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The State of the International Humanitarian System

Five years ago the ODI Briefing Paper Recent Changes in the International Relief System reviewed the context and origins of changes then underway within the international system for providing assistance to populations affected by conflicts and natural disasters. The pace of change since then has been extraordinarily rapid. The international humanitarian system is now being pulled and pushed in different directions and fundamental values are being questioned; in short it is undergoing an identity crisis and is unsure of how best to move forward. This Briefing Paper highlights the principal events and developments which have heavily influenced current policy debates. Experiences in Africa and Bosnia have been critical. Though the NATO bombing of Serb targets in September 1995 was effective in terms of producing the Dayton Agreement, it is highly unlikely that such an intense military force will ever be used in support of humanitarian objectives in the majority of conflicts, which are of lesser political and strategic significance. This Briefing Paper therefore focuses on events and developments in, and of particular significance to, Africa.

The immediate aftermath of the Cold War was a period marked by major new departures in the international humanitarian system. First, there was a remarkable shift in attitude and approach by key members of the UN Security Council and other member states – with a readiness to undertake military intervention in civil war situations for substantially humanitarian objectives. The result was the April 1991 intervention to create Safe Havens for displaced and persecuted Kurds in northern Iraq, the January 1992 creation of UNPROFOR in the former Yugoslavia and the December 1992 deployment of US troops in Somalia as part of the United Task Force operation. President Bush spoke of humanitarian interventions sanctioned by the Security Council forming part of a 'New World Order'. Secondly, alongside this greater willingness to intervene militarily, a number of changes were launched in the organisation of the system which promised improved co-ordination and greater effectiveness. In April 1992 the UN Disaster Relief Organisation (UNDRO) was superseded by the Department of Humanitarian Affairs (DHA), and in the same month the European Community created a Humanitarian Office (ECHO). The latter provided generous funding for the humanitarian assistance programmes in the former Yugoslavia and Somalia, and was to become the world's single largest funding source

for humanitarian agencies. This Briefing Paper highlights key developments since this period.

Reduced willingness to undertake military intervention

Events in Somalia in the second half of 1993 (see Box 1) reversed the optimism and self-confidence that had characterised the preceding two years. Following the lead of the United States, most Western governments became extremely reluctant to deploy troops in ongoing conflicts, particularly in Africa where their strategic interests were limited. (In the case of France the process was different but appears to have resulted in a similar outcome – see Box 2.) The ineptness of the political response to both the 1994 genocide in Rwanda and the armed elements in the refugee camps which grew up in neighbouring countries owed much to this change in attitude.

Box 1: A defining moment for armed humanitarian intervention: Somalia late 1993

A United Task Force (UNITAF) was deployed in Somalia in December 1992 under US command to operate alongside the smaller UN peacekeeping operation (UNOSOM I). At its peak UNITAF consisted of 28,000 US troops plus 9,000 from other countries. Its mandate included not only the protection of relief convoys and aid workers but also the much wider objective of restoring peace and establishing law and order.

In May 1993 UNITAF forces and key components of the UNITAF mandate (including responsibility for disarming many Somali factions) were absorbed within a restructured UNOSOM II and the experienced diplomat who had been the UN Secretary-General's Special Representative was replaced by a retired US admiral. A more confrontational approach brought UNOSOM II forces into conflict with the factions. In June a Pakistani contingent was ambushed by fighters loyal to one of the leading warlords and attempts were then made by US troops to bring him to justice. On 3 October two US helicopters engaged in operations to capture the faction's commanders were shot down and in the ensuing fighting a total of 18 US troops were killed and their bodies paraded through Mogadishu – images relayed around the world by the media. Cutting their losses, the US forces and those of other Western nations were withdrawn over the next five months and by March 1994 UNOSOM had become a much reduced force made up principally of Pakistani, Indian and Egyptian troops and with a mandate confined to defending the ports, airports and lines of communication.

The US Administration drew two main lessons. First, it should endeavour to avoid becoming embroiled in African civil wars. Second, the débâcle in Mogadishu had resulted from the joint US-UN command structure – a conclusion that owed much to anti-UN sentiments in Congress, though it could be argued that the October fiasco had much more to do with the inherent difficulties of moving from peacekeeping to peace enforcement in the context of collapsed state structures than with a shared command. These lessons resulted in US Presidential Decision Directive 25 of May 1994, which required that US troops be deployed only on operations where there was a clear US national interest at stake and that the command of US troops be strictly separated from UN command structures. The Somalia experience and PDD 25 had a profound effect on the US response to subsequent crises.

Despite warnings to the UN Secretariat by UNAMIR (the UN peacekeeping force in Rwanda) that the *interahamwe* (extremist militia of the majority Hutu population) were preparing to implement a programme of mass killings of (minority) Tutsi and moderate Hutu, once the genocide began and the civil war restarted in April 1994 UNAMIR's strength was reduced rather than reinforced. Following the killing of 10 of its soldiers, the Belgian contingent, the largest and most operational, was precipitately withdrawn. This left a mere 470 UNAMIR troops un-reinforced until the genocide and civil war had effectively ended 12 weeks later with the loss of approximately 800,000 lives. When US troops and those of other Western nations (apart from France) were eventually deployed their efforts focused on support for humanitarian activities

> ## Box 2: The French military response to Rwanda
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> This was markedly more robust than that of other Western states: a small but well armed French force intervened a month before the RPA victory in July 1994 in south west Rwanda, in an area then still under the control of the defeated former Hutu-dominated government. However, though Opération Turquoise was presented as a strictly humanitarian intervention, evidence has accumulated of more complex motives including demonstrating French solidarity with erstwhile Francophone allies. Since then French policy in central Africa has been the subject of domestic as well as international criticism. Coupled with the need for public expenditure cuts, policies appear to be changing: the French military presence in Africa is being substantially reduced. Though French policy has evolved differently from that of the US, the outcome – reduced willingness to intervene directly in African conflicts – is broadly similar.

rather than on a security role. The command structure for US troops was strictly separate from UNAMIR, and the role of those US troops deployed in the Zairean border area around the refugee centre of Goma focused on water pumping/trucking and road-building, rather than on screening the huge refugee camps to identify and disarm the armed elements. The failure of the international community to address the problem of the armed elements in the camps led eventually to Government of Rwanda support for groups opposed to the Mobutu regime and the presence of the Hutu refugees and thus to the Zairean Civil War of 1995–96. During that conflict a multi-national force (MNF) under Canadian leadership was sanctioned by the UN Security Council in late 1996 but its mandate stopped short of disarming the militia among the refugees. Immediately this became known, decisive action near Goma by Laurent Kabila's forces and units of the Rwandan Patriotic Army (RPA) routed the armed elements, and the majority of the refugees were forcibly repatriated. The MNF was never deployed. Up to 200,000 refugees and militia members subsequently disappeared, died or were killed in Eastern Zaire (now the Democratic Republic of Congo).

The recent Western reluctance to intervene in civil wars in 'non-strategic' countries – i.e. countries where there is no strategic interest at stake – has resulted in a sharp decline in troops deployed on UN peacekeeping operations from a peak of 72,700 in 1994 to 21,000 in 1997. The steep decline reflects in part the shift in command of forces in Bosnia as part of the Dayton Accords from the UN (UNPROFOR) to NATO's Intervention Force (IFOR) and Stabilisation Force (SFOR). But this shift is itself a reflection of the policy advocated by key Western governments, of encouraging regional organisations to undertake peacekeeping and peace enforcement operations. The reduction in UN operations has therefore been accompanied by the rise of regional forces such as the Economic Community of West African States Monitoring Group (ECOMOG) in Liberia and Sierra Leone and the CIS Peacekeeping Force in Georgia.

However, a regional peacekeeping force is often fundamentally flawed by the fact that the contributing states may well have considerable interests in influencing the course of the conflict. For instance, ECOMOG is made up largely of troops contributed by Nigeria, a state currently regarded as a pariah by most of the international community, and has played a decidedly partial role in both the Liberian and Sierra Leone conflicts, bombing humanitarian convoys in Liberia and its actions in the recent battle to retake Freetown from the junta which seized power in Sierra Leone in the May 1997 coup. Whilst UNITAF operations in Somalia can hardly claim to have set high standards of accountability and respect for human rights (leading to court-martials within several contingents), the accountability mechanisms for most regionally organised peacekeeping forces are currently wholly inadequate.

Alongside the greater role of regional forces, there has also been a rise in the use of private security firms such as the South African Executive Outcomes which use ex-military and special forces personnel to provide security for particular investments (e.g. mining sites in Sierra Leone) or support and training for the government forces (e.g. in Angola). Such 'private armies' provide Western governments with the ability to influence the course of particular conflicts without having to run the risks involved in deploying their own troops on the ground as part of a UN-sanctioned operation.

Increased use of containment and *refoulement* policies

The closure of borders to prevent unwanted refugee influxes is now more widespread than it was during the Cold War and has even been used by countries, such as Tanzania, which previously had an admirable record of admitting refugees. Prevention of mass refugee flows from the former Yugoslavia in the 1991–5 period was an explicit strategy of Western European countries in their approach to that conflict. The fact that rich countries have introduced an array of measures designed to restrict the arrival of asylum seekers on their territory has contributed to a less generous attitude among the poorer countries. In addition, poor countries perceive the international community as failing to share the burden imposed by refugees, whether in the form of compensation for impacts on the host areas or in ensuring that refugee camps include only *bona fide* refugees.

The principle of voluntary repatriation is also being increasingly overridden: 20 countries expelled refugees from their territory during 1996. The starkest case was the repatriation of 1.2 million Rwandan refugees from Zaire and Tanzania in late 1996 as a result of military action by the forces of Laurent Kabila, the RPA and the Tanzanian Army.

Consequently, civilians fleeing conflict are now much more likely to remain within their own country than to cross the border as refugees. Global estimates of the numbers of people fleeing their homes but remaining within their own countries stood at 23 million in 1995, substantially more than the 14 million refugees in that year. This trend is unwelcome, since the levels of protection and assistance that can be provided by the international community to internally displaced populations (IDPs) are significantly less than those for refugees. The reasons for this are legal (principally issues of sovereignty); difficulties of access to displaced populations in ongoing conflicts, particularly given the reluctance to undertake armed intervention; and a continuing lack of clarity about organisational responsibility for IDPs within the humanitarian system.

Overall, then, the scope for responding effectively to humanitarian needs is being reduced, by increasingly being contained within the conflict-affected countries where the international humanitarian system is less able and often less willing to intervene.

Unhelpful conceptual developments

The rapid increases in humanitarian aid expenditures in the period 1991–4 and the evident excesses of the system at times of urgent, high-profile, humanitarian needs prompted various reactions. Within many organisations, donor, UN and NGO alike, a widespread recognition of the need to improve appraisal and financial control mechanisms developed. Not all the increased expenditure was additional; the resources available for other activities were often correspondingly reduced. In some donor organisations there was an apparent desire not only to halt the rise in expenditures but if possible to reverse it. The reduction in funding for traditional development activities, although partly reflecting a greater reliance on private foreign investment, also prompted a more critical attitude towards the humanitarian system on the part of the 'development community'. Moreover, within foreign policy establishments there was concern that the substantial humanitarian expenditures were not always consistent with the overall foreign policy objectives of donor governments. Such reactions have led to a ferment of policy initiatives and organisational and procedural changes, the overall thrust of which has been to integrate and 'control' humanitarian activities (see Box 3).

> ### Box 3: UK organisational and procedural changes
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> DFID's (ODA's) efforts to improve the effectiveness and efficiency of its humanitarian activities have produced a raft of changes over the last two years. Humanitarian Assistance Guidelines requiring the use of Logical Framework methods have been introduced for NGOs seeking funding, and these are now being extended to UN and Red Cross agencies. The scrutiny of UN, Red Cross and NGO programmes has been tightened by assessment missions to head offices and selected country programmes. There has been a substantial decentralisation of management responsibility from the Emergency Aid Department to the Geographical Departments, regionally based Development Divisions, and country-based Aid Management Offices.
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> Whilst it is still too early for a detailed assessment of these changes, positive impacts are apparent in the quality of funding proposals received from NGOs and the Red Cross and in monitoring and reporting on funded activities. However, the changes carry with them the risk that a) the freedom previously available to the Emergency Aid Department to exercise humanitarian values in the allocation of funds will be curtailed and b) decentralisation will result in a lack of policy consistency and standardisation. After a decade of sympathetic and generous support from the Emergency Aid Department UK relief agencies are concerned about the effect of the changes.

Two concepts which have been widely used in support of such efforts have been that of the 'relief-development continuum' and more recently the dictum that humanitarian aid should 'do no harm'.

The 'relief-development continuum'

This phrase first appeared in the early 1990s and, perhaps because of its attractiveness to agencies experiencing shifts in resources from 'normal' development to relief activities, rapidly gained widespread usage. The continuum concept emerged from studies of natural disasters, especially drought in Africa, and the conclusion that impacts could be reduced, and the recovery rate accelerated, by improvements in, and the integration of, approaches to preparedness, response and recovery. Despite its

origins in natural hazards policy in relatively stable states, the concept has been uncritically transferred to the profoundly different context of humanitarian emergencies arising from conflict and instability. Such 'complex political emergencies' invariably involve: the breakdown of state structures (at least in areas of active conflict or instability); the exploitation and exacerbation of existing differences (economic, social, linguistic, etc.) within civil society; the disputed legitimacy of the host authorities (government or 'rebel'); the likelihood of assistance being manipulated by warring factions to obtain military or diplomatic advantage; the widespread abuse of human rights and attacks on civilians. In such a context the integ-ration of approaches to 'relief' and 'development' or the attempt to 'make relief more developmental' can be highly problematic.

In contrast to a natural hazard, it is extremely difficult to determine whether and when a conflict is actually 'over'. A peace accord between warring factions may be followed by only a temporary reduction in violence. Some conflicts have continued over many years during which many ceasefires and accords have been agreed and then broken. There have been notable instances (Rwanda, Liberia, Sierra Leone and Cambodia) where shifts from 'relief' to 'development' programming of aid have proved premature in the face of subsequent renewal of the conflict.

In many contemporary conflicts civilians are deliberately attacked and their way of life undermined in order to displace them. In this sense war is inherently anti-developmental. Yet, using the 'continuum' concept as justification, the development community (including some NGOs, and most UN agencies and donor organisations) has increasingly encouraged the use of 'developmental' strategies in war zones. One result of this – as revealed by recent evaluations in West Africa and Sudan – has been the premature phasing out of relief rations before compensating development opportunities are provided. Another has been the introduction of unrealistic cost-recovery programmes in the health systems of countries experiencing civil wars.

Besides the issue of how much 'space' there is for development activities in conflict-affected areas, there is also the question of appropriate institutions and partners for development activities. Where the government authorities usually represent one of the warring parties and where civil society is highly politicised, the adoption of 'developmental' strategies implies aid agencies making difficult choices about the legitimacy and desirability of different national institutions. Yet there are no internationally agreed criteria for making these choices in ongoing conflicts, and agencies run the risk of building the 'capacity' of those who are directly involved in prosecuting the conflict. The contrasting traditional humanitarian approach is exemplified by the International Red Cross which makes no claims to being developmental and has consistently emphasised the saving of life in an impartial and neutral fashion.

'Do no harm'

The dictum that humanitarian agencies should 'Do no harm' originated in the US in 1996 and borrows deliberately from the Hippocratic Oath of Western medicine. Whilst there have been many instances where humanitarian aid has been hijacked and diverted to the benefit of warring factions, the empirical evidence is simply not available to warrant a focus upon humanitarian aid 'doing no harm' as against the harm done by, say, other states, business interests, illegal and semi-legal trading activities (tropical hardwoods, drugs, precious stones, etc.) and arms traders. The manipulation and occasional diversion of relief aid have wrongly been equated with an analysis of the war economy. In most, if not all, conflicts the role of humanitarian aid as a source of support for warring factions has probably been slight. Rather, in those situations where relief is blamed for supporting a particular group this is often the result of political and military failings (see Box 4). Nevertheless, despite the lack of empirical evidence, 'Do no harm' has rapidly gained widespread usage and acquired axiomatic status in discussions of humanitarian assistance. Once again this seems partly explicable because the concept is attractive to those seeking to limit aid expenditures and bring humanitarian activities under closer control.

Scope for improving standards and accountability

Since the 1991–4 Somalia operations, but more especially since the 1994–5 operations in and around Rwanda, the international humanitarian system has significantly increased its evaluative activities. Recent evaluations consistently find that humanitarian agencies have performed well under difficult circumstances and that the major shortcomings relate to political and military responses. The need for improved co-ordination and coherence among members of the international community and the various policy instruments at their disposal is now widely recognised. But actually achieving this continues to be elusive, as most governments continue to place perceived national interests above both collective interests and those of the affected population.

Box 4: An influential misrepresentation? Refugees, *génocidaires* and humanitarian assistance in Eastern Zaire

Proponents of the view that humanitarian assistance 'does harm' by delaying the resolution of conflicts have commonly cited the role of aid in 'sustaining a genocidal leadership and its supporters in the refugee camps of Eastern Zaire'. However, a stronger argument can be made that cites failures of the UN Security Council and member states in meeting their responsibilities, subsequently placing humanitarian aid agencies in an untenable situation.

The 1.2 million displaced Rwandans who fled into Eastern Zaire in mid-1994 included many members of the former government and its army, the *Force Armée Rwandaise*, both Hutu-dominated, and much of the *interahamwe* Hutu militia. Many within these groups had been involved in instigating or carrying out the genocide. Thus perhaps 5–10% of the displaced population were not bona fide refugees and, in keeping with the exclusion clause of the 1951 Refugee Convention, should have been separated from the genuine refugees who were entitled to international humanitarian assistance. The UN Secretariat estimated that it would require a force of at least 5,000 UN troops to secure the huge and dangerous camps around Goma and Bukavu, disarm the armed elements and screen the refugees, separating the genuine from the non-genuine. However, despite lobbying in late 1994, by a group of 18 NGOs working in the camps, for the Security Council to authorise such a force, Security Council members and other potential troop-contributing states avoided taking responsibility; only one of the 60 governments approached actually offered to provide the troops requested. At that point two NGOs withdrew as a matter of principle but the others remained, reluctantly accepting that in order to assist the innocent majority it would be necessary to provide assistance to the non-bona fide refugees as well.

Some aspects of the humanitarian system's performance have been found wanting. UN co-ordination continues to be a particular problem. As part of Kofi Annan's ongoing UN reform package the DHA has been streamlined and renamed the Office of the Co-ordinator of Humanitarian Affairs (OCHA). However, as long as the key specialised agencies retain their autonomy and separate funding, with the consequent inter-agency competition, this reform seems unlikely to improve UN co-ordination substantially.

The spawning of new relief agencies continued apace, at least up to 1995 when overall funding levels began to decline. There were new specialist NGOs (covering conflict resolution, prosthesis fitting, landmine clearance, etc.), new faith-related NGOs, and new members added to federally structured NGOs. For many NGOs there is a close connection between their profile and the level of funding they receive, and so competitive behaviour can be intense in high-profile operations. Whilst the same dozen or so large international NGOs are invariably among those present in the majority of humanitarian operations, no fewer than 200 NGOs operated in the Great Lakes region during 1994–5. Such numbers imply significant duplication of effort and, given the considerable variation between agencies' structures, objectives, capacities and funding arrangements, co-ordination presents a seemingly intractable problem.

Some governments, notably those in Eritrea, Ethiopia, Uganda and Rwanda, where there are recent histories of conflict, instability and humanitarian aid programmes, have come to resent the presence of large numbers of international NGOs. They are perceived to be difficult to control, in some cases providing assistance which may have benefited opposition or rebel groups, and to have absorbed donor resources that might otherwise have been available for the government's own rehabilitation and development efforts. The recent expulsion of international NGOs from Eritrea may portend increasingly restrictive regimes in other countries, perhaps leading to similar expulsions.

Nevertheless, the NGO community is taking major steps towards setting standards and improving performance. A Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief was launched in 1994 and over 120 agencies are now signatories. Almost all the international NGOs involved in the humanitarian system are currently engaged in a collective process of setting minimum standards for the principal sectors and drawing up a Humanitarian Charter. However, identifying and agreeing mechanisms for ensuring compliance to such codes and standards will present a bigger challenge, particularly in relation to the actions of donor organisations and UN agencies.

Prospects for the system

The ending of the Cold War allowed the international community to undertake humanitarian interventions in ongoing civil wars more easily than before. But the experience has proved traumatic for the system. The touchstone for the military was Somalia. Partly as a result, their role in Rwanda was essentially peripheral. This then served to place humanitarian agencies in an untenable position, and the repercussions continue to reverberate through the system.

A principal issue has been the tension between the provision of humanitarian assistance in a neutral and impartial way and its deployment as a 'tool' of conflict management alongside diplomatic, commercial and military 'tools'. With the pressures to integrate and 'control' the humanitarian system described above, the tension is now particularly acute. On top of this, expenditures on humanitarian assistance have been contracting since their 1994 peak: DAC figures indicate a 20% reduction in non-food emergency aid between 1994 and 1996 and, according to WFP, spending on emergency food aid declined by 39% in this period. The sharply rising cereal prices in 1995/96 imply that the reduction was even sharper in volumetric terms.

The implications of all these pressures and tensions for the international humanitarian system are potentially profound. The commitment of Western governments to humanitarian values appears to be waning in the light of increased use of policies of containment of refugees, acquiescence in *refoulement*, and reluctance to intervene to halt massive human rights abuses or even genocide. Increased use of the term 'conflict management' appears to be coinciding with an increasingly selective and conditional approach by some donors in their funding of NGO humanitarian activity. Current trends may be signalling a return to Cold War-style conditionality.

In the face of such pressures, the reduction in funding and the increased costs implied by adherence to improved accountability and standards, a process of rationalisation within the NGO community appears likely over the next few years. Some mergers between relief NGOs have already begun, though it remains to be seen whether consistently under-performing agencies will actually close rather than simply shrink. Also likely is a rationalisation according to agencies' attitude and approach to conflict and the provision of humanitarian assistance in ongoing conflicts. Put starkly, the choice for many agencies may well be either to become 'purists' moving closer to the principles of neutrality and impartiality enshrined in the ICRC's Statutes and Geneva Conventions or to accept the compromises inherent in the logic of conflict management.

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