustained analytical capacity necessary for supporting long term-negotiations with belligerents.[8]

An important factor here is the function that certain 'world views' and modes of analysis play in the system of what might be called the political economy of knowledge. One of the less obvious impacts of long-term conflict is that it ravages the capacity of a society both to analyse and understand itself and to voice such an analysis. Into this vacuum moves the analysis of external actors, who tend to see things in ways that justify their own objectives and 'world view'. For many donor governments for instance, the experience from Rwanda, the 'do no harm' debates, and the accountability debates have all to an extent been used to reinforce the breaking down of the political/ humanitarian divide and the greater bilateralisation of assistance. This in turn has facilitated the broader attempt to use aid as a conflict management tool. Many agencies are also struggling with a view of humanitarian action that encompasses protecting rights rather than the delivery of overhead-generating commodities.

Establishing conditions: Negotiation and withdrawal

A regular approach to 'consent building' is dialogue and engagement with the belligerents on establishing essential basic operating conditions, or 'minima', [9] often leading to written agreements. As noted above, the classical version of the 'deal' expressed in IHL lays down certain conditions that the authorities are responsible for providing; security, freedom of access, facilitation of transport, non-interference etc. In short, they should respect the humanitarian, impartial, neutral and independent character of humanitarian actors. In return, humanitarian actors work with consent and agree not to interfere in the conflict. In practice of course, in areas where the authorities have no interest in this deal, these conditions do not exist and observing these principles has proved extremely difficult.

Moreover, recent experience in South Sudan, Afghanistan, and North Korea show that there is little consensus in the system about what conditions need to exist, when conditions become so bad that it is no longer possible to work in a principled way, and thus when withdrawal is the only option. This disagreement exists between agencies, between agencies and donors, and increasingly important, between donors.[10] Despite widespread agreement about basic conditions and principles at the abstract level, the experience in the field is often one of disunity and disarray.[11] This plays into the hands of the belligerents as it in effect hands decisions about conditions to them and tends to undermine the negotiating position of agencies holding out for improved conditions.

There are two related problems: ethical and practical. The principles of humanitarian action provide an invaluable ethical framework for the negotiation of conditions, but they still leave many acute and genuine ethical dilemmas that confront field staff on a daily basis. What level of diversion is acceptable if lives are saved? At what stage do conditions get so bad that we are forced to withdraw? Principles in this context are only a tool, not an end in themselves. The use of armed escorts, buying access and many other dilemmas that

arise when conditions do not exist, all represent the compromise of these principles in order to serve a higher goal. The broadening of the goals of relief to include peace and root causes has served to make these dilemmas more acute still. Who is to decide that less aid now is better in the long-term? Policy thus becomes ethics: how far can we compromise our principles in this situation before being complicit? Put another way: how far can we compromise in order to meet the humanitarian imperative?

Ethical decision-making is of course notoriously complex and prone to differences in interpretation. But maybe there are lessons to be learnt from other areas of ethics and public policy, such as medical experimentation. For instance, could some kind of panel make 'rulings' on specific questions? A more formal approach could also be taken to building up 'ethical history', or case law, for the system as a whole.

However, perhaps the biggest problem is not so much the inadequacy of the principles, but rather, inadequacy of fact. A necessary component of ethical decision-making is to weigh up the likely outcomes of alternative courses of action. Without this, decision-making is the equivalent of tossing a coin. But the aid system is often unable to do this in other than a rudimentary fashion. Rarely is the impact of aid versus no aid systematically evaluated in terms of its likely impact on the beneficiaries, often because it is unknown at a sufficient level of detail.

Secondly and more practically, the conceptual confusion in the system is mirrored and reinforced organisationally. Coordination fora are usually unable to develop consensus over conditions and principles, except in exceptional circumstances. Voluntary codes of conduct have also been unable to deliver consistency (Leader, 2000). On the one hand agencies and donor governments have to make their own decisions on these issues, and there is some value in plurality. But on the other, is a point reached where the right of each agency and donor government to make its own ethical judgement in fact makes the impact of the system as a whole 'dysfunctional'? To what extent do different mandates justify different compromises?

A lack of donor government coordination, though often unremarked, is in fact a significant source of division over the interpretation of principles, as are changes in individual donor policy often driven by events outside the relevant conflict (Wiles et al, 1999, Griffiths, 2000). This raises the issue as to how donors should be held accountable for their own decision making, and the way in which they balance humanitarian and legitimate foreign policy goals.

Negotiation and withdrawal: Policy questions

- Is it possible, and desirable, to lay out universal 'minima', beyond the repetition of core principles,

that can serve as a basis for negotiation and agreements?[12] If not at a global level then at a country level? If these minima were seen as 'indicators', could their regular violation also serve as criteria for withdrawal?

- Do different types of agency require different 'minima'? Is it more acceptable to compromise if delivering food than if providing health care?

- Is greater coordination necessary, or at least over these 'minimum standards' for negotiation? If so, how can greater coordination over these minima be achieved in the field, for negotiations and withdrawal, amongst agencies and between agencies and donors?

- Does the capacity of the system to engage in long-term and difficult negotiations with belligerents need strengthening? If so how? Could there be 'minimum standards' for terms of engagement issues in a similar manner to Sphere's technical standards?

- How can 'ethical decision-making' in the field be improved? Are there any specific mechanisms or procedures that might improve this, that might help develop greater consistency? How can this be linked with existing regulatory and accountability mechanisms?

- How can more accurate predictions of likely impacts of alternative courses of action be introduced into these calculations more systematically?

Conditions and conditionality

Gift-giving as a technique of influence has a very long history indeed, and no doubt a great future. Conditionality thus plays an important role in negotiations, either as reward or sanction. At issue is its role in conflict management.

As mentioned above, as a consequence of more explicitly political interventions by donor governments, conditionality moved in the mid-1980s from economic to political objectives. But there is a growing consensus on its ineffectiveness without certain key conditions being in place. A number of criteria are often cited as essential for success:[13]

- ownership of the policy change objectives by the target group;

- coordination and coherence amongst donors;

- flexible and decentralised donor decision-making to enable rapid engagement and disengagement in response to the local situation;

- long-term engagement;

- the ability to target those responsible for policy change through withdrawal of resources, rather then the general population.

As a result, in more recent years institutions such as the World Bank and the IMF – previous long term supporters of conditionality – have moved away from it. The favoured approach is now 'development partnerships', in effect selectivity (Wolfensohn, 1999).

As aid has become the predominant mode of intervention in 'un-strategic' conflicts, naturally conditionality has been turned to as a tool of intervention in these countries as well. There are however, significant contextual and ethical issues that make the use of conditionality in conflict problematic. In one sense, the essence of humanitarianism is its unconditionality, its response is to need alone regardless of any other criteria; selectivity is not an option for humanitarian action. Both ethically and practically, this is part of the deal, it is part of what guarantees the 'harmlessness' of humanitarian action.

In another sense, humanitarian action has in fact always been conditional; it assumes the existence of the 'deal' as this lays out the conditions necessary for humanitarian action to be undertaken. When humanitarian agencies reduce or withdraw in response to the absence of these conditions, resumption in effect becomes conditional on the authorities re-establishing the conditions necessary for humanitarian work. Often this is security, but by no means always, as with the MoU discussions in South Sudan and the access of women to hospitals in Afghanistan. This might be called implicit humanitarian conditionality ('we will only work if, and where the conditions exist for us to do so'). This however must be contrasted with the explicit political conditionality of donor governments who attempt to lever specific policy, or even regime, changes. Though both may be forms of conditionality, the goals are very different.

However, few, if any, of the conditions listed above as necessary for the success of conditionality are likely to exist in conflict, this makes its use as a policy tool problematic:

- The expanded role of aid as a conflict management tool, and the demand for coherence in response, has served to blur the distinction between implicit humanitarian conditionality and explicit political conditionality which seeks to use resources to promote peace agreements, human rights or donor foreign policy. A good example is the explicit use of conditionality by WFP in Afghanistan in order to promote women's rights. The blurring of humanitarian and political conditionality is probably unhelpful. As in development, conditionality causes resentment and is seen for what it is, interference. To the extent that humanitarian actors are tarred with this brush it tends to undermine already fragile

perceptions of their impartiality and neutrality. In negotiating terms, there is also a subtle but important distinction to be made between the implicit humanitarian conditionality of withdrawing until such time as conditions are suitable to return, and making explicit demands on the authorities for certain political actions. The latter involves laying out and monitoring adherence to specific benchmarks, a complicated and cumbersome process that tends to end up in 'lines being drawn in the sand by everyone all over the place'.[14] This distinction is increasingly being lost.

- There is mounting evidence that conditionality is simply ineffective as a lever for promoting policy change by the belligerents.[15] It assumes a very aid-centric view of conflict and reveals a misunderstanding of conflict dynamics, tending to overestimate the importance of aid to the decision-making of belligerents.[16]

- In practice it is also very hard to operate. One of the key criteria for success is donor coordination and 'credibility' (i.e. that the threat will be carried through) and this is not often a feature of the humanitarian system; there are many pressures on individual donors and agencies to deliver resources. Moreover, the theoretical life-saving/life-sustaining distinction, with conditionality applied to the latter, has proved extremely problematic to implement in practice.[17]

Conditions and conditionality: Policy questions

- In what circumstances – both political and humanitarian – should explicit conditionality be attempted?

- What are the ethically and practically justifiable objectives of conditionality?

- Which actors should be responsible for drawing up and negotiating such conditionality?

- Can a life-saving/life-sustaining distinction be made?

The division of responsibilities between humanitarian and political actors

The relationship between humanitarian and political action is an ancient and venerable issue, an old chestnut indeed; but 'new times' have given it a fresh lease of life. Of particular importance has been the growing profile of humanitarian issues in the Security Council and the increasing legitimacy of humanitarian concerns as grounds for overriding state sovereignty,[18] at least in some states.[19] This is part of a broader consensus about 'liberal values', and the associated widening of

the security agenda from 'national security' to 'human security' (Macrae and Leader, 2000). This development lies behind the current blurring of aid and diplomatic arenas. That the Security Council asks the Secretary-General to report on these issues has to be progress.[20] Power though, has always sought to cloak itself with moral legitimacy and many see this development more cynically; by defining a problem as a lowest common denominator 'humanitarian' issue it allows the hard work of dealing with a conflict to be ignored (Warner, 1999, Roberts, 1999). A key issue then, if the charge of hypocrisy and double standards is to be dispelled, is that of consistency and impartiality.

The hitherto relatively insignificant corner of international politics known as humanitarianism has been profoundly shaken by these broader developments; being in the spotlight has significant disadvantages as well as advantages. Humanitarianism has always been a form of politics, and one that was shaped by its broader political context. But it is a very special and unusual form of politics. It is a form of politics in which it is necessary to assert that one is non-political, it has limited goals, it is not interested in who governs but how, and it is bound by a set of strict, self-imposed ethical rules, notably impartiality. This guarantees its 'harmlessness', but also its powerlessness. This very powerlessness is what is so exposed when the 'deal' collapses. The OLS review demonstrated clearly that humanitarian access rose and fell in line with donor pressure on the belligerents (Karim et al, 1996). And indeed humanitarian actors regularly appeal to donors to use their influence to build and sustain humanitarian space and to use their influence to bring peace. Yet they are increasingly criticising donors for the 'politicisation' of humanitarian assistance.

Donor governments clearly have a broader range of instruments and much greater possibilities to pressure belligerents. But they also have foreign policy concerns that may not coincide with humanitarian objectives, a fact not lost on the belligerents. Donor governments, unlike humanitarians, are certainly not harmless; their politics are bound by different ethical rules. The politics of good international citizenship for instance, or of 'human security', while still having an altruistic content, has a set of rules that allow much more in the way of the exercise of power. Humanitarians tend to be too ready to forget that: 'Governments seeking to address conflicts may make decisions on the basis of legitimate interests and moral principles which deserve respect even if they sometimes clash with humanitarian principles' (Roberts, 1999: 15). Indeed, unless there is interest at stake, it is unlikely that the politics that humanitarians call for will follow. The politics of national security or survival however has few rules at all.

At a broad level, the question is how to align these different games such that they are complementary, not confused. The problem with much of the coherence debate is that it assumes all actors are playing by the same ethical rules and have similar objectives, thus coherence becomes a matter of organisation. In fact, of course, this is not true and there are significant differences. But this does not mean that interventions cannot be complementary.

An important feature of these 'new times' is a growing bilateralisation of humanitarian action. Through mechanisms such as the Afghan Support Group and the Somali Aid Coordination Body, and the increasing numbers of donor representatives in the field, donors are now closer to humanitarian decision making than in the past. Importantly however, this tends to be on the aid side rather than the political side. Anecdotally, donors also appear to be more concerned to give, or withhold, funding to agencies based on issues of principle, rather than leaving that up to agencies on the ground.[21] This too raises the question of consistency of principle, and of the accountability of donors. Within donor governments, how can the difference be maintained between 'a regime we don't like' and 'a place where it is impossible to work in a principled way'? More generally, the independence of agencies, a part of the classical approach to humanitarianism, is increasingly under threat by these developments. When overall values are unquestioned, independence seems a luxury donors are apparently increasingly unwilling to tolerate.

The division of responsibilities: Policy questions

- How can greater consistency of principle (ie, impartiality) be introduced into the system?

- What should be the remit of groups such as the ASG and the SACB?

- How should donors support negotiations for space without compromising the need for the perceptions of impartiality and neutrality that humanitarians need?

- How can donors manage conflict between their legitimate foreign policy goals and their humanitarian goals?

- Is independence necessary for humanitarian action? If so how can donors fund agencies, meet legitimate accountability demands, and yet respect their independence?

Conclusions

In the 1860s, Florence Nightingale – a great British public health reformer – was initially hostile to the idea of the Red Cross. She argued that it would undermine the proper responsibility of governments to their troops, thus anticipating some of de Waal's critiques by about 130 years (de Waal, 1997). Indeed, many of the dilemmas of humanitarianism have long historical echoes. But 'new times' demand a new

accommodation between humanitarianism and the broader political forces shaping conflict and its resolution. We hope this meeting will make a small contribution to this process.

Footnotes

[1] For example the Sphere Project and more generally the significant developments in accountability and professionalism.

[2] The Ground Rules in South Sudan, the Memorandum of Understanding in Afghanistan, and the principles of Engagement in DRC.

[3] For example capacity building with the SRRA or the Rwandan government.

[4] For example the JPO and PPHO in Liberia, and the Code of Conduct for Sierra Leone.

[5] The JPO in Liberia and the UN in Afghanistan

[6] For example MSF from Goma in 1995 and North Korea in 1998, the UN from Afghanistan in 1998, some NGOs currently in South Sudan, or ICRC for periods in South Sudan or in Liberia in 1996.

[7] The definition of conditionality used is 'A lever to promote objectives set by the donor, which the recipient government would not otherwise have agreed to'. Stokee (1995: 11-12). Conditionality can be analysed as positive (rewarding, ex poste) or negative (withholding, ex ante) and as explicit (ie, part of a donor's relationship with a recipient) or implicit (the tendency for donors to select only those partners most likely to comply with the conditions). All conditionality though contains a punitive element 'I will provide resources if you do x' is practically (and logically) equivalent to ' I will not provide resources unless you do x', as well as an incentive.

[8] Griffiths, (2000). Where this has happened, for instance the appointment of Humanitarian Principles officers by the UN in South Sudan, there is some evidence to say it has improved the ability of the system to negotiate from a position of principle (Leader, 2000)

[9] 'Minima' are 'the essential and irreducible requirements of a relationship with an armed group. The identification of, and crucially agreement on, these Minima is the basic insurance that the process of engagement will be one based on **principle**'. (emphasis in original) Griffiths, (2000)

[10] See for example the current situation in South Sudan with the EU and the US taking different position on the MoU. Or the growing splits in donor policy on Afghanistan, despite the Afghan Support Group.

[11] The NGOs withdrawal from Liberia in 1996 was a rare example of unity, but soon broke down and did not include the UN. More common is the current situation over the MoU issue in South Sudan.

[12] There are for instance a number of issues which regularly come up in MoUs and Ground Rules type agreements such as: independent access to all affected populations for assessment, distribution and monitoring, that assistance will not be used for political ends (either by belligerents or donors), security guarantees, agency property rights, independent communications, local staff employment, taxes, licenses, customs, charges etc; freedom of movement, non-payment at checkpoints, passes and permits etc; relations with the authorities such as payment of incentives, donation of equipment, payment for government staff, contracting government departments.

[13] See for example Killick (1999), Nelson (1996), Stokee (1995)

[14] Interview with donor official, Islamabad, Feb 2000

[15] See for example 'Contrary to popular assumption, conditionality usually does not work' Uvin, (1999: 5), and Leader, (2000).

[16] 'Aid alone usually has limited capacities to determine the dynamics of conflict' Uvin, (1999: 4). '...the incentives and disincentives for abuses by the belligerents were largely determined by other factors, notably political and economic factors' Leader, (2000).

[17] See for example experience in Liberia (Atkinson and Leader, 2000) and Afghanistan (Wiles et al, 2000).

[18] Resolution 688 on Iraq being the watershed. Since then resolutions on Bosnia, Rwanda and Kosovo have established that widespread violations of human rights can constitute a threat to international peace and security and so fall within the purview of the Security Council.

[19] Chechnya being the obvious counter-example. It is noticeable, if not surprising, that Russian diplomats put more store by 'classical' humanitarian principles such as neutrality than is fashionable amongst their counter-parts in the West.

[20] It could even be seen as a backhanded testimony to the political legitimacy of humanitarianism that NATO's operation in Kosovo was labelled 'humanitarian'.

[21] The refusal of ECHO to fund agencies that sign the MoU in South Sudan for instance, or DFID's Guidelines for NGOs in Afghanistan.

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Section 3:
The 'Code of Conduct' in Practice: A Personal View
Nicholas Stockton[1]

To quote from the excellent background paper: 'In this conference, we would like to focus upon one key question: How can humanitarian needs be met in a principled and effective way in conflicts where the belligerents do not accept humanitarian principles ?'

There is a short and obvious answer to this question: it's not possible, that is without entering the paradoxical world of using force for humanitarian goals. As such an option is not open to Oxfam, legitimate force being the prerogative of states; this paper will limit itself to examining Oxfam's experience of attempting to act in a principled manner in adverse circumstances. In particular, I shall consider Oxfam's experience in seeking to comply with the 'Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organisations in Disaster Relief'.[2] I have not attempted to look at more recent initiatives in standard setting, such as Sphere and People in Aid, as they are still too new for us to draw any safe conclusions from.

To begin with, it is probably useful to recall some of the more salient characteristics of the Code of Conduct.

- The 'Code' was drafted by members of the Steering Committee for Humanitarian Response (SCHR[3]) and the International Committee of the Red Cross (ICRC).

- It was drafted during 1993 and published in 1994. (i.e. It was created in the 'pre-Goma' context)

- About 150 NGOs have so far registered with the International Federation of Red Cross and Red Crescent Societies (IFRC) as 'signatories'.

- The Code was 'welcomed' by the International Red Cross Conference in 1995, which included official representatives of 142 governments.

- The code describes itself as seeking to 'guard our 'Non-Governmental Humanitarian Agencies (NGHA) standards of behaviour'. The essential elements of these behavioural standards are characterised as 'independence, effectiveness and impact'

- The Code is to be 'enforced through the will of organisations accepting it'. There is no formal reporting, peer review or compliance system. The Steering Committee for Humanitarian Response

is currently considering how to deal with complaints made against signatory agencies. So far, just one complaint has been lodged.

The Code has four sections; a ten point set of self-regulatory behavioural principles, followed by three annexes each containing recommendations to governments of disaster-affected countries, donor governments and inter-governmental organisations respectively. In the annexes, the Code urges governments and inter-governmental bodies to respect the independence and impartiality of non-governmental humanitarian agencies, to allow or facilitate access to disaster victims, and to provide funding and security for humanitarian agencies.

Although the '10 Commandments' of the Code attract most attention and debate, their juxtaposition alongside the annexes is revealing of the original intentions of the authors. The annexes confirm that the Code was intended, amongst other things, as a compact between non-governmental humanitarian agencies and governments. The deal, implicitly sought by the drafting and original signatory agencies, was to secure confirmation of their independent status from governments, it appears, as a *quid pro quo* for staying out of politics. In other words, the humanitarian agencies promised to behave in a particular manner, and, in return asked for recognition and other privileges to be provided by official bodies. In essence, the Code promised that signatory agencies would endeavour to get their houses in order. In return, it requested that governments should provide signatory agencies with unhindered access to disaster victims and various forms of financial and logistical support. In this respect, the Code sits very firmly within the long established tradition of 'humanitarian principles' playing, in effect, third fiddle to the leading tunes orchestrated by the political and military establishments.

The nods that the Code makes in the direction of promoting positive images of people affected by disasters, working with local partners, community participation, and the anxiety the code expresses about the risks of creating beneficiary dependence, are clearly hangovers from the contemporary aid debates of the late 1980s. The uncritical treatment given to 'local capacity' as an unalloyed good, and the Code's rather limited concerns with gender and protection are surely inadequate for today's analytical debates and operating environment.

From our current perspective, perhaps it's single most obvious sin of omission is that the Code only once uses the term 'protect', and this in reference to safe-guarding the independence of agencies through avoiding dependence upon a single funding source. After an initial reference to the **right** to receive and offer humanitarian assistance, the Code makes no further attempt to invoke legal norms in its support. This contrasts quite strongly with the Humanitarian Charter that prefaces the Sphere standards and which is more assertive about the universality and relevance of International Human Rights as well as Refugee and International Humanitarian Law. Finally, the Code has nothing to say to, or ask of, either non-state actors or the private sector. These are gaps that surely would not be repeated were the Code to be revised.

In taking stock of the practical impact of the Code of Conduct in the 8 years since it's formulation, we should be mindful of it's original premise – that if the NGHAs could clean-up their act, official agencies would then allow them to get on with the job with less negative interference on the one hand and more positive support and facilitation on the other. That 'the belligerents' have in many cases not delivered their part of the bargain is, of course, the principal justification given for holding this meeting and a matter therefore, that I will, rather reluctantly, treat as a given. However, this leaves unanswered the question of our performance in fulfilling our Code of Conduct pledges. And, what if any lessons can be derived from the experience so far?

To begin at home, the trustees of Oxfam GB endorsed the Code in 1995 and Oxfam International committed itself to the Code in 1997. The Code has been distributed, on several occasions, to all our field offices and is routinely given to all UK recruited emergencies staff during their induction. Its incorporation into the Sphere Standards has given it another round of exposure and re-affirmed our commitment to it. Explicit references to the Code in numerous Oxfam policy and advocacy documents attests to the high level of internal support that it enjoys.

No doubt we could have done more to inculcate the Code into emergency preparedness and response planning and to have encouraged its uptake by partner agencies, but overall, our performance in disseminating the Code has probably been relatively good.

However, as far as I am aware, the 'will of the organisation' has yet to be invoked in dealing with an internal breach of the Code on the part of any member of staff. Perhaps the lack of such cases is an indication that Oxfam has achieved a near perfect degree of internalisation and compliance with the Code? Could this really be the case?

At this point, I must make it clear that I do not have sufficient data to present a comprehensive and authoritative review of Oxfam's performance in upholding the Code in our operations. However, I would like to offer a brief anecdotal commentary under each one of the ten points that gives some indication that a case might be made that Oxfam behaves in a manner that is inconsistent with the aspirations embodied in the Code.

The ten point code is as follows:

1) The humanitarian imperative comes first ('the right to receive humanitarian assistance, and to offer it is, is a fundamental humanitarian principle which should be enjoyed by all citizens of all countries')

Comment: If the humanitarian imperative were to come first, it is arguable that all of Oxfam's resources (apart from income earmarked for other purposes) should be devoted to disaster relief, at least up to the point when all humanitarian emergency needs have been met. However, in Oxfam's case (and similarly with many 'dual-mandate' NGOs), the great majority of our unrestricted income is spent upon poverty reduction strategies, rather than emergency response, and yet we certainly could not claim that all humanitarian demand has been fully satisfied. A case could quite easily be made, both on the basis of resource allocation and of staff attitudes, (although the latter is subject to change), that in Oxfam, the humanitarian imperative has often come second.

2) Aid is given regardless of the race, creed or nationality of the recipients and without adverse distinction of any kind. Aid priorities are calculated on the basis of need alone. ('Our provision of aid will reflect the degree of suffering it seeks to alleviate')

Comment: There is profound inequity in the geographical and social distribution of humanitarian demand (or suffering), and a gross mismatch between needs and the supply of humanitarian assistance. While Oxfam is currently campaigning about Africa's forgotten emergencies, we also play our part in the opportunistic pattern of emergency aid distribution. For example, in 1999/2000, Oxfam spent some £23 million in response to the Kosovo crisis, more or less equal to the combined total devoted to all other emergencies in that year. This distribution was achieved in spite of our having calculated that per capita humanitarian assistance to Kosovo was some 140 times higher that that given in Sierra Leone and in the Democratic Republic of Congo (DRC), and in spite of infant mortality rates at least 10 times higher in the latter two countries. It is clear that Oxfam, in common with the humanitarian community at large, does not allocate it's emergency relief effort on the basis of need alone. The background paper for this meeting asks, 'how much aid diversion is acceptable ?' Oxfam's promotion of a 'net benefit' calculus as the acceptable threshold for the impact of aid in conflict situations might be interpreted as taking this a stage further. As long as the anticipated positive impact of humanitarian assistance outweighs the expected

negative consequences, the aid programme should
proceed. Does this policy also imply a level of
accommodation with belligerents that goes far beyond
the confines of the Code? We are not sufficiently
practised in the art of conflict impact assessment to yet
tell, but the issue is quite clear.

3) Aid will not be used to further a particular political or religious standpoint

Comment: Is a commitment to gender equity a 'political
standpoint'? Does the payment of 'official' charges, taxes
and levies by Oxfam, in for example, Sudan and
Afghanistan, allow aid to be used to further a political
or religious standpoint? Does Oxfam's grant support to
faith-based institutions allow, in effect, a greater level
of evangelical effort on their part? If the answer to any
of these questions is yes, however qualified, it could
again be argued that Oxfam has acted in breach of this
injunction too.

4) We shall endeavour not to act as instruments of government foreign policy

Comment: In accepting the high levels of restricted
funds for the Kosovo response, have we not, in effect,
linked ourselves to the implementation of the UK's and
European Union's foreign policy in the Balkans? It may
be that this is a particular dimension of foreign policy
that we chose to support, but nevertheless, if we have
indeed become an instrument of any government's
foreign policy, wittingly or otherwise, we may well be
seen to be in breach of the Code. Operating under the
security umbrella provided by NATO might well be a
pragmatic choice that is driven by the humanitarian
imperative. Never-the-less, when NATO itself takes on
a self-ascribed 'humanitarian' task, it becomes
increasingly difficult for humanitarian NGOs operating
within the same theatre to be seen in anything but a
NATO support role. The challenge to not act as an
instrument of foreign policy while spending large
amount of official foreign aid creates a paradox of
accountability as well a complex debate about
independence. It could be argued that the Code is
flawed in it's failure to acknowledge that foreign policies
may, on occasion, include humanitarian objectives.

5) We shall respect culture and custom

Comment: This tenet of the Code tends to be upheld
only in so far as we agree with culture and custom.
When it comes to female genital mutilation, systemic
gender discrimination, un-hygienic sanitation practices,
or non-participatory systems of local administration,
we tend to be very non-respectful of culture and custom.
The Code is a rather blunt instrument to guide agencies,
in this respect.

6) We shall attempt to build disaster response on local capacities

Comment: In circumstances of conflict Oxfam is mindful

of the dangers of political and military co-option of aid
resources and then may choose to take on an
operational role to minimise these risks. The Code of
Conduct fails to acknowledge the possible existence
of politically and militarily compromised local capacities
and sets no standards for international/local partnerships
in this regard.

7) Ways shall be found to involve programme beneficiaries in the management of relief aid.

Comment: …… sometimes. Performance against this
behavioural standard has always been patchy. In some
circumstances, perhaps most obviously Goma, huge
outrage would have generated by any attempt to uphold
this element of the Code.

8) Relief aid must strive to reduce future vulnerabilities to disaster as well as meeting basic needs

Comment: While achieving this objective, emergency
assistance must also avoid placing beneficiaries and
aid resources in harm's way. Often, this requires a
'minimalist' approach, such as our deliberate use of
wet feeding centres in Sierra Leone; unlikely to be seen
as a strategic asset for belligerents, but by the same
token, offering no significant returns in emergency
vulnerability reduction either. In other cases, we come
and then go, deeming short-term emergency aid to be
justifiable in its own right, in spite of this running
counter to this principle of the Code.

9) We hold ourselves accountable to both those we seek to assist and from those whom we accept resources

Comment: Operationalising our accountability to 'those
we seek to assist' is a relatively under-developed
practice in Oxfam's humanitarian work. As an aside, it
is worth noting that our efforts to promote greater
accountability to legitimate humanitarian claimants
through the promotion of the Humanitarian
Ombudsman Project has met with outright opposition
from some of the Code's signatories. While some are
fearful of unrealistic expectations and unreasonable
litigation, others are opposed in principle to subjecting
the humanitarian act of compassion to technical, legal
or contractual norms.

10) In our information, publicity and advertising activities, we shall recognise disaster victims as dignified human beings, not objects of pity

Comment: Performance is perhaps better than it used
to be. However an important debate about forgotten
emergencies and the need to communicate the full
implications of skewed aid flows, humanitarian
indifference or the application of conditionality, does
suggest that this element of the Code might come under
legitimate pressure for reasons that are not tied to fund-
raising targets.

While I do not have the time to review the progress made in promoting compliance with the Annexes to the Code, I suspect that a similarly worrying picture exists. To take a relatively recent example, I was struck how, during the course of the very protracted debate about the Sudan People's Liberation Movement's Memorandum of Understanding (MoU), how the Code of Conduct was never referenced as a crucial prior commitment, the observance of which might be threatened by compliance with the MoU. This in spite of an intense intellectual effort to identify good reasons for not signing the MoU.

While I could quite easily have selected a range of anecdotes that illustrated successful compliance with the Code of Conduct, the point to be made here is that it can be argued, quite reasonably, that if agencies such as Oxfam, with its particular advantages of high levels of unrestricted income, solid senior management support and a secular mandate can still be portayed as being in breach of the Code, what is this likely to tell us about the compliance, and more importantly, perceptions about the performance of NGHAs more generally?

I am fairly sure that Oxfam's experience is not grossly atypical of the sector more generally. Knowledge of the Code seems to weaken as a function of distance from headquarters, compliance varies from patchy to non-existent and leverage achieved through the using the moral and ethical appeal of the Code remains largely un-exploited. The Code is most frequently invoked within academic and headquarters discourse. On the face of it therefore, it does seem to me that the deal promised to government agencies has yet been delivered. Are we now suffering the consequences of having raised expectations?

None of this is intended to diminish the primary importance of the failures of states and warring parties in particular, and governments more generally, to uphold humanitarian principles. However, if the original proposition of the Code was based upon the premise that unblemished behaviour on the part of the humanitarian agencies would shame states and belligerents into upholding their part of the bargain, even if this was merely the guarantee of secure humanitarian space (not in itself a particularly ambitious aim), then we may have some way to go before the efficacy of the approach can be fairly assessed.

Furthermore, can the humanitarian circus with its camp followers (the branded tee-shirts, the aggressive press officers, the sex industry, the commercial hangers-on) that we have now created really have any hope of generating moral leverage over the behaviour of warring parties. It seems to me that one of the great paradoxes of the humanitarian system is the sub-culture of quasi military attitudes that so many of its adherents adopt. It's not just the multi-pocketed flak cum safari jackets of the UN field staff, it's also the work-hard-play-hard rituals of staff addicted to overtime, stress, booze and sex. In the latter case, frequently of the commercialised variety. Is it really credible to believe that the humanitarian system can act as a beacon of moral righteousness and as a fulcrum for ethical leverage over warring parties when every night the Land-Cruisers of the humanitarian workers are to be seen parked outside the Telex Bar ? (for those of you familiar with Kampala in the 1980s and 90's). Until the personal behaviour of humanitarians is seen to achieve a greater degree of consistency and 'fit' with the values espoused by the Code, it is unlikely that the behavioural quid pro quo will ever be accomplished.

Finally, do we have alternatives? It seems to me that there is precious little on offer that we could reasonably pursue.

The 'humanitarian' embargo is, quite obviously a contradiction in terms. Indeed, if belligerents are actively and deliberately targeting civilians, a humanitarian embargo is quite likely to further such military aims.

Selectivity is, I believe, the use of the aid embargo under a more positive name. This idea suggests that if the conditions are wrong, aid will not work. Ergo, aid should be concentrated in areas that have favourable conditions? Is this an acceptable approach? In my view it isn't. It may be that principled aid in difficult contexts will require greater levels of agency operationality and that this will cost more to administer. This should not be ruled out as a matter of principle, certainly not on a humanitarian principle. On this matter, I tend to support the rather traditional view that it is the security of humanitarian space that should be the paramount criteria for determining whether or not to intervene.

The use of humanitarian force, such as in Kosovo, may seem attractive to some, but as we know, the generalisability of such an instrument is quite unrealistic. And, in undermining the credibility of humanitarian neutrality and impartiality elsewhere, such an approach may well do more harm than good.

Thus, I believe that we are stuck with an approach that is based in essence upon a social change model of ethical cognitive dissonance i.e. if we go on being nice around 'belligerents', they will be under intense psychological pressure to reciprocate. As this is a perfectly respectable and successful model for promoting behavioural change in many other contexts, why not in the humanitarian domain also? How might we bolster this approach and improve it's chances of success?

I offer a few brief closing thoughts:

1) We must demonstrate that we are really serious about compliance. Get the Humanitarian Ombudsman up and running and thereby demonstrate a serious commitment to performance instead of rather empty and somewhat hypocritical rhetoric.

2) Revise the Code of Conduct. What may have felt like principles in 1992 in some instances now have the ring of out-dated politically correct development practice. The Code needs to be reconsidered in the light of our current knowledge of gender and protection

3) In addition, the Code speaks to only some of the critical actors. Non-state groups and corporate bodies also need to be engaged in this behavioural challenge.

4) The Code needs to be better able to discriminate between humanitarian and non-humanitarian actors. Arguably, it needs to drive a wedge between those that do comply and those that only want to sign for purposes of window-dressing. The membership rules of the humanitarian club, as defined by the Code, need to be much tougher.

5) In case you think I am just NGO bashing here, I should make it clear that this distinction should apply to government, inter-governmental and commercial agencies too. The old division of government/non-government is, to my mind, of limited use in defining communities of common interest and shared values. Oxfam's allies, as we perceive them, are no longer confined to the NGO sector.

Footnotes

[1] Nicholas Stockton is the Deputy International Director for Oxfam.

[2] The full text of the code can be found at: www.ifrc.org/publicat/conduct/

[3] Membership at the time was Care International, Caritas Internationalis, IFRC, International Save the Children Alliance, Lutheran World Federation, Oxfam International and the World Council of Churches.

Section 4:
ICRC and Conditionality: Doctrine, Dilemma and Dialogue

ICRC deals daily with the issue of conditionality and conditions. Of course it is tackling the issue mostly in relation to the parties to a conflict, be they state authorities or armed groups. But it is also confronted with the conditionality imposed by states on other states. To put pressure, states may use political or economic tools, sanctions, or military intervention, in order to obtain orientations or reorientation in conformity with political objectives. Humanitarian organisations can be caught in the midst of this political turmoil, through several ways.

No good or bad victims

First danger: the channel of selective financing, or sometimes direct pressure on operational orientations. As a neutral organisation seeking to be present in all conflict situations, with all sides and all victims, ICRC insistently repeats that there are no good or bad victims. It says so to be consistent and credible with its basic principles of neutrality, impartiality and independence. To have a chance to be efficient, ICRC needs to be the master of its operational choices as a basic requirement. When it comes to financing its operations, non-earmarked funding gives an independence in operational choices, allowing ICRC to work with forgotten victims or theatres of operations that do not sound so attractive, sometimes, to donors at a certain given moment.

Secondly, conditionality can be invoked by human rights defendants on the basis that certain groups or certain regimes should be banned from dialogue, and humanitarian actions or assistance withdrawn from the areas they control, because their policy is too seriously in violation of human rights. ICRC does not practice this type of conditionality, based on the profile or the record of groups or regime in respect to human rights. In this sense, one can say that ICRC does not practice any kind of conditionality, but requires conditions for what concerns the deployment of its humanitarian work.

Dilemma is our daily bread

As we are involved in conflict situations, for a long time we have been confronted with the limitations or ill-will of the authorities or parties in conflict to respect the conditions in which humanitarian work can develop soundly and meaningfully. In this field, dilemma is our daily bread. The issue of "conditions" has been crossing our actions and reflections in the challenges of our operations. In order to orientate ourselves, we have established a number of guideposts and principles of action based on our experience.

It is crucial to remind you that ICRC walks on two legs, in its operations. One is to promote the respect of International Humanitarian Law. The other is to bring help to the victims. The fact that it is an operational goal to promote the respect of International Humanitarian Law means that we have no conditionality linked to the degree of violation of the warring parties. Because that is exactly what we are there for: to try to limit or put an end to violations. So it is with these two combined goals in mind that we consider the conditions required for sound operations to develop in our relations with the belligerents.

Prerequisites, a chance to be efficient

What can we say about the prerequisites, the conditions we need for sound operations? There are two levels: the first level is to have a chance to be efficient in operations where we directly deliver services, where we need the space to do things ourselves. The second level concerns operations where we need the authorities for their contribution in the goal we want to achieve.

In order to deliver direct services in good conditions, first, we will need to obtain independent access to the victims and the security that goes with it. We need to be able to assess, to deliver and monitor ourselves. We need to master our operational choices, according to the assessment and to the needs observed, and to make our decisions. The necessity to sustain a dialogue with the authorities, concerning all assistance-related matters including protection, and to get local support, are also to be mentionned. These are basically the main conditions required when it comes to **assistance.**

Conditions, a mixture of law and experience

Secondly, are the conditions to have a chance to be efficient in operations in which authorities must contribute, or even play a decisive role, the main domain being in **detention activities**. ICRC will visit prisoners, but most of the "work" has to be done by the authorities, following recommendations by ICRC. ICRC's role is observing, analysing, making recommendations. The reform, the improvement for the victim, will have to be made by the authorities. Obviously a partnership is needed there.

We also need a number of conditions to make sure that our recommendations and our work are credible and does not bring any harm to the prisoners.

- The first condition is to obtain access to all the prisoners and all the places where they are detained. The idea is to ensure that some prisoners are not kept away from the delegates' observation.

- The second criteria is to be able to conduct interviews without witness in order to allow the prisoner to express freely his conditions, without the pressure and even threat of any authority being around.

- Another condition is to be able to repeat the visits. This condition is necessary to fully understand the situation, to minimise the risk of retaliation measures against prisoners who have talked with ICRC, and to see if any recommendations are followed with action.

- The fourth condition is to be able to know the identity of the prisoners and to be able to follow-up their whereabouts. This is a measure aimed at ensuring the prisoner's safety.

- Finally is the necessity to have access to the authorities at all necessary levels and have a sustained and meaningful dialogue.

In this domain of detention activities, these conditions are also our bottom-lines. We consider them to be the only sound safeguards against ineffectiveness, manipulation or even retaliation against the detainees. Some of the conditions that have been listed have been set through ICRC experience. Some come from the Geneva Conventions, for example, the access to all the prisoners and the interview without witness. So, it is a mixture of conditions that are given by the law and conditions that come from experience.

For civilian population, too

Concerning the **protection of the civilian populations, either at home or displaced**, against violations on their personal safety and integrity, there is a level of analogy with the conditions that we put for access to prisoners. But they cannot be the same because the milieu is not the same, the people are not to the same degree in the hands of the warring parties. More simply, in these domains, what we ask is independent access to the victims, security for our personnel, and access to the authorities at local, regional and national level to be able to discuss with them the violations that are observed. So, obviously, we need the respect for our emblem. We need the authorities to accept to enter into a dialogue on the violations, to give answers, and to work on the "material" we bring forward.

There are a number of particular cases where other conditions are required. For example, in the specific case of the establishment of a protected zone, one basic principle that is given by the Geneva Conventions, is

to have the formal agreement of all the belligerents involved.

Minimal benefit for the victims, a bottom-line

Usually bottom-lines are not so easy to define as conditions for sound action. Some degree of compromise with these conditions is sometimes unavoidable in order to give minimal service to the victims. Analysis of all aspects entering into an operation will have to be carefully balanced. Let us try to articulate a few principles.

Firstly, we will have to analyse carefully whether our activity may bring political benefit for the authorities without benefit for the victims. This is a bottom line. For example, if an authority gives access to its prisoners, it might well receive a sort of political benefit in terms of its image. But, if there is no improvement made, no significant measures taken for the benefit of the prisoners, then we consider that we are "out of the deal". The question of the minimal acceptable benefit for the victims is very central in all these issue of setting bottom-line conditions. It needs a careful case by case analysis.

Some cases are more clear-cut. A bottom line of non-acceptable conditions would be if our operation, or part of our operation, is directly instrumentalised in a planned strategy of violations. For example, if ICRC visits to detainees would be planned as part of the pressure or coercion to extort a confession, that is certainly a bottom line that would put the visits in jeopardy.

Bottom lines are reached when an ICRC operation would be used to allow a violation to exist and to last. For example using humanitarian assistance to implement policies of forced displacement or forced regroupement, exposure of populations in dangerous areas like frontlines, etc.

There are many "grey zones", each situation has to be very carefully analysed. In the case of diversion of aid, what levels are to be tolerated ? We may be guided by putting in balance the level of effective life-saving work possible with the level of pressure/diversion. The possibility that it is left concretely on the field to counter, to minimise the diversion, has to be analysed.

Somalia and Liberia, two illustrations

For example, two famous and very different examples to illustrate this difficulty would be our operations in Somalia in 1991-3 and in Liberia in 1994. In Somalia a huge relief operation was pursued despite numerous diversions. In Liberia it was decided to stop the assistance, leave rural Liberia and make a strong public statement. Why these two different attitudes?

In Somalia the operation was rendered possible, through great difficulties, but thanks to a number of parameters: efficient networking, support by many communities, great support by Somali employees, the possibility to minimise diversion through the implementation of public kitchens serving cooked food. The operation was evaluated as reaching its main objective of alleviating the effects of the great famine and saving numerous lives. Obviously the magnitude of the needs, as well as the positive results, were put in balance with the level of diversion and risks.

In rural Liberia in 1994, we found that the level of diversion by the factions had reached a systematic and planned level, that it was integrated into the war strategy. This rendered the operation not only inefficient but clearly perverted. It had become obvious that the factions were opening the doors to humanitarian aid, up to the point where all the sophisticated logistics had entered the zones: cars, radios, computers, telephones. When all the stuff was there, then the looting would start in a quite systematic way. There would be little benefit left for the victims. In that particular situation, ICRC found that the bottom-line had been reached and completely closed its operation.

Another condition for us, that is also a bottom-line, is not to be under the leadership of any institution belonging to a warring party or close to it, who would try to impose objectives, implementing approaches, repartitions of tasks, in a humanitarian operation. This has to do with our principles of neutrality, independence and impartiality.

Dialogue, including with "the worst"

A few words about the issue of **dialogue**. This is a positive principle that we use. ICRC will enter into dialogue with any party to a conflict, including the ones with the worst records, the ones labelled as terrorists. We consider it to be exactly our mission to try and get a measure of better respect for International Humanitarian Law from these people. We consider that dialogue is an indispensable tool to reach that.

This dialogue will not continue endlessly if no improvement is observed. But we will go a long way before breaking the dialogue, even if it means very low operational presence. We will hardly ever completely cut the dialogue with any party. Because if you cut the last link, then it will be hard or impossible to rebuild the relationship for a long time. And exclusion can also confirm to a number of groups that their practice of violations is their only choice after all.

So, a dynamic of dialogue with all belligerents is viewed as essential by the ICRC, corresponding to its principle of neutrality, which does not mean we compromise on the violations. ICRC's angle of view is to consider that

there is no serious, lasting work on the violations without a relationship with groups concerned. The dynamic of dialogue serves the purpose of having the belligerents take their own responsibility, to take the direct measures to ensure, or restore, the safety and dignity of the population, and to facilitate relief. And this is also very important for us.

The point of view of armed groups

The issue of conditions and conditionality would be interesting to be seen from the point of view of armed groups or belligerents themselves. One can easily foresee that, for the "deal" to last and be consistent, the sensitivity of the different groups/authorities, their arguments and constraints, need also to be taken into account, in order to avoid the devastating impact, in terms of acceptability and credibility, of perceived neo-imperialist attitudes by humanitarian organisations. Sensitivity over the issue of sovereignty has to be part of this process of dialogue.

The ICRC links the consistency and the usefulness of the dialogue also with the commitment to confidentiality. We are a rather discreet organisation and that goes with the deal on the dynamic of dialogue in progress. If on the side of the authorities the deal is not respected in the sense that they do not take on their responsibilities, if violations continue unabated, then confidentiality will be broken by ICRC. So in this respect, we find again a measure of conditionality.

A set of doctrines to create coherence

How is ICRC organised to ensure a certain level of consistency and coherence in its principled orientations? Very obviously, International Humanitarian Law is our primary and constant reference in establishing principles. We have a unit of lawyers to interpret for our delegations the law according to all the situations that arise. So this contributes to a level of consistency throughout our operations.

A set of doctrines, or guidelines, on a great variety of subjects, exists that are approved by the Assembly of the ICRC and that are known and applied by the delegations. For example, there is a doctrine on confidentiality, hunger strikes by detainees, neutralised zones, missing persons etc. Units in the headquarters, the Protection Division, the Relief and Health Division, bring supportive inputs to the field on thematic issues, with counselling, guidelines etc. Finally, all the training courses for our delegates contribute to create coherence.

Footnotes

[1] Danielle Coquoz is Head of the Protection Division at the International Committee of the Red Cross (ICRC).

Section 5:
Thoughts on Conditions and Conditionalities[1]

Austen Davies

We must recognise that not all "humanitarian actors" are the same.   We all face different institutional pressures - some have multiple mandates - we come from different national political cultures and belief systems. Our world views, responsibilities, capacities, roles and actions are all different. I hope that I will make it clear that this range of differences makes it very difficult to come up with simple answers and lists of bottom line rules that can apply across the board. There is divergence and even within MSF we recognise the value of our diversity and the complex, difficult and emotional processes in making these big decisions. These decisions must be rooted in principle but developed with an acute understanding of responsibility and context. A one size fits all approach cannot work even within a single institutional framework.

Having said that, MSF believes that:

Humanitarian assistance must be provided to **people** without condition and no conditions or impediments should be imposed on its delivery by local authorities. Applying the term conditionality to the provision of assistance is confused - and warring parties or political bodies that try and argue for or impose any form of conditionality on humanitarian aid are undermining the act. Political bodies doing so are attempting to engineer and prosecute political tendencies - such action undermines all humanitarian assistance with little immediate political benefit. To undermine humanitarian action is a betrayal of a promise to uphold human dignity and an inadequate understanding of power and potential - they throw away or demean something intensely valuable.

There are three actors in this arena - unconditionality applies to the relationship between the provider of assistance and the beneficiary. With regards to the relationships between the warring party and the beneficiaries and/or provider of aid there are certain conditions that the warring party must abide by - as laid out in International Humanitarian Law.

Unconditionality is a primary feature of the humanitarian aid relationship. Humanitarian action is a form of political action - but it is cordoned off and distinct from other forms by having no political intent and by being unconditional. Removing the unconditionality of humanitarian action removes it from its special position - adds it to the toolbox of politicised action - and drains the recognition of the primacy of assisting human beings and defending human dignity. It subsidiarises humanitarian action to other concerns, which may be

legitimate but can compromise the singularity and lack of threat characterised by more distinct humanitarian action.   An under-mining of this primary feature undermines the meaning and significance of humanitarian action - with little political gain and considerable human loss.

Humanitarian assistance is not a de-politicised act of charity - simply transferring resources from those that have to those that have not. Humanitarian assistance fundamentally recognises that the needs it seeks to serve are created by more than an underlying background of poverty - but that natural or man-made agency has created and heightened suffering to beyond the 'normal' day-to-day reality of individuals and societies, to a point where they are no longer able to deal with their own circumstances. Humanitarian action does not problematise poverty. Humanitarian action problematises and responds to suffering - and explicitly recognises the 'abnormality' of that suffering - the agency in the creation of that suffering - and the duty of all human beings to respond to that suffering (without the need to judge whether war is good or bad - or this war is good or bad).

Humanitarian action is also not a technical act of assistance - the task is not simply to provide water, food, shelter, health care and education to a certain set of technical standards. Humanitarian action is also de facto a protest:

- at the suffering of others;

- and/or to the political causes that underlie such suffering;

- and/or to the failure of international bodies with formal responsibilities to fulfil their mandates and offer protection, assistance and hope.

This is why humanitarian assistance is provided without conditions to those in need: -

- because beneficiaries suffer from intense need (and cannot be expected to reciprocate),

- because they have a right to such assistance,

- because the lack of conditions ensures that there is no requirement for negotiation with those in need.

There is a major paradox. While humanitarian action has no political intent - it may have political effect. Therefore, it is only natural that political leaders will

try to influence flows of humanitarian assistance to further their own interests or deny the interests of opponents. Increasingly it seems that outside powers may also be interested to use humanitarian action as an instrument of foreign policy: to persuade political constituencies that they are active when they are not, that their actions are moral by association or that they might pursue other goals through humanitarian action - curtailment of refugee flows; containment of crisis; or infiltration of crisis situations; building peace potential. Independent civil humanitarian actors are not against political actors taking action to meet formal responsibilities and seeking to fill the wishes and desires of their constituencies - indeed we demand it - but this should be done openly and transparently.

Therefore these powers (naturally interested in diversion of humanitarian assistance) are asked to agree in advance that they respect human beings and human dignity - and will agree to comply with simple conditions that allow the flow of humanitarian assistance to those in need and outside of combat. These pre-set conditions are that aid be:

Independent: of any political, religious or economic agenda. If this is not obviously so - then humanitarian assistance can legitimately be denied or manipulated. Political assistance disguised as humanitarian assistance cannot benefit from the agreement to allow humanitarian assistance; it will be blocked and will result in the denial of all humanitarian aid.

Neutral: Aid is offered with no political intention, no matter how sympathetic the cause. Humanitarian actors must remain neutral, and play no (intentional) part in furthering any political, religious or economic cause - but react to and highlight needs, no matter what the cause.

Impartial: In order to avoid political/social preference in the provision of assistance, aid should be provided proportional to need (to those who are the most isolated from help and who are the most ignored). And to provide aid according to need only - and not in respect of colour, ethnicity, religion or other discriminating factors.

The deal is struck by states before they are in conflict. It is similar to a Rawlsian notion of social justice - developed and negotiated behind a "Veil of Ignorance" - where people balance interests and justice - without knowing what role and position they will take up in reality. The construction of international treaties (usually after catastrophic war) and while not in war allows the withdrawal of immediate political concern from the process of negotiating the bottom-line assistance to those human beings out of combat and in desperate need. After the deal comes the shadow play of reality - the deadly game between beneficiary, humanitarian actor and warring parties is played. Times have changed, but we should not make so much out

of the denial of perfect humanitarian conditions in modern times, the deal has never been absolutely adhered to (In the early 20th C, the Bosheviks under Lenin, collectivised agriculture in the Ukraine causing massive famine and the deaths of millions. The international community was forced to provide all food aid through the Bolsheviks to bolster their political legitimacy in the face of massive engineered famine.) The deal has always been abstract. Reality shows there is a constant requirement for negotiation, interpretation and reaction in the development of the game based on the abstract deal.

In order to play the game, humanitarian action must be committed, ardent, independent, neutral and impartial. States create the legal space for humanitarian action under IHL - then humanitarian actors must seek to enter and maximise that space. Humanitarian action is a response to the suffering of others and the causes of such suffering. Therefore humanitarian action requires a careful balancing of an attempt to offer assistance to all who need it, with an attempt to protect or demand protection, and an attempt to demand action to address the underlying causes. These responsibilities are often in contradiction to each other:

- Assistance (technical efficiency)

- Presence (presence and witnessing)

- Witnessing

- Advocacy

- Compassion and solidarity

It receives upholding of notions of human dignity across conflict divides and rejection of attempts to de-humanise.

With this understanding it is too simple to say that because MSF speaks out and risks being thrown out - or because MSF has left crisis situations - we impose a conditionality. Because the aid relationship is not conceived of as provision of aid alone. We seek to provide critical assistance and presence - within the boundaries that politico-military powers uphold their (pre-negotiated and accepted) responsibilities of not impeding or diverting assistance and allowing a minimum level of access.

Case Studies

1. Ethiopia 1985

2. Zaire 1994-5

3. Burundi 1996-7

4. North Korea 1998

5. South Sudan 2000

We must also remember that there are situations when humanitarian assistance totally fails us - when the actors in no way abide by the deal and when there is insufficient political will to hold them to it. In particular I think of Burundi and Chechnya in the past few years.

Ethiopia 1985

We did not choose to leave. However, we spoke out with full awareness we would be expelled. The famine was perceived by donor publics as a massive natural event of biblical proportions. There was enormous international concern and a flow of compassion. Donor governments responded to domestic constituencies and/or political interests and played along. However, the famine was in-part created and exacerbated by a purposeful strategy of war. Mass deportations and massive human rights violations were a major cause of collapse of the rural food economy and of increased disease and misery. In the middle of the greatest emergency imaginable, the Government of Ethiopia continued to use all means to prosecute the war - without consideration for the human costs born by civilian populations. MSF spoke out against the enforced and often brutal translocation of populations and the creation of hunger and was thrown out. MSF pre-arranged substitution by SCF-UK.

Rwanda/Goma 1993-4

Following the genocide, roughly 500,000 people poured over the border into Zaire in a period of about 10 days. They sat on volcanic rock fields - without food, water, shelter or sanitation. Very quickly, epidemics cut through these populations causing unimaginable mortality and sickness. MSF responded quickly to bring the epidemics under control (with many other actors), provide water, shelter, feeding services etc. The refugee camps in Zaire and Tanzania housed over 1 million people - and this takes time to set up supply systems to allow the public health situation to be brought under control (food chains, water supplies, construction of latrines and waste disposal, shelter etc etc).

By mid 1994, humanitarian actors were successful in controlling the epidemics and developing basic systems and supply lines for the delivery of food and other essential services. Over the same period the Interhamwe (Genocidaires) began to re-organise, take control of the camps, re-train and re-equip.

Increasingly, we began to question our role and the perversion of humanitarian assistance - as the needs lessened and the aid increasingly became co-opted by a growing military structure that was guilty of genocide.

MSF (and others) made repeated calls for the forceful separation of the genocidaires from the legitimate refugees. MSF tried to register the refugees and was denied access by the camp authorities. MSF tried to deliver food assistance directly to the people and was

violently obstructed. It was known that refugee numbers were massively over-estimated, and yet there was still malnutrition. The quantity of food delivered was more than adequate. Therefore, it was evident there was diversion on a major scale by an organised and militarised authority responsible for a genocide.

MSF tried to internally share an analysis of the situation, including:

- Impunity of genocidaires

- Lack of protection for civilians

- Diversion of aid

- Military nature of camps

- Insecurity

By September 1994, we had basic agreement between all MSF sections on the analysis - however disagreement still existed on: the extent of MSF's role and responsibility for humanitarian support to the camps; the possibility of changing the situation through speaking out; the balance of effect - whether to stay and demand change or to leave and denounce international political inaction.

One section believed medical aid was of limited impact and the greater emphasis must fall to leaving the camps and denunciation - as a last desperate act to address the desperate situation (it may be germane that this section had the least operational involvement). Other sections decided to stay and lobby for change.

One section withdrew in November 1994 - the rest remained. All remaining sections created criteria to follow the evolution of the situation:

- Security/protection of refugees

- Access to aid

- Diversion

- Registration of refugees

- Leader's control

- Reconstruction of judicial system in Rwanda

- Human rights monitors in Rwanda

- Militarization of camps.

It was acknowledged that if these criteria did not show improvements then eventual withdrawal was inevitable. Criteria for withdrawal were established:

- Major reduction in access to assistance

- MSF loss of control of operations

- Security (our staff and camp population)

- Camps used to launch military attacks

By August 1995 we had reached a deadlock and withdrawal criteria were met as:

- needs stabilised;

- worsening security,

- extent of IHL violations;

- emotions over genocide;

- low potential to change from within;

- increased manipulation of aid;

- use of camps for military purposes.

Burundi - February 1996.

Hundreds of thousands of Hutu civilians were forced into regroupment camps. The Government claimed it was voluntary and for the citizen's own protection. In our opinion it was a scorched earth tactic to clean rebel active areas from civilians and prosecute the rebellion. Hundreds of men women and children were executed or abused in the process of regroupment (for refusing). The camps provided appalling and inhumane conditions. The camps continued to be attacked and so were deeply insecure, despite claims of protection by the army. There was a lack of water and of health care - creating a major risk of epidemics. MSF was asked to provide medicines. MSF felt that this would be complicit support for the illegal regroupment and imprisonment of innocent people.

Factors:

- Insecurity for camp population and humanitarian workers;

- It was considered important to resist such military social engineering and to make our role in Burundi explicit. To agree with such demands would undermine our independence and neutrality of action in Burundi. How could we explain we were impartial, neutral and independent to all groups and work in regroupment camps?

- The human agency in the creation of needs;

- The inhumane treatment of human beings;

- Violation of International Humanitarian Law;

- The ICRC was not present - so there was no dissemination or legal work;

- The UN was extremely weak;

- MSF was not in communication with all parties - and yet we had significant action in Burundi (60%

of all health care services were provided by MSF - the operational scale placed an interest in elevating our operations above other considerations).

Decision:

- The needs alone would provide conditions requiring an MSF intervention.

- Therefore we needed to balance our operations, the power of being in the camps and witnessing and ongoing advocacy, to the power of a one-off decision to refuse the government's request and denounce their actions.

- To withdraw fro the camps would cost lives.

- All sections decided to protest actively to the Burundian government and risk expulsion.

- All sections attempted to generate a UN and NGO joint position, to take a strong line against the Burundian government, on the basis that this was not an act of protection - but an act of war against the rebels and illegal under International Humanitarian Law.

- All sections refused to provide structural assistance in the camps - to build clinics or provide water and sanitation facilities. Assistance was limited to direct medical assistance for unusual and life-threatening needs.

- MSF refused to participate in the creation of new camps.

- MSF focussed on the collection of medical data, to lobby for rapid closure of camps.

- One section refused to operate in regroupment camps (given the absence of major epidemics) - but remained active in highly unstable areas in the rest of the country.

Those sections that remained in the camps witnessed extra-judicial killings and were eventually banned from the camps by the government. The situation has arisen again in 1999 and various aid workers were tragically slaughtered in the same situation of miserable chronic violence, terror and oppression. The international community has still not managed to actively resist the cynical and tragic regroupment policy of the Burundian government.

North Korea - 1998

MSF was among the first NGOs to be invited to become active in North Korea. Our objectives were to assess the situation and later to gain access to those most in need.

However, there were significant problems:

- MSF was unable to document a nutritional or health crisis.

- MSF was unable to gain access to the populations we desired to assess.

- We were unable to identify the vulnerable.

- We were allowed to distribute drugs to health facilities, but we were unable to verify if the population had free access to health centres.

- MSF feeding centres had very low numbers of malnourished children.

- MSF had independent reports of major famine in some areas - areas that we were denied access to.

Conclusions:

- We had no independent access.

- We had no first hand knowledge if there even existed a major crisis.

- There was a tendency towards large scale distribution of goods (drugs, food) - encouraged by institutional donors. This tended to focus our actions on logistics and not seeking access and monitoring the effects of our assistance.

- There was complete control by the government - impeding basic humanitarian access.

We believed there might be a real crisis but if so, the North Korean government was trying to cover it up. There was a desire by foreign governments to support North Korea with vast quantities of aid against their nuclear blackmail. In the cross-section of political interests, humanitarian actors were simply unable to serve those in need and were being used as contractors in a political bargain.

Decision

To stay:
- To witness;

- To prepare for a worsening of the situation;

- Working in Asia takes time;

- There are real violations, abuses and real needs - we would need patience to find them.

To go:
- If there were violations or real needs we could not find or see them;

- The government was restricting basic humanitarian access to an extent that it was

impossible to provide and monitor.

- Our early arrival meant the Government of North Korea used us and gave us a big welcome - to reassure other donors and NGOs they could come and work there;

- We faced increasing pressure to move from direct aid to support for rehabilitation. The Government of North Korea wanted MSF to provide raw materials to support medicine manufacture.

The initial decision was to stay; and meanwhile to reduce distribution activities; to negotiate larger areas of access (i.e. reduce volume of aid and increase area of aid - to negotiate a different and less material relationship); to communicate pro-actively that we were in North Korea and suspected there was an emergency, but that we were unable to identify it.

By August, 8 months later, it was clear that we had been unable to increase access or any feeling of getting closer to the truth. We decided to close programmes and go public:

- There is a crisis but NGOs cannot solve it;

- To insist that donors review their aid policy and demand real access;

- To insist that the Government of North Korea act with respect to the lack of conditionality of humanitarian assistance and promote genuine access.

More recently various other NGOs have pulled out of North Korea for similar reasons.

In conclusion

These case studies are massive over-simplifications of complex processes - involving hundreds of people over hundreds of hours of meetings, faxes and other communications. Papers were written and opposed - debates held - people cried and fought. The MSF movement very nearly dissolved over the Goma crisis. Each of these cases represents critical moments for the MSF movement.

These case studies also show;

a.   Decisions are based on a balance of different concerns (security, need, impact, meaning of assistance, role of formal authorities).

b.   Such actions are very infrequent.

c. Factors in decision making are multiple and can be divided into objective and subjective criteria.

Objective Criteria

- Scale of (medical) needs

- Presence of other actors/services

- Need for independent international presence

- Assessment of impact of our actions

- Ability to freely access, assess, assist and monitor

- Security

- Scale of abuses and violations

- Manipulation of aid

- Necessity to expose violations/abuse

Subjective Criteria

- Human resources

- Money

- Inter-sectional dynamics

- Individual's involved

- Press and attention

d. Factors are relative and must be balanced in context.

e. Evacuation and/or denunciation may be with explicit recognition that our actions will be taken up by another NGO (i.e. Ethiopia - but not Goma).

f. There is a very wide-ranging and complex debate within and between sections to reach any decision.

g. Despite shared analyses, decisions on action may not be the same.

h. MSF is independent and insists on presence. Our presence and direct contact with the effected populations, military powers, UN and international powers puts us in a strong position to witness and relate actions across the spectrum of actors.

i. MSF has no formal mandate and therefore is free to act as it sees fit and is able. We have a major role to play in sensitising political constituencies as to the actions and inactions of those with formal mandates and to push for reform.

j. Inter-sectional dynamics creates internal pressure to analyse and explain actions and creates a positive pressure for responsible and ardent action with priority for objective factors.

k. Diversity in general is positive - it depends on mission, role, responsibilities, mandates, actors, personalities, institutional interests and capacities, temptations, institutional structure, and perceived opportunities. A notion of a massive coherent humanitarian system crossing the different agencies and organs is not one we subscribe to. First, as not all have the same role - and second as putting all eggs in one basket is dangerous.

Humanitarian aid absolutely must be provided to all those in need without any form of conditionality - economic, religious or political.

The powers that control access and provision of humanitarian assistance and presence must be held to account that they value, allow, protect and promote proper and effective humanitarian action on both sides of the conflict line. To the extent that they deny the proper and free flow of humanitarian assistance - political capital should be expended to hold them to their obligations.

Governments are signatories to the Geneva conventions - they have a responsibility to understand, to uphold and to protect and promote a proper humanitarian space for now and for the future. To try and use humanitarian aid for other purposes will undermine humanitarian action now and in the future and will not work. It is a cheapening of an important, fragile and valuable action.

Footnotes

[1] Austen Davis is the Director for Medicins Sans Frontiers: Holland

Section 6:
The Role of Humanitarian Aid in Conflict Management: Some Personal Reflections

Dr. Mukesh Kapila[1]

I shall speak from a professional and personal perspective having struggled with the issues represented by this seminar. I may be a government bureaucrat but this does not stop one from thinking and feeling too.

I am struck by the debate on 'what do we mean by humanitarian principles' and whether they are adequately articulated or not. I have two sets of personal reflections to offer.

First, there is a basis for principled humanitarian action in international law and that is the only legitimate basis. However there is only one fundamental humanitarian principle that is of overarching importance and the most universally accepted: the principle of impartiality at the point of delivering of a service. What this means in practice, is that if you have an RUF child on one hand and an AFSL child one the other, you do not worry about their affiliations - and you do what our common humanity says that we must for both children. That is what I mean by impartiality. But how you get to the stage of being in the position to be able to help the two children from different warring sides is contentious territory on which do not have full agreement. Some would say '*only work if certain conditions hold*', others would say '*do not use the word conditions at all in this debate*', a third would say '*anything goes, lets be pragmatic, lets build a process so long as we help the children, it does not really matter*'.

I would caution against holding the equivalent of a Geneva Conference on the "Humanitarian Principles for the 21st century" because sadly, I doubt that we would achieve today the consensus that was achieved a generation ago on this subject. That is why we must not open the debate on refugee conventions and so on because I think we will go backwards, rather than forwards. That is a sad state of affairs.

Second, I would say that I am very optimistic about the future, despite the setbacks we have had in recent years. Just because some of the principles are difficult to apply in practice, and we do not have many success stories to tell (and even among the successes there have been many problems), it does not mean that the principles themselves are wrong. None of you have seen God (except perhaps Martin who I know has got special connections!) But it does not stop many of you

in continuing to believe in Her! We must have Faith and keep faith. If we do not believe in the good of our humanitarian principles, then we believe in nothing. And believing in nothing is I think is part of the problem nowadays.

But let us also be honest. Much of the practical work that has been done on humanitarian principles has not been about "humanitarian space" but about "agency space". It is about finding territory, in which agencies can operate according to their convenience e.g. so that when Martin goes to Kabul he will not be too uncomfortable or get shot at. Nothing to do at all with the poor victims who are out there, it is about our own safety and welfare! There is an assumption that if **we** are able to function in dangerous environments, then somehow the world will be transformed. There might be a link between the two. But it is certainly a weak link, and it is certainly not a sufficient link. Not least because, as anyone who has studied the economics of war and the financial aspects of humanitarian aid, will tell you that such assistance makes only a marginal difference when set in the context of the coping abilities and the endeavours of the crisis affected populations themselves. So, let us be honest about what humanitarian aid achieves in practice. By all means try to kid those from whom you are trying to extract funding for humanitarian projects - but be careful that you don't deceive your own self!

Having said that, all is not hopeless, and we are not all helpless. The historical trend is quite clear. Despite recent difficulties this trend is in the right direction, in terms of the gradual ascendancy of values represented by humanitarianism. Much of this is common sense - i.e. humanitarian values are what ordinary people the world over feel is right and decent. Does one need to agonise and intellectualise more than this? Sometimes feelings may be a truer guide. Then there is the question of judgement on whether articulating complex norms precisely will help or hinder in the real world. I do not have the answer to that but sometimes I think that living in a grey world (rather than demanding black & white answers to everything) actually helps when you are trying to do complicated things.

Thus, my reaction to this morning was mixed; in other words, optimism and pessimism. Overall optimism that we are heading in the right direction.   There is   an

agreed goal and though we are not quite sure how to get there, the "core" is, I think, quite agreed. So, let us not try to reinvent things because we might actually make matters worse than they really are. Let's improve things where we can, and do no harm along the way, lest we throw the humanitarian baby out with of the (murky) bath water of conflict management.

Now on the role of donors. I would like to make a distinction between being a donor and a government representative of a member state, because this is important for the debate on conflict and humanitarianism. In our Government we are fortunate in being able to reconcile the two interests through agreement on a common policy. This is not without internal debate and there are tensions to resolve. But this is healthy - and we can achieve a consistent position which then, of course, has to be sustained. "Positions" that stand still become irrelevant or worse - because the context keeps on changing. But not all Governments are necessarily nimble or responsive on all issues, in all places, all the time. The trick is to work out where you think you can influence change and, if the gods also favour it, make a difference.

Speaking now as a representative of a member state of the global community (as opposed to a donor), there is a lot more that we can do. But this is not a short term project. I have four "action points".

First we as member states can do something about influencing the global popular culture. I think that one of the major problems we face today is how to ensure that powerful Governments behave responsibly on these issues because their electors expect them to do so. How can we create a more positive climate of opinion i.e. to keep the public constituency supportive of international humanitarism? So that Governments can be positively willed on. In the UK, I was struck by the positive response to the Mozambique floods disaster, where people were clamouring for us to do more. Popular will can change attitudes. Nowadays the BBC, CNN etc. are all over the world. It is a globalised world. One of the things that a particularly outrageous militia leader (for example a well known person in West Africa) may not like is to be talked of, in the world media, as if he is mad and bad. He may pretend to ignore it, but it actually hurts his pride. There is a strong climate of opinion all over the world on why certain things are intolerable, and this is contributing towards the advancement of humanitarian values. I think we could do much more on building on that. It is long-term work to nourish such thinking.

Second, we can tighten up on compliance mechanisms. There is no point talking about humanitarian principles and codes of conduct without some guarantee of measures against people who will not comply. There are good developments on the way; for example, we will have an International Criminal Court. Another

example is on smart sanctions where the debate has moved on. Slowly and painfully, we are beginning to understand how international financial mechanisms work and what we can do to hit warmakers where it hurts them most. Wars do not happen out of nothing, somebody is profiting, somebody is fuelling it. At one time we thought perhaps that this is all just too complicated, but piece by piece, little by little, we are beginning to understand how things work. We are doing much more, thinking, about the role of strategic materials like drugs and diamonds. Not everyone is on board - and there may be domestic and other vested interests which are fighting rearguard battle. But we should be open in holding these debates. Tackling compliance mechanisms is by no means a theoretical pursuit. Steady progress is being made, and as science and technology help us more, we will be able to do more.

Third, we can be much more serious on reducing the means of waging war. Staff from our department are seconded to Sierra Leone and also to Albania, and they have been talking to each other. Our Sierra Leone staff informed their Albanian counterparts that amongst the weaponry that had been handed in by some recently disarmed RUF people was weaponry with Albanian markings on them. We are getting a better understanding of small-arms flows from Eastern and Central Europe through Central Africa to West Africa. Between us, we have contacts with all these countries, including in many cases, an aid relationship. We could tighten up on these linkages.

Fourth, and this is the most difficult area, we can do something about looking hard at the effectiveness of the UN. In this context, let me turn to the particular question of humanitarian action in conflict management. Let us take some real examples.

Martin you did a great job as the UN's trouble-shooter in Afghanistan, Great Lakes and elsewhere. But how many of you are out there, and where do you come from? What do you stand for? We give so much authority and responsibility to UN teams who are sat down in far flung places with very little command and control, very little accountability. They are honest and good people, but I am not sure how much one can trust them and what games they are playing including their own pre-occupations to stay on the greasy pole of UN careerism. Perhaps we need a completely different ethos reflected in a radically different staffing policy. Nobody should get a career out of the UN and get promoted within the UN. You go in and out at your grade, and if you want to go on at a higher level, you have to go out first. People who work in the UN should look upon it as a form of global social service and as a personal sacrifice they are making; and not as a mechanism for enhancing their personal prestige. All this is, of course, grossly unfair to the many excellent, thoughtful and caring people, at all levels, in the UN

system.   Many of them are close colleagues that I respect. I hope that they will still talk to me. Let there be no doubt that we must support the UN - recognising that it is only as good as we allow it to become. Do we perhaps need a 'Code of Conduct' of Member States for interacting with the UN system? So that Member States do not abuse the UN?

In conclusion, we need to be clear about the links between humanitarism and political actions. Peacemakers are political people who, by definition, have to be pragmatic about making accommodations and funding compromises, because that is the art of peace-making. Peace-making is about give and take, swallowing your pride and taking risks. Mind you - the lesson from shabby peace deals is that they do not stick. Obviously, this deal-making sits uncomfortably alongside "principled humanitarianism". And there may be contradictions to resolve. Thus I believe that increasingly it is more practical to talk about

"complementarity" of political and humanitarian actions rather than "coherence", or a merger between the two. But to balance this, I have also tried to argue here that the protection and expansion of humanitarian space is not just the preserve of relief workers who can simply be left alone to get on with it - but a responsibility for all who are working from a range of perspectives trying to deal with the causes of humanitarian crises and not just picking up the pieces. Relief workers are motivated for genuine reasons to preserve, as they see it, the integrity of their humanitarian actions. We revere the noble intention behind this. But their "holier than thou" attitudes is, at times, humbug. Are they ready to admit this?

Footnotes

[1] Dr. Mukesh Kapila is Head of the Conflict & Humanitarian Affairs Department at the Department for International Development (DFID).

Section 7:
Humanitarian Aid and Conditionality

ECHO's Experience and Prospects Under the Common Foreign and Security Policy

Mikael Barfod[1]

Slide 1

OUTLINE

- Introducing the typology
- "Impact" conditionality
- "Legal" conditionality
- "Political" conditionality
- ECHO and CFSP ?
- Concluding remarks on future

Slide 2

Introducing a typology

- **"Impact" conditionality**
Definition: witholding humanitarian aid because overall impact is negative

- **"Legal" conditionality**
Definition: witholding humanitarin aid in response to violation of International Law
  · International Humanitarian Law
  · Human Rights

- **"Political" conditionality**
Definition: witholding humanitarin aid until certain foreign policy objectives are met
This is the pure form of conditionality, where no other policy fields are involved.

I want to talk to you about ECHO's reaction to different kinds of humanitarian conditionality. I'm not saying that we have a hundred percent consistent policy in these matters. In any case, which donor or agency does? On the other hand, I do not think we have an ad hoc approach either. After running through an attempted typology of conditionality using many examples, I will home in on one particular issue which is probably more important for ECHO's relations with politics than any other: the Common Foreign and Security Policy. Based on this I will try very carefully to draw some conclusions at the end.

Basically, I will deal with **three types of conditionality.**

One is withholding humanitarian assistance, because the overall impact of the aid is negative. Withholding humanitarian assistance because it is doing more harm than good might be labelled **"impact" conditionality.** This is the pure form of conditionality, where no other policy fields are involved.

The second kind of conditionality is withholding humanitarian assistance in response to violation of International Law. This is called "**legal" conditionality** and refers to both **International humanitarian Law** and to **Human Rights Law.**

The last category involves withholding assistance in order to meet **specific foreign policy objectives** - such as putting pressure on governments or factions to start peace negotiations, conduct elections, take certain actions or even to support opposition forces in a given country. This "**political" conditionality** has previously been employed in relation to development assistance, and traditionally has been banned from humanitarian aid.

Slide 3

"Impact" conditionality

- ◆ **Unwelcome side effects**
    - population movements
    - dependency
    - large-scale manipulation
      (fuelling the war)
    - encouraging human rights abuses
    - substituting for political action
- ◆ **On a country level**
    - hard to demonstrate
- ◆ **On a project level**
    - bad planning ?

In relation to ethical conditionality, the general question is whether unwelcome side effects and large-scale manipulation of humanitarian assistance might be reasons to withdraw the aid. The ethical dilemma involves estimation of how much good is done and how many lives are saved as opposed to accusations or even evidence that at the same time, the assistance is causing the negative effects mentioned on the slide.

Furthermore, vivid debate - primarily among academics - has taken place on the basis of the "Do No Harm"-concept as introduced by Mary Anderson. The debate has led several observers to conclude that if humanitarian aid is doing harm, then no humanitarian aid will do no harm. In those situations, ethical conditionality might be applied to the humanitarian aid, thus calling to a halt the humanitarian activities.

Turning to **ECHO's concrete humanitarian aid**, it is not diffficult to find examples of **single** unwelcome side effects. It is noteworthy, however, that the **vast majority of ECHO's evaluations** have concluded that **overall**, the humanitarian aid delivered has saved lives, protected livelihoods, prevented population movements etc. In fact, there are very few examples of situations where humanitarian assistance has been withheld (at **country level**) as a result of negative net effects of aid. Thus, at present the debate on "where the borderline goes" has primarily been academic for us in ECHO.

On a **project level** there are examples of interventions that have been deemed harmful and consequently have been stopped. Examples includes therapeutic feeding centres placed in dangerous locations, forcing the beneficiaries to travel through combat zones in order to receive supplementary food rations. It might be argued, however, that such projects - which do have a net negative impact - are more a result of **bad planning** and insufficient analysis than of ethical dilemmas.

Slide 4

"Impact" conditionality

Examples

- ◆ **Rwanda**
- ◆ **Sudan**
- ◆ **Ethiopia**

Unwelcome side-effects of humanitarian assistance have been well documented in e.g. the multidonor evaluation of the humanitarian assistance to **Rwanda**, ECHO's study on unintended consequences of humanitarian assistance to **Sudan** and in a multitude of evaluation reports.

A topical example is found in relation to the current famine in **Ethiopia** and Eritrea, where critics have argued that the present large-scale humanitarian assistance is fuelling the countries' war efforts. It is argued that the infrastructural improvements aimed at speeding up the delivery of food aid also help Ethiopia's war ends. Likewise, the possible modernisation of the port of Djibouti will improve Ethiopia's possibilities to import arms. In addition, observers have questioned whether ethically, donor money should be spent on feeding the poor when their government's are spending significant resources on the war. Clearly, the dilemma is whether the humanitarian community is willing to let the populations starve, simply because the aid both contributes to the continuation of the war (by improving the possibilities to import arms) and relieves the governments from their responsibilities of feeding their populations. However, so far no donors or organisations have been willing to take such actions, because in the words of UN Secretary General, Kofi Annan, "we cannot punish children for what the leaders of these countries have done".

Slide 5

> ## "Legal" conditionality: Respect for IHL
>
> - **"Legal" conditionality, emanating from IHL**
>   - Aid workers and equipment must not be targeted by belligerents
>
> - **Part of ECHO's Regulation**

Slide 6

> ## "Legal" conditionality: Respect for IHL
>
> ### Examples
>
> - **MoU in Sudan**
> - **Chechnya**
> - **Afghanistan**

It should be recalled that humanitarian assistance has always been based on some sort of political conditionality. These are codified in the Geneva Conventions, stipulating inter alia that in times of fighting, the signatories will allow humanitarian agencies to provide assistance to civilians. Thus, according to IHL, humanitarian assistance should only be provided where the working conditions for humanitarian agencies are acceptable, i.e. that aid workers and relief equipment will not be targeted by belligerents. This is a legal variant of conditionality, or what some observers have called **"implicit humanitarian conditionality"** (see Section 2 background paper by Leader and Macrae, 2000).

The dilemma of whether or not a government's deliberate disregard for the principles of IHL is a reason to withdraw humanitarian assistance is not new. What is new is that non-respect for IHL has become widespread and that killings of **civilians, including aid workers** - in spite of the protection provided in the Geneva Conventions - has become an end in itself. Consequently, the question of making humanitarian aid contingent on respect for the instruments of international law is more pressing and entails more serious consequences.

In principle, ECHO is not opposed to the use of implicit humanitarian conditionality and it might even be argued that such conditions are implied in the **regulation 1257/96** of 20 June 1996, which makes reference to International Humanitarian Law. The issue is obviously closely related to the issue of humanitarian space. If safe access can not be obtained through the consent of all parties to a conflict - as it is stated in international law - ECHO will not fund humanitarian activities to be implemented through partner agencies at a high risk.

The recent withdrawal of ECHO's humanitarian assistance to all regions of **South Sudan** controlled by the Sudan People's Liberation Army (SPLA) is an example of IHL violations as a reason for withdrawal. In the official statement from Commissioner Nielson, it is stated that the behaviour of the SPLA/SRRA "… is considered a serious breach of international humanitarian law… Consequently, the European Commission currently sees no basis for the continuation of funding for humanitarian assistance in areas where the conditions for delivery of aid according to humanitarian principles do not exist."

ECHO's humanitarian assistance to civilians in **Chechnya** presents another example. ECHO has only provided humanitarian assistance to camps outside Chechnya itself because the Russian government has been unwilling to supply the necessary security guarantees. (However, the case is further complicated by the fact that Russia does not recognise the conflict as a civil war (and consequently covered by IHL), but refers to it as a "fight against international terrorism" (which is not covered by IHL)).

In special cases, such as **Afghanistan,** ECHO has even suspended ongoing operations on the grounds of "continued violation of fundamental humanitarian principles" (quote from annual report 1998). Initially, ECHO only suspended the aid to Kabul, but as the Afghan regime after the American air strike started threatening expatriates, ECHO's operations were shut down throughout the country. However, it is also important to note that the closure of the aid was not completely unrelated to the suppression of the human rights of Afghan women and instances when female aid workers had been denied access to work in Kabul.

Slide 7

> ### "Legal" conditionality: Respect for human rights
>
> - **Human rights conditions incompatiblewith humanitarian principles**
>
> - **ECHO paper on "Human rights approach": analyse how humanitarian aid effects human rights**
>
> - **Each partner acts according to mandate**

Conditionality in relation to human rights abuses might also be mentioned, as several examples exist of development aid or rehabilitation assistance being withheld for that reason. Clearly, such considerations are **incompatible with humanitarian aid** as humanitarian assistance by nature is fulfilling the right of the individual assistance to receive humanitarian relief, when a government is unable or unwilling to do so. The argument that humanitarian aid should be withdrawn from vulnerable civilians in response to human rights abuses committed by other people - be it their governments or some armed groups - is incompatible with the humanitarian imperative.

ECHO has been working on integrating human rights considerations in the community's humanitarian aid, and so far the work has resulted in a **discussion paper** on the adoption of a human rights approach to humanitarian aid. This approach does not imply that human rights abuses are sufficient grounds for withdrawing humanitarian assistance. A human rights approach is not a question of using aid as a tool to ensure that a government or a warring faction is respecting human rights. Rather, it is about thoroughly analysing how the humanitarian assistance will influence the human rights situation in a given country or area, be it negatively and positively. A relevant question in this connection is whether such an approach implies that humanitarians should close their eyes to human rights abuses.

According to ECHO's approach, this moral question will be dealt with by **each partner** in accordance with its respective mandate. However, the attitude towards human rights abuses seems to be changing. Previously, many agencies considered human rights to be outside their fields of activities but today, they feel that if they witness human rights violations, they need to act. This is perhaps not by publicly denouncing the violations, but by quietly discussing the violations with the

authorities in question - the traditional Red Cross approach - and in other cases by passing the information on to traditional human rights actors.

Slide 8

> ### "Legal" conditionality: respect for human rights
>
> ### Example
>
> - **WFP in Afghanistan**

An example of the employment of political conditionality based on Human Rights is found in **Afghanistan**, however, where the **World Food Programme (WFP)** has made explicit use of political conditionalities in order to promote women's rights. In the WFP's part of the 1999 Appeal for Afghanistan it is stated that: "The extent of rehabilitation assistance will be contingent upon on Taliban's progress in ensuring security and human rights including rights for women…. In areas where official restrictions on women are not in effect or are not being applied, WFP will move beyond life sustaining rehabilitation to include assistance to the agricultural sector".

Slide 9

> ### "Political" conditionality: foreign policy objectives
>
> - **Humanitarian aid is a political act**
> - **Not the same as imposing a certain foreign policy**
> - **ECHO**
>   - "must not be guided by, or subject to, political considerations" (reg. 1257/96)
>   - M.S. confirmed "arm's length" principle in recent evaluation

As a starting point, it must be recognised that in itself, giving humanitarian aid is a **political act** (solidarity from tax payer to humanitarian victim), but this should not be confused with political conditionality. Supplying humanitarian aid to countries for political reasons, is not equal to imposing foreign policy conditionality, because the assistance is not supplied in order to push the government to take certain actions. In addition, humanitarian assistance is in some instances used in replacement of the necessary political actions, so that at least the international community is seen to be doing something. This can not be considered political conditionality either.

In principle the European Community's humanitarian aid is untainted by foreign policy considerations. This is established in the **regulation 1257/96** of 20 June 1996 governing ECHO's actions, stating in the preamble that humanitarian aid "must not be guided by, or subject to, political considerations". Recently, this has been reiterated by the Member States in the Council (CODEV) during the debate on the assessment and future of community humanitarian activities.

In the past, respecting this "arm's length" principle has not posed serious problems for ECHO, since the European Union has not had a clearly defined foreign policy agenda.

Slide 10

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│                                           │
│    "Political" conditionality: foreign    │
│          policy objectives                │
│                                           │
│                                           │
│              Examples                     │
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│                                           │
│         ◆    Serbia                       │
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│         ◆    Burundi                      │
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However, the complexity of ECHO's "arm's length" principle is illustrated quite well by the example of **Serbia**. ECHO is providing humanitarian assistance to vulnerable people in all parts of Serbia through the Red Cross (with the problems that this involves). However, within the last year, the Member States have been looking for ways to support the opposition in Serbia. The solution that has emerged is to provide humanitarian aid to two cities led by the opposition through the "Energy for Democracy" programme - not through ECHO but through the Directorate General

for External Relations. In this manner, the Commission has preserved the integrity of ECHO's humanitarian aid while at the same time been able to use other types of aid as a foreign policy tool.

Whether the recipient Serbs are able to distinguish between humanitarian aid supplied by two different Commission services is quite another question.

The case of the **American humanitarian assistance to Serbia,** I think, illustrates a different approach. I understand that USAID has recently launched a program (ALT-NET) for humanitarian assistance to four Serbian municipalities controlled by the opposition with the explicit purpose to strengthen opposition leaders by enabling them to take credit for the humanitarian assistance which reaches their constitutents. The aim is to show support for the Serbian people and counter Milosevic's propaganda. ECHO is not in a position to channel aid through ALT-NET.

ECHO's reluctance towards political conditionality is illustrated by the hesitation towards deeper involvement in conducting peace negotiations in e.g. **Burundi**. Earlier this year, ECHO was approached by the Henry Dunant Centre that had planned a seminar in Geneva on humanitarian access in Burundi - with the participation of both governments and armed groupings - in order to discuss humanitarian space (and introduce peace talks). However, ECHO refrained from participating and co-financing the event. Although the prime reason for this was doubts whether Member States would mandate ECHO to take on such role, another reason was that ECHO's involvement might be interpreted as if continued humanitarian aid would be contingent on the parties' participation in the talks. The Commission as such has in many instances financed mediation in civil wars, but in such cases through other Commission services.

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│      ECHO and the Common Foreign          │
│          and Security Policy              │
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│    ◆    ECHO is no longer "alone":        │
│         European Security and Defence     │
│         Policy                            │
│                                           │
│    ◆    Rapid Reaction Facility           │
│                                           │
│                                           │
│    ◆    ECHO's relations with partners    │
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So far everything I have said is based on the fact that the European Union did not have in the past an effective common foreign policy. But there is one in the making now - it is certainly on the drawing table. Does that mean that little ECHO will have to dance to the tune of our political masters in future?

Let me start positively by expressing ECHO's satisfaction at the prospect of no longer being the **only** EU crisis response instrument in a number of cases. Recent and ongoing developments in the area of CFSP and European Security Defence Policy (ESDP) will fortunately redress that unbalanced situation, and **ECHO welcomes that strongly.**

However, the international humanitarian experience in the past decade shows that there are several layers of **interaction between the 'humanitarian element'** and **'crisis-cycle management'** as well as, more specifically, between the **military** and the **civilian** side of crisis-management. These interactions may affect the necessary **impartiality** of EU humanitarian assistance, hence the need to manage them carefully.

Let me briefly examine how decisions on CFSP and ESDP made at the **Helsinki** European Council could have important consequences for our work in ECHO.

At the operational level, ECHO funds relief projects implemented by humanitarian NGOs, the Red Cross and humanitarian components of the UN system. In the Commission these operations will soon **co-exist** in the Commission with the funding of 'political' crisis management activities once the Helsinki-mandated **Rapid Reaction Facility** is adopted. These may include **politically** driven activities such as human rights monitoring, management of trade sanctions, electoral observation, the promotion of democracy and the rule of law, police contingents to help restore public order, or the sending of political envoys to mediate (or to threat). They may also include **non-politically** driven activities of a humanitarian nature such as civil protection, where military assets (including personnel) are regularly used (i.e., during recent floods in Mozambique).

ECHO's relations with its partners, especially NGOs, may be affected by these developments. In the extreme, some NGOs have in the past decided not to work with ECHO any longer if ECHO were to be perceived as part and parcel of a 'political' crisis management operation (as it was the cases in Albania last year during the NATO bombings in Kosovo).

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> # ECHO and the Common Foreign and Security Policy
>
> ◆ **Humanitarian-Military**
>
> ◆ **Petersberg 'humanitarian intervention'**
>
> ◆ **ECHO's role**

What is really new in some 1990s crises is the **combination** of a grand scale and "hostile **military intervention"** (Chapter VII in cases legitimised by the UN Security Council) and a no less grand **humanitarian operation**, which in the case of Kosovo even provided the main justification for military action. When military and civilian actors have to co-exist, the matter gets complicated. The potential implications for the perceived impartiality of humanitarian actors are inescapable. Experience has shown that the military can secure access to humanitarian victims (e.g. Operation ALBA in Albania) but it is far from certain that the presence of uniforms will enhance the security of relief workers in, say, the bush of certain parts of Africa. This is exacerbated in situations where force is used by a military contingent that is **also** involved in providing relief.

There seems so be a consensus in the humanitarian world on the need for **humanitarian operations to be conducted by civilian actors**, or for these to take over from the military as soon as it becomes feasible (i.e., the case of Kosovo, where the military were the first to gain access to the territory, and thus to the victims).

To be more specific, in the case of post-Helsinki EU one could envisage a *Petersberg* **'humanitarian intervention'** (Kosovo-style) being conducted by a

European military force while at the same time ECHO-funded humanitarian agents are trying to bring 'impartial' relief to those in need. It is clear that the consequences for the humanitarian actors involved (and for its workers) must be carefully examined at the onset of each crisis on a case-by-case basis.

These are all questions to which there are **no definitive answers.** Reflection is ongoing in all interested quarters (ECHO, Commission, EU Members, and NGOs). **Commissioner Nielson** has repeatedly stressed the importance of preserving the specificity of the *humanitarian element* and of ECHO, to safeguard its necessary impartiality and operational autonomy. Nevertheless, he has also emphasised that there is a **need for fluid communication** between ECHO and the new crisis management mechanisms.

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Concluding remarks

- ◆ **"Ethical" conditionality**
  - - Difficult to use in concrete terms

- ◆ **"Legal" conditionality**
  - - Likely to prevail in cases of access

- ◆ **"Political" conditionality**
  - - Humanitarian aid is an attractive tool for foreign policy but is likely to remain separate
  - - "Co-existence" of mutual benefit
  - - Communication between humanitarian and political levels
  - - "If it ain't broke don't fix it"

At first glance, the issue of "ethical" conditionality seems less controversial than "political" conditionality. Clearly, aid should not be provided if the overall effect is negative. But in reality, it is very difficult to estimate the net effects of humanitarian assistance. Thus, the use of ethical conditionaly is rather difficult, and there are very few examples of ECHO - or other donors - actually withdrawing humanitarian aid for ethical reasons.

"Legal" conditionality, or the implicit humanitarian conditionality, are on the other hand likely to prevail in relation to questions of humanitarian access.

"Political" conditionalities in term of imposing foreign policy is not very likely to spread throughout ECHO's operations. The Commission will in certain situations use humanitarian aid alongside regular foreign policy tools. As EU develops its Common Foreign and Security Policy, there will be a more explicit foreign policy agenda, which obviously will wish to establish coherence between all aid instruments.

The first evidence suggests, however, that ECHO will remain an important but **separate aspect** of the Community's foreign policy, and that ECHO will co-exist with the political (and military) aspects of the emerging CFSP.

The "price" for this **co-existence** will be to set up solid **communication systems** so that one hand knows what the other is doing at all stages of conflict. This type of co-ordination is obviously of **mutual benefit**. Humanitarian consequences of political or military decisions (say economic blockades or bombings) must be carefully considered from the beginning of a crisis. On the other hand the security briefs and analyses must always be available to humanitarian organisations, not least in order to protect their workers. I think there is no excuse for humanitarian and the political/military instances not to keep in touch. The aim is full complementarity between humanitarian aid and other aid instruments.

Finally, there is also a **bureaucratic** interest in keeping ECHO separate from the foreign policy machinery since we benefit within the European community from special procedures which work quite well. "If it ain't broke don't fix it". Even the most manipulative foreign policy enthusiast would not want to take responsibility for the death of an independent ECHO as we know it. Although certain guarantees will be built into the EU structures, the discussion on the precise role of ECHO will probably go on for a while. The first real test will be when the next major complex crisis emerges.

This means that political conditionality is unlikely to be directly attached to ECHO's humanitarian aid in the immediate future.

Footnote

[1] Mikael Barfod is Head of the Unit, Strategy, Planning and Policy Analysis at the European Community Humanitarian Office (ECHO).

Annex 1: Agenda

Day 1

09.00-10.00   Opening Session

Welcome and Introductions
Martin Griffiths, HDC

Background paper and overview of issues
Nicholas Leader, ODI

Discussion

10.00-10.45   Promoting conditions for humanitarian action? : the role of principles and codes of conduct

The 'Code of Conduct' in Practice: A Personal View
Nicholas Stockton, Oxfam GB
Discussion

10.45-11.15   Coffee

11.15-13.00   Responses to violations of humanitarian space: aid reduction, withdrawal and suspension

ICRC, Doctrine, Dilemma and Dialogue
Danielle Coquoz, ICRC

Thoughts on Conditions and Conditionality
Austen Davies, MSF Holland

Discussion

13.00-14.00   Lunch

14.00-15.30   Humanitarian or political conditionality: is there a difference?

The Role of Humanitarian Aid in Conflict Management: Some Personal Reflections
Mukesh Kapila DFID

Humanitarian Aid and Conditionality: ECHO's Experience and Prospects Under the Common Foreign and Security Policy
Mikael Barfod, ECHO

A US Perspective
Roy Williams, OFDA

Discussion

15.30-16.00   Tea

16.00-17.00 Round up and framework for discussion on day two
Chair: Martin Griffiths

Day 2

9.00-13.00   Working Groups

The conference will split into 3 working groups which will address some specific policy issues. Each Group will have a chair and rapporteur who will together be responsible for producing and presenting the group's suggestions on the issues under discussion. The issues are suggested below, though this may change in the light of discussion on Day 1.

Group 1: Can we establish minimum conditions for negotiation and withdrawal?

What are the minimum criteria or conditions for negotiating humanitarian space, and thus for withdrawal when these do not exist? At what level can these be determined for all cases, what needs to be situation specific and what can be global. What criteria do different types of agency need? What can be shared, what is specific to individual agencies? How can these criteria be coordinated more effectively in the field?

Group 2: What is the proper division of labour between political and humanitarian actors in terms of building and maintaining humanitarian space?

Humanitarians want political action in their support, but complain about political interference. What are the proper boundaries for political and humanitarian action in terms of creating an environment in which it is possible to operate in principled way? How can this be established and maintained in the field?

Group 3: Conditionality: when, how and by whom?

Is there a difference between humanitarian and political conditionality? Under what circumstances can conditionality be used by humanitarian agencies or political actors? For what ends? Is it possible to implement a life-saving/life-sustaining distinction?

13.00-14.00   Lunch

14.00-16.00 Feedback from groups and plenary discussion
Chair: Martin Griffiths

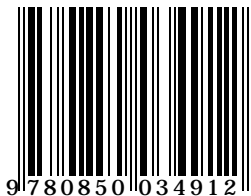Identification of next steps

16.00   Ends

Annex 2: Delegate List

Robert Archer Director
International Council for Human
Rights Policy
Switzerland

Fred Arthur Norweigen Ministry of Foreign
Affairs
Norway

Mikael Barfod Head of Strategy, Planning and
Policy Analysis Unit
ECHO
Brussels

Danielle Coquoz Head Protection Division
ICRC
Switzerland

Claudio Cordone Director, Research and Mandate
Programme
Amnesty International Secretariat
UK

Austen Davis Director
MSF Holland
Holland

Frederica de Man Political Division
Dutch Ministry of Foreign Affairs
The Netherlands

James de Waal Policy Planning Staff
UK Foreign and Commonwealth
Office
UK

Larry Deboice UNDP
Switzerland

Marika Fahlen Ambassador for Humanitarian
Affairs
Swedish Ministry of Foreign
Affairs
Sweden

Alexandre Ghéle Collaborateur scientifique
Swiss Ministry of Foreign Affairs
Switzerland

**Johanna
Grombach
Wagner** Henry Dunant Centre for
Humanitarian Dialogue
Switzerland

Martin Griffiths Director
Henry Dunant Centre for
Humanitarian Dialogue
Switzerland

**François
Grunewald** Groupe Urgence-Rehabilitation-
Development
France

M. Harroff-Tavel Political Advisor
ICRC
Switzerland

Mukesh Kapila Head
CHAD
DFID
UK

Nils Kastberg Director, Office of Emergency
Programmes
UNICEF
USA

Peter Knoppe Head of Humanitarian Aid
Division
Dutch Ministry of Foreign Affairs
The Netherlands

Raimund Kunz Head of Political Division III
Swiss Ministry of Foreign Affairs,
Switzerland

Nicholas Leader Research Fellow
Overseas Development Institute
UK

Betsy Lippman Refugee Officer
Permanent Mission of the US to
United Nations Organizations
Switzerland

Joanna Macrae Research Fellow
Overseas Development Institute
UK

Jean-Marc Mangin Chief of Operations, a.i.
Canadian International
Development Agency
Canada

Joel McClellan Executive Secretary
Steering Committee on
Humanitarian Response
Switzerland

Robert Painter	Head UNOCHA Yugoslavia	**Astri Suhrke**	Chair Christian Michelsen Institute Norway
Johan Schaar	Head of Division for Humanitarian Assistance SIDA Sweden	**Ed Tsui**	Director Policy, Advocacy and Information Division Office for the Coordination of Humanitarian Affairs USA
Ed Schenkenberg van Mierop	Coordinator ICVA Switzerland	**Teresa Whitfield**	Political Affairs Officer Office of the Under Secretary for Political Affairs UN DPA USA
Nicholas Stockton	Deputy International Director OXFAM UK		
Abby Stoddard	Center on International Cooperation New York University USA	**Arno Wicki**	2ème Secrétaire Mission Permanente de la Suisse Swiss Ministry of Foreign Affairs Switzerland

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