

B.2 Witness Seminar 2: Humanitarian Action

B.2.1 People at the Centre of Humanitarian Action: Challenges for the United Nations and Donor Governments

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1 Introduction

When the British Association of Former United Nations Civil Servants was planning its seminar on humanitarian action, held in Oxford in October 2015, one of three topics selected was 'Who does it best?'. By the time the seminar took place, the worldwide consultations organised in the lead-up to the World Humanitarian Summit (WHS) had delivered an unambiguous answer: local people and organisations in affected countries.

In 1991, the UN General Assembly adopted Resolution 46/182 on the coordination of international humanitarian assistance. Before that date, the international response to humanitarian emergencies arising from armed conflict had been *ad hoc*. The resolution created the post of Emergency Relief Coordinator and set up a forum, the Inter-Agency Standing Committee to bring together the main international actors providing humanitarian aid.

In 2012, UN Secretary-General Ban Ki-moon announced that he would convene the WHS in 2016. In 2014, the WHS Secretariat began a series of consultations in all regions of the world, which culminated in a synthesis report, a global consultation in Geneva in October 2015, and the Secretary-General's report, 'One Humanity, Shared Responsibility', of February 2016 (UN 2016).

The WHS consultations described an international system that is fragmented, siloed,² and supply and mandate driven. In his report to the WHS, the Secretary-General echoed the demands of participants in the consultations in calling for a new 'business model' that is people-centred, focused on a few agreed collective outcomes, and demand-driven. In other words, the international response to humanitarian emergencies should be built around local and national capacity and not parachuted in from outside. This was also the conclusion of the panel on 'Who does it best?' at the Oxford seminar.

Three of the four articles that follow show how this new approach can be made to work in practice, looking at the way women's groups, local non-governmental organisations (NGOs) and refugee communities have taken, or are trying to take, control of their own futures, with or without the support of international actors. The fourth, by Adam Roberts, presents the conclusions of the Oxford seminar.

2 Features of today's humanitarian emergencies

Humanitarian emergencies continue to pose major challenges to national and international authorities alike. Whether caused by 'natural' events such as earthquakes, floods and drought, or 'man-made' ones such as conflict and enforced displacement, their affect on lives, livelihoods and the coping and recovery capacity of communities can be overwhelming. Recent and ongoing emergencies in Syria, Nepal, Pakistan, South Sudan, Chad, the Ebola crisis and the Horn of Africa, New Zealand, Japan, Libya and Turkey have overwhelmed the capacities of humanitarian organisations and testify that no country, rich or poor, is spared the consequences of crises. With new drivers emerging – such as climate change,

population growth, diminishing resources and a volatile global economy – it is predicted that humanitarian need and crises will continue to grow.

Current analysis, reports and thinktank position papers have underscored a number of common characteristics and trends including:

1. An increase in the scale of crises, specifically those caused by climate change and ‘catastrophic’ extreme weather events;
2. An increase in the number of incidents and the ‘changing character’ of conflict and violence (driven by resources, ideology or transnational crime);
3. Increased numbers of actors responding to crises (‘extra-humanitarian’, i.e. actors who do not necessarily have a history of a value system based on international humanitarian law, specifically private sector/commercially based; military and local/national/civic/diaspora organisations, etc.);
4. Increased demand for the role of and ownership by national governments and national disaster and risk management organisations;
5. Increased citizen scrutiny and demands for the right to professional, quality, value and evidence-informed/-driven assistance;
6. Increased convergence of donor strategies for funding and for humanitarian/risk reduction policies;
7. Increased demand from recipient countries for coherent aid policies and ‘aid effectiveness’ based on shared universal language/standards; and
8. Increased demand by national and international aid workers to ‘close knowledge and capacity gaps’ by implementing common, universally acknowledged principles, standards, professional competencies and complementary/rationalised guidelines and tools that are easily adapted to local contexts.

All of these issues were debated and reviewed as part of the dialogues and preparations for the WHS, which was designed to initiate a ‘paradigm’ change in how local and international stakeholders responded to the myriad challenges of a future of global precariousness and volatility.

3 Changing the approach

Participants at the Oxford seminar, and contributors in many of the consultations during the WHS process, expressed frustration that a widely accepted diagnosis of the problem had not led to changes in approach among donor governments, UN agencies and international NGOs. While many in these organisations, including senior leaders, recognise the need for radical change, institutional resistance appears to be difficult to overcome. UN agencies and international NGOs have established business models that require them to be ‘operational’³ during emergencies. The idea that in many situations they would be more helpful and do less harm if they focused on channelling resources and technical support is hard to accept.

In her article ‘Globalising the Local: Enhancing Support to Local Institutions for Humanitarian Response’ (B.2.2), Angela Raven-Roberts examines the growing importance of local and national NGOs in the delivery of humanitarian aid and the obstacles and constraints that they need to overcome. She reviews several examples of local organisations that have operated successfully in situations where international organisations were absent. She concludes with recommendations for the way forward.

Nicola Dahrendorf’s article, ‘Putting People at the Centre of Humanitarian Action: Empowering Women and Girls’ (B.2.3), evaluates efforts by aid agencies to adopt gender-sensitive programming in humanitarian emergencies and peace-building, in light of the UN Security Council’s ‘Women, Peace and Security’ agenda. She identifies five major obstacles to these efforts, as well as eight emerging lessons that governments and aid agencies need to learn if widely recognised benefits of empowering women and girls are to be realised.

In his article 'An End to Exile? Refugee Initiative and the Search for Durable Solutions' (B.2.4) Jeffery Crisp shows how refugees, faced with spending many years in unproductive limbo, are increasingly turning to irregular, often dangerous means to give themselves a chance of a decent life.

While many conclusions can be drawn from these and the many related contributions to the WHS, we feel that two demand immediate action from governments, the UN and international NGOs:

1. Commit to supporting national governments and local civil society organisations in their efforts to promote resilience in local communities and to strengthen preparedness for, response to, and recovery from humanitarian emergencies.
2. Commit to tireless advocacy and financial support for the rights of people uprooted from their homes by war or disasters to uninterrupted education for their children and productive livelihoods for youth and adults.

In the final article, 'The UN and Humanitarian Action: What Have We Learned?' (B.2.5), we return to our point of departure, the Oxford seminar of October 2015. Adam Roberts, who chaired the event, presents his overall conclusions, including six specific recommendations for action by governments and aid organisations.

A full report of WS2 was prepared to summarise the results of the seminar discussions and the contributions made. This also contains annexes with Witness Briefs and other articles submitted.

Box 4 Session recordings and transcripts

The proceedings of WS2 were all recorded and can be accessed on the following websites:

Session 1 Delivering humanitarian aid – Who does it best?

www.odihpn.org/index.php?option=com_acymailing&ctrl=url&urlid=681&mailid=252&subid=21653

Session 2 Working with political and development actors – Where should UN humanitarian 'sit'?

www.odihpn.org/index.php?option=com_acymailing&ctrl=url&urlid=682&mailid=252&subid=21653 (UN 2015)

Session 3 Delivering humanitarian aid while protecting human rights: the challenges for the UN or impartiality, access and advocacy

www.odihpn.org/index.php?option=com_acymailing&ctrl=url&urlid=683&mailid=252&subid=21653

Session 4 What has our experience taught us? Lessons for future policy

www.odihpn.org/index.php?option=com_acymailing&ctrl=url&urlid=684&mailid=252&subid=21653

Notes

¹ The opinions expressed here represent the views of the authors and participants in the Witness Seminars, and not necessarily those of the IDS, the UNA or BAFUNCS.

² Definition of 'siloe'd': a system, process, department, etc. that operates in isolation from others, www.oxforddictionaries.com/definition/english/silo.

³ In this context, operational means delivering assistance using their own personnel. The proposed new business model would require international organisations to offer funding, training and technical support to local organisations, to enable them to deliver the aid.

References

UN (2016) *Report of the United Nations Secretary-General for the World Humanitarian Summit*, New York, February

UN (2015) 'Report of Witness Seminar 2: The UN and Humanitarian Action', final draft for the World Humanitarian Summit, 15 March

B.2.2 Globalising the Local: Enhancing Support to Local Institutions for Humanitarian Response

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Abstract

The purpose of this article is to review the need and current arguments for strengthening local institutions (including national authorities at the local level) for accountable disaster response and risk reduction. It begins with an outline of key definitions, roles and responsibilities that civil society and the civil service at local level play in implementing national legislation and responses to disasters. It then suggests ways in which specific, internationally agreed strategies and protocols regarding disaster risk reduction and response can also be implemented and 'owned' through these local systems. Major developments and challenges in global responses to disasters are also reviewed, including examples of ways in which local organisations have responded to crises situations. The article ends with recommendations for donors, the UN and the international non-government sector to strengthen their commitment and engagement with national organisations and authorities to help uphold their obligations and duties to protect their citizens against the outcomes of disasters through building resilience and enhancing risk reduction.

Keywords: Humanitarian support, NGOs, civil society, local government.

1 The humanitarian context and emerging trends

One of the most vigorous demands for 'change' emerging from the lead-up to the World Humanitarian Summit (WHS) has been the forceful stand and advocacy from 'local' or national non-governmental organisations (NGOs) and civil society organisations for a fundamental change in the whole context of their 'partnership' and engagement with international organisations. These demands have evolved from a history of felt grievances regarding inequality, monopoly of funding and 'decapacitating', as well as of perceived lack of recognition and apparent silencing by international actors of the history of local responses, local traditions and customs of mutual reciprocity and community-level coping systems and response (Bano 2012; Cairns 2014; Donini and Brown 2014).

The humanitarian narrative, it is claimed, privileges the external, 'expatriate' over the local, implements unequal salary scales within its own organisations between international and national staff, imposes heavy conditions for funding and uses the media to present stereotyped images of 'victims' of crises passively waiting for the saving hand of international aid agencies (Donini *et al.* 2008). Above all is the demand for recognition that the first-line responders are affected communities themselves, neighbours, impromptu volunteers and local organisations. In contrast, much external aid arrives late and, rather than complementing, scaling up and bolstering these initiatives, can distort or overwhelm them. International organisations set up their own complex architecture, bring in staff unfamiliar with the context of the environment and they monopolise the large amounts of funding that are mobilised through international appeals. The very principles and concepts of 'humanitarian aid' and 'Western charity' are being debated by academics in the global South (CICH 2016).

Changes that are being called for include redefining the partnerships, changing the funding modalities, clarifying the linkages between the donors, international non-governmental organisations (INGOs) and national intermediaries, more open 'listening' to the wishes and

needs of local organisations and more targeted and specific support for different levels of capacity building (Anderson, Brown and Jean 2012). These arguments are not new and have been part of a consistent critique since the evolution of 'development' and humanitarian studies, whereby analysts have highlighted the ways in which internal institutions and processes have been affected by external aid interventions (Hillhorst 2003; Austerre 2014).

2 Definitions

2.1 Humanitarian governance has been defined as the 'specific legal, policy or institutional frameworks and processes that are guided by the principles of impartiality, neutrality, accountability and transparency and are implemented by governments and the network of actors in the humanitarian assistance sector so as to ensure need-appropriate life-saving interventions in times of natural or man-made disasters' (Lautze *et al.* 2004). It is informed by key protocols and instruments such as international humanitarian and human rights laws that have been developed to influence state and non-state actors in crisis-affected areas to ensure the protection of the lives, dignity and livelihoods of affected populations. The principles behind these laws and protocols are to ensure that lives are saved, suffering is alleviated, and vulnerability is reduced for crisis-affected communities.

For the past 20 years, the UN and international actors have been campaigning to assist crisis-prone and vulnerable countries to develop viable disaster management systems. Beginning with the International Decade for Natural Disaster Reduction (IDNDR) in the 1990s, followed by the International Strategy Disaster Reduction (ISDR) system, the Hyogo and the current Sendai global commitments and frameworks² have been made to ensure that all countries have systems in place to mitigate risks and hazards as well as to respond to disaster emergencies.

Many governments have established effective systems of disaster prevention, detection and response, such as those of India, China, Botswana, South Africa, Philippines, Ethiopia, Indonesia, Colombia, Vietnam, Mozambique and Iran. Many have also provided models for other countries currently establishing such systems. These principles and commitments spelt out by these UN-supported frameworks and re-enhanced in yearly international conferences, ask governments, INGOs, donors, private sector and other relevant stakeholders to commit themselves to supporting the development of risk reduction and other strategies, focusing especially on local institutions.

2.2 Local institutions. There is often confusion about what is meant by local institutions. Some other definitions include *civil society organisations (CSOs)*, *community-based organisations (CBOs)*, *not-for-profit* and *private voluntary organisations (PVOs)* and *grass-roots movements*. Within the humanitarian context these terms are used broadly to refer to two sets of social entities.

On one hand there are *nationally based more formal organisations* with specific welfare or protection mandates, management structures, funding mechanisms, programme implementation strategies and targeted beneficiaries. On the other there are more *community-based, semi-formal, voluntary institutions* or *solidarity-based networks*, where people are mobilised for social action through kinship-, household- or neighbourhood-based networks.

Examples of the first are national faith-based organisations, social welfare/development NGOs, diaspora associations and local foundations. These are characterised by and share similar organisational traits, i.e. they have official constitutions, boards, rules and regulations for membership and have legal recognition with the state where they located. Some of these may have wide national reach within the country or be centred in selected geographic regions, targeting specific vulnerable groups. In the second category are the village- and household-based community entities, also referred to as mutual aid associations or 'informal'

institutions, functioning at various organisational and institutionalisation levels, such as credit and savings groups, work/livestock share groups, age set groups, and water-sharing groups (Esman and Uphoff 1984).

Distinguishing between these two categories is important in the context of the discussion of humanitarian aid partnerships. Whereas the current narrative on 'localisation' in the humanitarian sector refers to the collaboration or competition between the first category of international and national NGOs (referred to from now on as 'local' NGOs [LNGOs] or 'Southern' NGOs [SNGOs]) involved in the delivery of aid. The second category relates to the more specific ways in which community reciprocal and coping systems function to mediate livelihood strategies and the different ways in which households utilise resources or 'capitals' to manage risk and vulnerability. Though related, working with and supporting both sets of organisations requires nuanced approaches and entails different levels of engagement, and will involve a cascading of inputs and processes which will eventually promote risk reduction and enhance resiliency (Woolcock and Narayan 2000).

2.3 The civil service. The most common definition of the civil service is that of being the principle component of the state, which is responsible for implementing public policies formulated by government legislators. Its role is seen as providing efficient public service and use of resources; being responsive to citizens' demands, and being transparent and accountable to the public as well as to the government it serves. Thus it is also a key component of what development actors today are calling 'governance' systems that are essential in contributing to a state's management of development itself e.g. as per the United Nations Development Programme (UNDP) definition: 'Governance embraces all of the methods – good and bad – that societies use to distribute power and manage public resources and problems. Sound governance is therefore a subset of governance, wherein public resources and problems are managed effectively, efficiently and in response to critical needs of society' (UNDP 1997).

3 Calls for partnership reform – national and international

The current call for a renewed partnership reform as expressed in the various global consultations that have led up to the WHS has been led by a consortium of national organisations which have developed a specific position paper and have organised a petition, 'Campaign for Change' (C4C), which is currently doing the rounds of partner agencies. Their key calls to international donors and NGOs are summarised below.

- Ensure participation of local actors and involvement of all stakeholders in the policies and terms of humanitarian response.
- Promote the planning of recovery and resilience in partnership with local authorities, national governments and local civil society.
- Enable local actors (SNGOs, local governments, and CSOs) to access funding to better anticipate and respond effectively to crises.
- Operationalise the 'People Centered Humanitarian Response' paradigm and, building on the commitments expressed in the Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief, make INGO/SNGO capacity relationships a mandatory part of implementation and reporting requirements (ADESO 2015).

These calls are significant in that they imply a reconsideration of what power-sharing and engagement with local NGOs might mean. More specific requests are:

1. *Reforming aid financing:* Direct funding of SNGOs and agreement by donors to commit 20 per cent of their total humanitarian funding by 2020. SNGOs facilitate representation in countries where Common Humanitarian Funds/Emergency Response Funds are being applied.

2. *Dignity and flexibility*: Enable organisations to programme beyond immediate relief to recovery. Allow funds to be used to adapt to particular needs and people to choose what they want to use it for, funding not be tied to donor interests.
3. *Inclusive capacity development*: Diversify United Nations Country Teams (UNCTs) and the Inter-Agency Standing Committee (IASC) by including representatives from national government and SNGOs. Hold coordination meetings in local languages. Enable SNGOs' direct involvement in response planning and fund dispersals.
4. *De-politicisation of aid*: Lift barriers caused by the World Trade Organization (WTO) legislation. Advocate to national governments to pass legislation that will allow NGOs to accept external funding.
5. *Accessibility*: Encourage use of local languages in proposal writing and reporting.
6. *Amplify voice of beneficiaries*: Encourage media to profile the activities of local responders and organisations. Enable individuals and community groups from crisis-affected countries to present their experiences at international conferences and conventions (ADESO 2015).

These issues have been arrived at on the basis of experiences and activities that national organisations have contributed to disaster relief, particularly over the last ten years.

4 Examples of response

4.1 Local response: Since the great Haiti earthquake and Tsunami crises international attention has increased and humanitarian reporting and analysis has focused on the ways in which local-level NGOs and community volunteers worked as first-line responders, helping to rescue neighbours, setting up food and water supply lines, administering first aid and even establishing and staffing medical centres (OCHA 2006; ALNAP 2011; DFID 2011; Grunwald and Binder 2010). The *Syria* crisis has peaked the profile of emerging local responses in the humanitarian sector with an estimated involvement of over 600 organisations that have sprung up to address the rapidly expanding humanitarian crises in all parts of both government- and opposition-held areas of the country (Svoboda and Pantuliano 2015).

At the same time the rapid expansion of communication technology has also helped to promote citizen participation in emergency relief operations, whereby *ad hoc* groups have been able to instantly mobilise help, provide information to search and rescue teams, identify at-risk localities or groups and provide other information such as registering names and locations to reunite separated families (OCHA 2012).

In situations where conflict has created no-go zones, international organisations have had to rely on remote management and aid dispersed through national organisations (see Overseas Development Institute [ODI] remote management reports). In the territory of *Somaliland* where the absence of political recognition of the state has meant that the territory is not able to access bilateral and multilateral aid, local organisations have been the main provider of welfare services. As Somalia itself has been increasingly compromised by the combination of conflict and the actions of anti-Western militias and political groups, INGOs and UN agencies have had to rely on a plethora of Somali NGOs, some with a history dating back to the 1980s (Abdillahi 1997). In *Sudan*, during one of the peaks of the crisis when international agencies were expelled from Darfur, local community organisations and NGOs were able to manage and run the entire emergency programme themselves.

Perhaps one of the best examples of long-term local response can be seen in the various *national societies of the Red Cross/Red Crescent Movement*. Despite the fact that they receive only limited amounts from the Red Cross Movement itself (Oxfam 2015), each country has an extensive network of volunteers and employees of national societies, who regularly respond to large- and small-scale emergencies, and take part in immunisation campaigns and mass publicity initiatives on various health and other risks affecting their communities. These can be categorised as being genuine local organisations even though

they are part of an externally funded movement. A portion of their funding is raised nationally. Nationally paid employees as well as volunteers staff them, and they have long-established histories in their countries (e.g. the Ethiopian Red Cross Society). Other countries also have various forms of civil protection or civil defence units which government agencies rely on for emergency response.

4.2 United Nations response in support to local institutions. The United Nations agencies, though mandated to focus more at the state and policy levels, have themselves long recognised the role of local organisations. Each agency has examples of initiatives they have supported in their humanitarian work.

- *UNICEF* has a specific policy and set of strategies for supporting and collaborating with local institutions on Child Protection in Emergencies. For example, local community groups in Somalia have been supported to maintain and run schools in the territory. LNGOs in Ethiopia are trained in nutrition survey methods and administering community-based therapeutic techniques. In Liberia LNGOs had direct funds to work on reintegration and tracing of families of demobilised child soldiers.
- The *International Organization for Migration (IOM)* works closely with migrants' associations in various countries as well as supporting diaspora groups to send individual experts to work in government ministries to train migration officials.
- The *United Nations High Commissioner for Refugees (UNHCR)* provides direct support to national NGOs working in the various refugee camps around the world;
- *UNDP*, through its Bureau of Crisis Recovery, has given training and direct support to many women's and youth organisations to take part in peace conferences and other activities, to enhance social cohesion in the post-crisis period.
- Both the *Food and Agriculture Organization (FAO)* and the *World Food Programme (WFP)* support strategies to promote livelihoods and food security and they rely on national NGOs to deliver emergency food supplies to camps and other affected communities. FAO supports farmer cooperatives, initiates community-based risk reduction and resilience programmes and works with pastoralist communities to implement livelihood and literacy programmes.

5 Operational parameters to be taken into consideration

5.1 Cultural and historical sensitivities. Though the C4C consortium of national organisations (see Section 3) seems to particularly focus on the sharing of financial resources and the need to build the organisations' own capacities through this process, it would be important to widen the basis of a strengthened relationship between national and international NGOs by considering other aspects that have strained the relationships. For example, one of the main areas of misunderstanding or misconception is the lack of information and appreciation of the history of local responses that international organisations sometimes show when working in a country. Countries, specifically those undergoing conflict, are often portrayed as if they had no history or mechanism of aid or protection systems of their own. Humanitarian intervention, its principles and mass funding campaigns are presented as very Western concepts and the idea of charities or welfare organisations as non-existent until the emergence of the major bloc of Western NGOs (Donini *et al.* 2008).

For example, humanitarian histories until recently took no account of the kinds of solidarity movements that developed in the Caribbean and among African American communities in protest against the Italian fascist invasion of Ethiopia or of the welfare activities of independent African churches (often referred to as 'Ethiopian or Zionist') during the colonial period in that country. During days of Band Aid and the millions of dollars that were raised for Ethiopia there was no mention either of Ethiopians' own efforts to mobilise support nor any historical references to the support of Ethiopia to victims of the Turkish massacres of Armenians, its welcoming of fellow Orthodox Russians fleeing the revolution and its support

to refugees from anti-colonial movements in the rest of Africa (Lautze, Raven-Roberts and Erkinah 2009; Donini and Brown 2014).

5.2 Knowledge sharing, intellectual leadership and training. Centres of expertise for humanitarian research and training have mostly been located in the West. These are staffed by personnel who have come through the ranks of aid organisations and who make the transition or 'graduation' from agency to university and then are also able to use the networks and connections they had developed with donor agencies to obtain funding and continued consultancy opportunities for themselves and their organisations. Despite the fact that national staff of organisations and national civil servants involved in country disaster management institutions have many years of deep experience in management, research for assessment, training and negotiation, they have very little support to either acquire more credentials, take part in 'practitioner expert programmes', write their memoirs or journal papers/books, or to be employed as lecturers and visiting professors in universities. Research agendas are set in the West, led by expatriate 'experts' and published and circulated within a very closed community of donor and international organisations. Students on practicums or internships, and volunteers, in a similar fashion pursue a one-way path, going to crisis-affected communities with little chance of reciprocal exchanges of students and interns or of experiencing work in international NGOs (CERAH papers; CPWG University papers, etc.).

Until recently donors had not invested much in building the curricula of national universities or in ensuring that locally based consultancy groups had a fair chance to bid for evaluations and assessments. Knowledge of regional issues, local languages and academic connections seems not to be highly valued even by international relief workers. Training materials are very generic and international organisations, citing budget constraints, have no consistent method for providing even the most basic background information on culture and history, or language immersion courses, for the expatriates they send to particular countries. The call for dignity, flexibility and inclusive engagement also means providing support to local knowledge centres and research bodies, the integration of local perspectives on the humanitarian encounter, and more systemised and mandatory training to expatriates on local histories and culture (James 2010).

5.3 Relationship between local government and local institutions. The conversation regarding support to nationally based institutions must also include the role of national authorities and the state. In places where the state is weak or non-existent, the roles of civil society, national and international NGOs are obviously paramount. In most states the space for, and relationship with, national and international NGOs will vary according to their history and levels of participation. The state acts as the 'enabler' that can both promote or constrain the extent to which civil society can fill gaps in service delivery and take part in development and humanitarian activities. The relationship and potential for engagement between international and national organisations is also predicated on the overall relationship and status of NGOs and the state in any given country. The C4C makes several references of support also to national governments as well as to LNGOs. Given the sometimes contentious relationships that can develop between governments and humanitarian organisations over issues such as access, assessment figures and definitions of types of emergency, it will be important that international engagement with the national enables a more harmonised and universal approach to these issues.

5.4 Relationship between the state and humanitarian actors. The relationship between the affected state and humanitarian community has itself been the subject of several studies and initiatives (Harvey 2009) and there is a collective recognition that as they are the primary sources of citizen protection, international aid should serve to fill the gaps in their systems and support when their capabilities are overwhelmed. National governments have a role in ensuring protection and applying international standards to local crisis situations. Local

government and the civil service are major players in meeting the needs of their people and acting as conduits and managers of services that their national governments provide. The main encounter between community-based NGOs and the state is usually at the field, local level. It is here where the NGOs' employees meet with and negotiate with state officials, extension services and the civil service writ large.

6 The way ahead

6.1 Developing common principles and a common vision. The development of International Humanitarian Law has given rise to the development of codes of conduct, charters and other standards and principles to govern the activities and personnel of agencies in the field. These were developed specifically following the outcomes of the Rwanda emergency when there was a concerted effort by humanitarian agencies to establish codes of conduct, standards and verification indicators to ensure quality benchmarks for technical programme sectors and human resource management and care, as well as processes for engagement and communication with the community. The most common of these standards are the Red Cross Code of Conduct, the Sphere Minimum Standards for Humanitarian Response, The People in Aid Standard and the HAP Standard in Accountability and Quality Management (now reformed as the Common Humanitarian Standard). Over the years other standards and guidelines have also been developed, targeting particular issues such as gender, livestock, education in emergencies, and the enhancement of specific communication messaging and better use of media and IT. New or improved standards and guidelines emerge as new issues (along with their lessons learnt) arise from each emergency.

Implementation, knowledge and use of, and adherence to, these standards vary widely across agencies and, while some organisations have set up voluntary self-regulatory bodies, there is no commonly accepted enforcement mechanism to make sure that standards are met. The situation is equally similar within national disaster management institutions and civil protection units. The lack of familiarity and common acceptance of these codes can also become a source of misunderstanding if partners are not in basic agreement over the foundational principles they are both planning for.

For governments anxious to ensure that their citizens are getting the best of humanitarian practice from both national and international actors, it would be a natural move to ensure their own oversight and quality control by requiring that all agencies working in this sector adhere to these internationally accepted norms as well as their own nationally derived standards. Ensuring therefore that all their relevant public administration and civil service personnel are themselves knowledgeable about these standards would also go a long way towards helping national- and local-level authorities negotiate with NGOs and other humanitarian actors in the field context. Advocating for, and tracking adherence to, these standards, as well as providing support to their dissemination at the local level, and training for national authorities, would all form part of the key role and contribution of national NGOs.

6.2 Addressing imbalances between national and international NGOs. National and international NGOs involved in development and humanitarian activities have themselves become sites of research for a variety of disciplines ranging from anthropology, development and environmental studies to political science, organisational and business management (Korten 1990; Hobart 1997; Smith 2013; Schuller and Farmer 2012; Lewis 2014).

The power imbalances operating in the international engagement between national and international organisations is obviously a well-understood argument. Other issues affecting these relationships relate to the nature of local organisations, their own histories and degrees of legitimacy, credibility, accountability and representation of the communities they are embedded in, as well as their funding sources, ideologies, outreach and mandate consistency. Issues concerning their own capacity and outreach are additional factors to be considered. These issues are not only important for the external agencies that the local

organisations are partnering, but have also been of concern to many national governments (Shivji 2008).

Current challenges faced by national organisations stem from a range of perceived suspicions over their human rights approaches, their partners and influences and reliance on external funding. Governments accuse them of becoming 'rentier' (briefcase) operations with no real constituency in the community and cite their inability or unwillingness to work with government or support government development priorities, and also their siphoning away of professionals from technical ministries and the civil service (Hearn 2007).

Some of these issues have also been raised by international organisations as factors that prevent them evolving a true partnership with national NGOs (Oxfam 2015). The question of corruption and capacity to manage the large amounts of aid that humanitarian programmes entail is also a complicating factor. International organisations have taken many years to evolve and institutionalise themselves. The current trend of amalgamated/corporate international organisations commanding millions of dollars of resources and employing thousands of personnel has resulted in the creation of very powerful and influential entities for which genuine power-sharing is likely to be very difficult despite good intentions.

6.3 Reframing relationships between national and international partner. Over the last two years there has been a growing consensus amongst INGOs that their own relationships and approaches to national partners needs to change. A number of self-reflections and reviews have identified the key issues and recognition the unequal funding that they themselves are benefiting from and the unsatisfactory levels of capacity development that has emerged so far. Other reports have also presented case examples of innovative ways in which these partnerships have been supported and relationships improved (Christoplos 2005; Grey and Ceruti 2013; McGuinness 2012; ODI 2015).

There is also a recognition that while NGOs have a major role to play in situations where there is weak or no government services, they must work to support government. There is no disagreement that it is the sovereign responsibility of governments to be the first-line responders to crises in their countries. The concept of crises must encompass not just security issues but also all other hazards that could threaten the lives and livelihoods of their citizens. A few years ago Alex De Waal, in a seminal piece of writing on the failures of the international community to respond to famines and other crises, called for national and international governments and all humanitarian and development actors to adopt an 'anti-famine political contract' to implement a social protection system and mechanisms that would ensure that all were protected against hunger and starvation in times of crises.

6.4 Strengthening organisational accountability. The 'People Centered Approach' coming from the WHS debates is a renewed appeal for political as well as organisational accountability and the institutionalisation of consistent and predictable responses to crises. There is a danger, though, that the 'localisation' debate gets fixated on the issue of sharing money and neglects the core challenge that still faces the planet. If there is to be real collaboration and partnership between the local and the global, it is essential to ensure that countries have institutionalised and reliable systems in place to prevent, prepare for and respond in contextually appropriate ways to the myriad risks and hazards that can threaten communities. Strengthening systems requires embedding preparedness, scenario planning and response at all levels of national policy and planning as well as ensuring that there is sufficient capacity at local level in terms of both trained and resourced organisations, and skills and competencies of disaster-management professionals.

National NGOs can play an important role in contextualising and translating international principles into the national system as well as on a more specific community level, linking traditional local institutions to risk reduction and preparedness policies endorsed and implemented by national governments as well as international donors.

6.5 Promoting trust and transparency. The open challenge and demand from national organisations has reverberated through the international system, and organisations have been active in profiling their own responses and declaring new modalities of engagement. The emerging consensus rests on a commitment to increase funding to national governments as well as national NGOs, and strengthening capacity development for both sectors at the technical levels as well as for organisational, funding and accountability processes.

The recommendations of the C4C community have to be studied in detail for their implications and to lay the parameters for the new engagement. They are not just guideposts for the creation of copycat institutions based on the current INGO formats but a demand for a genuine transfer of power. The creation of trust between agencies requires recognition of local organisations in their own right and acceptance of their representations and definitions of need and response. Transparency requires an opening up of the closed loop between donor and international organisations and the application of the same frameworks of accountability as are being called for in respect of national institutions.

7 Recommendations

The C4C has charted a map that indicates the way forward and what transformation would involve. It outlines concrete recommendations on changing ‘subcontractual’ arrangements and sets pointers for a new relationship that should move beyond patronage and paternalism to a partnership of equals. Supporting the six sets of themes identified in the C4C charter would entail additional steps that donors and INGO partners could support to strengthen ‘bridging’ relationships to institutionalise enhanced contributions of national NGOs at the local level.

7.1 Direct funding to national partners: Building on the call for direct funding, ensure that funding can be targeted to the subnational level where specific programmes involving national NGOs and decentralised government services are/should be operating.

7.2 Rapid disbursement funding linked to Early Warning systems: Advocate with national governments to enable access and availability of local funds at subnational levels for rapid disbursements. Advocate that the availability and ‘triggering’ of these funds are closely tied to functioning and institutionalised Early Warning systems.

7.3 Local level preparedness planning: Ensure regular and joint preparedness and scenario planning at the local level with all national partners from community members to local extension workers, local government and national NGO partners.

7.4 Training in humanitarian principles: Accelerate joint training of national authorities and NGOs in humanitarian principles, laws, assessment methodologies, and technical and ethical approaches to emergency and recovery approaches. Ensure integration of local perspectives and applicability of national ‘social welfare’ and traditional approaches to protection and community cohesion.

7.5 Training and research: Support the integration of disaster response, disaster risk reduction and preparedness issues into curricula of civil service colleges and other relevant academic institutions at national levels. Support local research institutions to develop cadres of evaluators and other research teams that can monitor and take part in inter-agency and inter-donor assessments, impact assessments, evaluations, etc.

7.6 Archiving of research and related reports: Ensure that all research, and other assessments and related reports from both international and national NGOs, are submitted to relevant national archives as part of key documentation on history and social change affecting local communities.

7.7 Training of international aid workers: Widen curricula and training of international aid workers and curricula in 'Western' universities to include local/national perspectives and histories of humanitarian approaches.

7.8 Induction training of international staff on country-specific environment: Advocate for all INGOs/UN agencies to conduct mandatory induction training to all international staff going to specific countries on background history, culture, local perspectives on aid, etc.

7.9 Exchange visits and training between national and international staff: Support exchange visits and peer-to-peer 'on-job training' of national staff of local government and national NGOs, to enable them to spend time with peer colleagues in international organisations as ways of developing mutual understandings of management, coordination and other issues related to disaster risk management.

7.10 Training of senior managers: Increase numbers of national government and LINGO executives, senior management and technical experts in cluster trainings and UN coordination/'leadership' trainings.

7.11 Media coverage of local crisis responses: Advocate to local and international press agencies to profile local responses to crisis response, and profile human interest stories from the perspective of affected households regarding their own risk and vulnerability management strategies.

Notes

¹ The opinions expressed here represent the views of the authors and participants in the Witness Seminars, and not necessarily those of the IDS, the UNA or BAFUNCS.

² The Sendai Framework for Disaster Risk Reduction 2015–2030 (Sendai Framework) is the first major agreement of the post-2015 development agenda, with seven targets and four priorities for action. It was endorsed by the UN General Assembly following the 2015 Third UN World Conference on Disaster Risk Reduction (WCDRR).

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B.2.3 Putting People at the Centre of Humanitarian Action: Empowering Women and Girls

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Abstract

The purpose of this article is to explore what has and has not worked in regard to empowering women and girls in the context of working on peace processes and developing policies on sexual and gender-based violence. My experience suggests that in the majority of cases women and girls are given a notional voice but actual participation is rarely a reality. More intelligent and circumspect policy and programme work around gender sensitivity and inclusiveness needs to be crafted to overcome silos and to allow for more meaningful inclusion of women and girls in humanitarian programmes and political fora. Five blockages are identified which need to be addressed to bring about concrete results. Finally some emerging lessons are identified.

Keywords: Sexual and gender-based violence (SGBV), conflict-related sexual violence (CRSV), peace processes, conflict, Preventing Sexual Violence in Conflict Initiative (PSVI), terrorism, post-conflict.

1 Introduction

The perspective offered in this article is based on my work dealing with different aspects of addressing gender-based violence mostly in Rwanda, former Zaire and then the Democratic Republic of Congo (DRC), Haiti and Somalia. I worked on two different aspects related to sexual violence and gender. First I focused on sexual exploitation and abuse by UN peacekeepers, and the issue of institutional accountability. I led the investigations into the disturbing scandal of sexual exploitation and abuse that engulfed the UN peacekeeping mission in the DRC – a subject that has resurfaced now in a prominent and uncomfortable way for the UN with the current scandal around sexual exploitation and abuse by UN and other peacekeepers in the Central African Republic.

The second aspect was that I developed a programme and a strategy for addressing sexual and gender-based violence among the population, especially in eastern DRC. My emphasis was on the need to explore further the cultural and political basis of extreme levels of violence and also to challenge widely held normative assumptions on gender and violence, by ‘unpacking’ and questioning the way that the notion of gender is used in a political and institutional context. From my viewpoint, sexual and gender-based violence is not only a gender issue but is rooted in a complex culture of violence, with strong political and ethnic overtones and the complex psychology of trauma and pressures placed on communities who have lived with conflict over a long period.

This article is **structured** along the following lines: In *Rhetoric and reality* (Section 2), I highlight the disconnect between the global policy framework and its impact – or lack thereof – on the ground. The legal and policy framework for *framing gender sensitivity* (Section 3) in a humanitarian and conflict context is well established, but I identify there five *blockages* (Section 4) to bringing about concrete action, namely (i) view of gender sensitivity as a non-political technical fix; (ii) insufficient understanding of the anthropology on the ground; (iii) the tendency to talk about cross-cutting while still programming in silos – with a particular focus on sexual and gender-based violence; (iv) gender sensitivity is insufficiently integrated in peace processes; and (v) political sensitivity trumps gender sensitivity – challenging

conventional assumptions of women and girls as passive victims. In identifying *emerging lessons* (Section 5), I outline, *inter alia*, that one size does not fit all, national and large-scale programmes need to happen concurrently with localised projects, and more research is required around opportunities, relevant work and evidence of what women and girls actually need.

2 Rhetoric and reality – challenging notions

The notion of ‘empowering women and girls’ has been a buzzword in policies and programmes for too many years. There is broad international consensus that empowerment of women and girls is important for an equitable society and is a fundamental building block for stronger economies, to achieve the internationally agreed development goals and improve the quality of life for families and communities. Development programmes promote female empowerment by offering opportunities for leadership and participation. This is done by delivering basic literacy, numeracy and vocational training, for example in South Sudan; or by promoting women’s leadership in marginalised communities in Sri Lanka; or by improving the economic empowerment of women in Afghanistan by developing their business skills and increasing their employability; or educating family and community members on the important role of women in the work place, in Afghanistan and Sri Lanka.

Influential donors also exert pressure for all proposals for funds and programmes to include a cross-cutting gender element and to ensure that the role of women and girls is recognised across programmes.

Sexual and gender-based violence has also attracted major international attention and led to high-profile initiatives, such as the Preventing Sexual Violence in Conflict Initiative (PSVI), launched by the UK in 2014.² Under its aegis, a number of protocols have been developed aimed at addressing a culture of impunity to ensure perpetrators are brought to justice and also to improve support to survivors of sexual violence.³ Campaigning is also an important facet to increase political will and the capacity of states to do more. The PSVI has raised awareness and an urgency to commit to prevention on a political level and in a more systemic way.

As a consequence, the public profile of sexual and gender-based violence as an intractable problem has increased substantially, in part through this PSVI and also through celebrity involvement. This high visibility has also led to oversimplification and does not take into consideration the complexity of the issue. For example, the recent two-year so-called ‘anniversary’ of the kidnapping of the Chibok Girls in north-east Nigeria by a Boko Haram group in April 2014, has generated great media attention on the back of the ‘Bring Back Our Girls’ campaign that featured a host of well-known personalities two years ago.⁴ Yet little attention is paid to the context or origins of the problem around Boko Haram, such as historic social exclusion of Muslims in north-east Nigeria where Boko Haram originated and the economic and political marginalisation of communities. Furthermore, numbers are much higher, as to date a total of around 2,000 girls and boys have been kidnapped and held by various Boko Haram groups (Human Rights Watch 2014).⁵ Most importantly, little is known in the public domain of the whereabouts of the girls or indeed if they are still alive. Some have argued that the heightened media attention has inadvertently undermined the safety and potential release of the girls. This raises questions over the manner of conducting advocacy campaigns and the need for a more nuanced approach.

There is a disconnect between the rhetoric and ‘policy-speak’ of donors, international agencies and the UN Security Council, and the intricate reality on the ground. For example, in preparation for the World Humanitarian Summit (WHS), a number of meetings discussed how to improve civic engagement of women in humanitarian emergencies and peace processes. For the 59th Session of the Commission on the Status of Women,⁶ a workshop developed concrete recommendations on how commitments to gender equality, women’s

empowerment and women's rights could actually be realised and fed into the WHS. In preparation for this meeting an online survey was conducted on how humanitarian action could be held more accountable in meeting women's and girls' needs.⁷ Individuals of national civil society organisations made contributions, as did non-governmental organisations (NGOs) involved in gender equality and humanitarian action. Some of the recommendations were that: women and girls need to be involved at every stage of humanitarian action, and not as an after-thought or 'box-ticking' exercise. One respondent emphasised the need to 'take women into account from scratch'. Also, the need to 'consult with women's groups prior to interventions' and that 'consultations should be brief, efficient and practical.' Another challenge identified was that the prevailing belief system in affected communities is essentially patriarchal in nature, and that this is also reflected by the attitude of partners in humanitarian action. The survey requested that donors make gender equality programming and indicators mandatory across the programming cycle. A vital call to international agencies and donors was *to actually empower, rather than create more dependency*. This could be done through concrete activities such as livelihoods training for women and access to land and credit.

3 Framing gender sensitivity in a humanitarian and conflict context

International legal and policy developments over the past decade have been effective in raising female empowerment and participation at the political rhetorical level but have had limited impact either in practice or on women's and girls' actual lives. The international framework for empowering women and girls is now well established through the UN Security Council and the Women, Peace and Security (WPS) agenda. So far, the Security Council has adopted four additional resolutions on WPS.⁸ These resolutions taken together comprise the WPS thematic agenda of the Security Council, and the international security policy framework. The obligations in the resolutions extend from the international to the local level, as well as from intergovernmental bodies, such as the United Nations, to national-level governments and civil society. As the body responsible for the maintenance of international peace and security, the Security Council is now obliged to systematically address gender and women's rights in its work in policymaking. It is obliged to implement all of its resolutions on WPS. Given that the Security Council agenda consists of both geographic situations and thematic issues, WPS is one of the largest thematic agenda items on which the Security Council holds annual open debates, *ad hoc* briefings, and adopts resolutions and presidential statements.

One of the consequences of the historic adoption of UN Security Council resolution (UNSCR) 1325 on 31 October 2000 was that it highlighted how women and girls have different experiences of conflict and contribute to peace-building in different ways. It also emphasised that action needs to be taken to protect women and girls and that more needs to be done to inspire and motivate communities, institutions and individuals to allow women to participate in significant ways to finding solutions to conflict and maintaining peace. At the policy and programme design level, calls grew for 'a greater integration of a gender perspective in peace building and related efforts' (G7 2015).

There are numerous cross-cutting agendas in the international arena that are relevant to UNSCR 1325, in particular, the agendas around Children and Armed Conflict (CAAC), (UNSCRs 1261, 1314 and subsequent), the Protection of Civilians in Armed Conflict (UNSCRs 1265, 1296 and subsequent) and applicability of International Humanitarian Law; the Responsibility to Protect (R2P) as initiated in 2001 and 2005 and invoked by the Security Council in a number of resolutions and Presidential Statements; the legal framework of the Convention on the Elimination of Discrimination Against Women (CEDAW) and the CEDAW committee meetings in 2014.

Altogether, gender and conflict is not a 'stand-alone' topic but needs to be closely aligned with other aspects of strategic development and policies. It has to be framed within the broader framework of the Protection of Civilians agenda and linked in with and creating entry points to other issues, in particular, sexual exploitation and abuse, conduct and discipline,⁹ and international human rights and humanitarian law.

There are important linkages with other substantive areas, in particular with child protection or trafficking. Gender and conflict-related sexual violence (CRSV) are generally not perceived as central to military and civilian training and Security Council discussions, and too often, these briefings are delivered to tick a box. A number of UN Troop Contributing Countries (TCCs) and Police Contributing Countries are themselves at different stages of their own internal security sector reform processes. Some TCCs and Security Council members, such as the UK, through development and stabilisation programmes, fund much of this either directly or indirectly. Research to date has shown that in order to address gender, especially in conflict situations in a meaningful way, a major shift in terms of culture and mindset is needed across military and other uniformed institutions in a number of UN TCCs. There is currently an under-explored avenue to use security sector reform for training peacekeeping troops and to ensure that gender and conflict is integrated into this process.¹⁰

4 Blockages to bringing about concrete action

Several blockages need to be tackled to turn the participation and empowerment of women and girls (as originally outlined in SCRs 1325 and 2122) into a real and viable plan for action with concrete and sustainable impact on the lives of women and girls. These blockages relate to:

4.1 Blockage 1 View of gender sensitivity as a non-political technical fix

For donor efforts to be gender-sensitive, they tend to be limited to the project level, seeking technical fixes to political problems. Yet gender sensitivity in its fullest sense is fundamentally a political endeavour. Therefore, rather than being at odds with the growing donor discourse to think and work politically, there is significant overlap between the two agendas (political and gender/conflict). There is growing recognition of the concept of gender sensitivity in conflict situations and that policy commitments to gender sensitivity at respective headquarters are not being adequately applied in the field due to a critical lack of incentives. Thus gender-blind programming remains widespread.

4.2 Blockage 2 Insufficient attention is being paid to the 'anthropology on the ground'

One approach to bring women's and girls' empowerment closer to reality is by applying an anthropological lens. Contextual analysis rather than assumptions about gender should inform interventions. Good conflict analysis is sensitive to relations of power, including gender. This necessitates understanding the roles and relationships between men and women, between age groups and corresponding power relations and private and public spheres. There is also a need to be aware of traditional power dynamics and how they have changed over time. It also means understanding the spheres of influence and how women can participate in decision-making.

When I worked in the DRC in efforts to coordinate the implementation of programmes to assist women who had been violated in exceptionally brutal ways, I found myself in a position where I sat in humanitarian Protection Cluster meetings. Sexual violence and abuse were being discussed and there was general consensus that more needed to be done and women were the victims. At the time, very few programmes were actually focused on addressing the issue in either a strategic or a concrete practical way. None addressed the issue of prevention and profiling of perpetrators. Given the precarious security, access to affected communities was difficult to negotiate. When we were able to visit communities, any

meetings and interviews with women and girls were time-bound because of safety reasons. Hence the main humanitarian players knew little about communities, their make-up and how conflict had affected or undermined the social fibre and values.

Sexual violence happens as a result of power imbalances, and is deeply rooted in inequality and discrimination. To stop rape, the unequal status of women and children, especially girls, in relation to men must be addressed. Understanding gender and how it links to peace and conflict in a particular time and place is key to designing inclusive and effective programmes and peace-building interventions. For example, gender-sensitive analysis can help to identify and understand similarities and differences in the experiences of different women, men and gender minorities in conflict-affected areas. It also helps in understanding how relations of power are produced or reproduced by social processes, such as peace talks, and other peace and security decision-making processes. These often exclude women but also more generally those who do not hold power directly or indirectly, including civil society organisations.

Women often play key roles in relation to peace and conflict but many of their contributions go unnoticed, or are undervalued and unsupported. This is because they do not fit neatly into existing notions of peace-building. A gender-sensitive conflict analysis can shed light on these efforts and may help to identify obstacles to participation in official peace and security decision-making. It is also important to recognise how gender norms may be driving violence. Attention paid to gender and violence is often focused on sexual violence. Yet other gendered factors such as militarised notions of masculinity also may play a role in driving or even causing armed conflicts.

4.3 Blockage 3 Tendency to talk about ‘cross cutting’ while still programming in silos

Many donor and agencies’ initiatives at national and local levels aim to address the complexity of sexual violence through national programming, localised projects and advocacy at different levels. A major challenge consists of the difficulty in being able to obtain a comprehensive picture in most emergency and conflict situations of who is doing what, where. For example, in the DRC, the large number of actors and the inability of being able to identify both the precise role and the expertise of each actor with regard to sexual violence hindered programming. Some actors adopted a more holistic approach to prevention and response, whereas others focused on one sector only, primarily health and justice.

In South Kivu I met with a group of women who had sought refuge in a ‘safe house’ – a small overcrowded construction, clean and well run by a local woman who had originally taken in two women and their children, born of rape, as they had been ostracised in the neighbouring community. Six months later, there were 15 people and the place was overcrowded. At the time, little support was being provided to her, except for occasional visits by International Committee of the Red Cross (ICRC) delegates. In part because of her remote and insecure location but also because of her work, we had to be discreet as she was protecting women and their sons and daughters not only from militias but from members of the Congolese army. ‘There are spies everywhere’ she would say.¹¹ There are many angles to this encounter – one important lesson for us was that the only way to assist was to cut across the silos of traditional humanitarian support. In designing programmes, we needed to develop a more holistic approach, which encompassed integrated support for health needs, legal requirements and psychosocial support, while finding ways of protecting the community as a whole.

The cross-cutting aspect of addressing sexual violence is often hard to incorporate in programming. Furthermore, most emergency, conflict and post-conflict scenarios have widely varying coordination mechanisms in place that affect the pooling and management of funds.

There was a clear need in the DRC, as in other situations such as South Sudan, to harmonise programmes, especially with regard to training, sensitisation, advocacy initiatives and reinforcing capacity within each sector of intervention.

Conflict magnifies and exacerbates the everyday violence that girls and women live with in times of peace. During acute emergencies and conflict, children and women face the constant threat of rape, sexual exploitation, trafficking and forced pregnancy as well as the violence and instability that affect their entire community. It is now well documented that in Bosnia and Rwanda, as in many other conflicts, rape was used specifically as a weapon of war. Rape may be treated as a reward for soldiers. In lieu of salaries, looting and raping is often seen as a legitimate payment for those involved in fighting. In most conflict settings, children and women are subject to sexual violence by military forces, by police and security officials, local leaders, fellow refugees or displaced persons, or members of the host community.

In the midst of conflict, the sexual victimisation of women and children has more dramatic consequences. There are estimates that two in three women who were raped as part of the genocidal violence in Rwanda are HIV-positive. Many women and girls bore children as a result of these rapes. In addition to the psychological impact of becoming pregnant from rape, women who carry their pregnancies to term have extremely high rates of maternal and infant mortality. Some resort to unsafe abortions.

Furthermore, the end of conflict does not signal an end to violence for children and women. Post-conflict periods are characterised by rapid increases in prostitution and a rise in domestic violence. Prostitution leaves girls and women extremely vulnerable to HIV and other sexually transmitted infections. In the struggle to survive economically, exchanging sex for food, money or protection may be the only available option. In post-conflict or post-disaster chaos, traffickers thrive on vulnerable targets. After the break-up of the former Yugoslavia, trafficking to and from the Balkans increased.

There is overwhelming evidence of a substantial increase in domestic violence in post-war settings. In Cambodia, in the mid-1990s, some 75 per cent of women were victims of domestic violence, often at the hands of men who kept the small arms and light weapons that they had used during the war.

The absence of reliable **data** on incidents of sexual violence poses an additional obstacle to interventions and programming in emergency, conflict and post-conflict settings. To allow for a better platform to analyse trends and actual and potential hotspots, reliable data is required. This will permit a clearer indication of the prevalence and response to sexual violence, providing details on incidents, victims and perpetrators, and on judicial, medical and psychosocial responses, as well as reintegration and protection.

The **stigma** attached to survivors applies in all situations, but seems to be particularly pronounced in conflict situations where communities and local support structures are already fractured. It means that survivors often feel that there is no one to turn to. The role of protection-mandated agencies is particularly relevant.¹² The impact of sexual violence needs to be mitigated through post-rape care, including access to health care, psychosocial care, safety and whenever possible access to legal redress. Women's groups and other local groups are important in helping survivors and in providing community-based protection mechanisms, but they need support. These groups offer a community network for survivors and can provide vital information. If girls and women realise that there is a social network to turn to for help, they are less inclined to avoid seeking treatment.

Survivors of sexual violence are victimised again by the shame and they lose family and community. They need **educational and economic opportunities**, so as not to be forced to turn to prostitution. Access to income-generating and micro-credit schemes can help in

rehabilitation and reintegration back to communities. Sadly the same myths and ‘victim blaming’ that exist in the larger community also exist among health care workers. Challenging these biases is critically important. In the DRC, for example, training for health workers is being piloted on a small scale, on care and support for rape survivors, which is designed to challenge attitudes as well as to provide technical guidance on the physical treatment of rape.

Sexual violence has devastating **health** care consequences. The provision of support to hospitals is vital, to provide the best possible care to girls and women suffering from fistulae and sexually transmitted infections, including HIV. Ensuring that health care to survivors of rape is provided in a non-judgmental manner is a vital part of this intervention.

Root causes. Sexual violence happens in conflict because it is allowed to happen. Until perpetrators are held accountable for their crimes, the violence will continue. It is critical to bring about an end to impunity. In Sierra Leone and East Timor, technical assistance was provided for the involvement of children in truth and justice-seeking mechanisms. A relationship was established that included a formal agreement with the International Criminal Court. A more concerted effort could be made to apply such experiences directly to cases of sexual violence. The importance of post-conflict truth and justice-seeking mechanisms has increased in recent years, and is likely to continue to do so with the International Criminal Court. A stronger involvement in and development of the expertise of humanitarian and protection agencies in this area is urgently needed.

It is now a well-established finding of post-conflict reviews, lessons learned and research, commencing with the Brahimi Report in 2001, that establishing **the rule of law** is critical.¹³ Certain measures can achieve a more comprehensive and far-reaching sense of justice: national law reform; support for the establishment of a judicial system in conformity with international human rights standards; gender and child rights training for judges, lawyers, police and social workers. To illustrate, in North Kivu, a province in eastern DRC, social workers have been trained to assist with the reintegration of rape victims into communities and to help transform attitudes that blame victims for what has been done to them. Women’s groups are vital: they can provide a safe place to encourage rape survivors to speak out, which can serve as a bedrock for changing social attitudes about sexual violence.

4.4 Blockage 4 Gender sensitivity is insufficiently integrated within peace processes

Women often play vital roles in conflict situations by mediating at the community level. But many of their contributions go unnoticed, or are undervalued and not supported. This is because they take place outside the available social sphere, or do not fit neatly into ideas of peace-building. For example, there have been long-standing campaigns included in the negotiations around the Syrian peace process, which have only borne fruit in the recent round of peace talks in Geneva. A more nuanced type of analysis can shed light on these issues and can help in identifying obstacles to participation in official security and decision-making fora.

Gender sensitivity was a major feature of the Fragile States Principles of the Organisation for Economic Co-operation and Development-Development Assistance Committee (OECD-DAC). This was notably in commitments (1) to take context as starting point; and (2) to do no harm. While potentially supportive, an analysis of peace processes shows that peace agreements rarely contain an explicit and broad commitment to gender (Durham and O’Byrne 2010; Pfaffenholz 2015; Center for the Democratic Control of the Armed Forces 2014). The box is ticked but there is no politically viable implementation plan for inclusion.

Women’s participation is not well reflected in political and economic deals. One example is the New Deal for Somalia endorsed in 2013.¹⁴ This is an overarching framework setting out

peace-building and state-building goals that took forward an international consensus that progress on the Millennium Development Goals in fragile states was impossible without achieving peace and security. The fundamental premise was that in order to improve the management of international assistance, the Somali Federal Government with international partners decided to 'improve its ability to govern and make development more responsive to the needs and concerns of its citizens.' The compact, which was at the heart of the New Deal, represents an action plan for 2014–16. However, gender issues and social inclusion were poorly reflected. New discussions and drafting is currently under way for the development of the next three-year National Development Plan 2017–20 and greater pressure is now being placed on more proactive integration of improving civic engagement of women in all sectors, with a target set of 30 per cent, and of improving educational opportunities for girls.

Somali women's organisations have a powerful voice. The Somali head of a Kenyan NGO *Adeso* has challenged the lack of funding for local NGOs, especially women's groups.¹⁵ She is now leading a loud rebuke over the 2 per cent that local organisations currently receive directly in terms of humanitarian funding. She argues that small local organisations do most of the work; women are invited and brought to international conferences, yet when they return they have no funding, no support and no voice. This is not new, given the range of assessments and evaluations that have challenged international agencies for failing to put local responders at the centre of any crisis response while also receiving the smallest share of funding.

4.5 Blockage 5 Political objectives trump gender sensitivity

Concerns over gender sensitivity are misinterpreted or even overridden when **countering violent extremism** – above all at the level of policy dialogue. One example is around perceptions of women involved in terrorist activity where the dominant narrative of female involvement in terrorist violence is one of coercion. This argument is supported by high incidents of kidnappings of girls and women, the testimony of escapees (from ISIS or Boko Haram) who report egregious physical and psychological abuse at the hands of their captors. Human rights groups have reported that some girls and women appear to have been 'brainwashed'.¹⁶

Female suicide bombers, especially girls, are an increasing phenomenon, something I encountered when working in north-east Nigeria. In June 2014, Nigeria experienced its first attack by female suicide bombers. Since then, Boko Haram has increasingly used girls and women as operatives in suicide attacks on soft targets. Female suicide bombers used to serve a tactical purpose: they are effective smugglers and rouse less suspicion while moving in civilian areas. These attacks have a high propaganda value and are more likely to attract sensationalised media reports than attacks by men. In addition, some female bombers were children as young as seven years old, incapable of granting informed consent to participate in such an act.

Conventional assumptions are made that suggests that terrorist groups resort to the use of female operatives when they are at their weakest. For example, Boko Haram's spike in female suicide bombings could indicate that Boko Haram is experiencing difficulty in recruiting from its historic support base – young, uneducated, unemployed men from Nigeria's north-east. However, there are increasing sources for so-called ISIS and Boko Haram, for example, that suggest most women are acting voluntarily and that martyrdom is an acceptable option. They become suicide bombers to seek revenge for the deaths of their spouses or parents, as well as for reunification in the afterlife. Given the often dire human rights and humanitarian situations in many of their places of origin, there is some evidence to suggest that many girls and women feel that there is little prospect of a return to civilian life. Those who choose to return are being ostracised and would be culturally ineligible for marriage.

There is growing evidence to suggest that female support for terrorist/insurgency activities has been understated. Women were reportedly converting female family members; some women had donated their daughters to carry out suicide bombings – for example, in 2014, several members of a ‘female Boko Haram cell’ were apprehended in Abuja, charged with recruiting female members.

The two narratives of female involvement in terrorist activities – passive victims versus active participants – are not mutually exclusive. Both reflect the complexity of gender in insurgencies, and should contribute insight into post-conflict policy. Treating women and girls solely as passive victims can lead to an incomplete understanding of conflicts and inadequate peace processes. Women may also be political actors with grievances that find resonance with extremists. As important sources of community knowledge, women are uniquely positioned to build or disrupt ideological momentum for political movements. Hence the argument that greater research for gender-inclusive peace-building strategies could help diminish support for extremists.

5 Emerging lessons

There is still much to learn about the types of interventions that reflect the needs on the ground, challenge conventional assumptions on gender and actually empower rather than just tick boxes. Based on my experience and case histories, a number of lessons are emerging:

(1) *There is no single approach to gender and to sexual violence in particular.* Conflict and post-conflict situations are too varied and opportunities too specific. Humanitarian, development and political actors should avoid a ‘one size fits all’ approach – such as only addressing access to justice or health, or ‘engaging community groups’. Experience in a growing number of cases shows that a long-term commitment, a focus on context and policy objectives, and an imaginative and flexible use of initiatives and practices can have an impact on dependency and also reduce sexual violence.

(2) *The risk of sexual violence can be reduced but not eliminated.* Concerns over legitimate state authority and the political will to address sexual violence abound. Immediate needs have to be met, alongside building capacities and developing institutions and trying to bring about political change. Investment in and the use of advocacy and public communication are highly commendable. Any funding for sexual violence in a fragile conflict-affected environment is inherently more risky, more money will be ‘diverted’ than in normal contexts. The public in these countries need to be convinced that it is for the benefit of all that sexual violence is reduced.

(3) *The tacit acceptance of rape as an inevitable part of war* contributes to its continued and growing use during conflict. This notion must be challenged at every opportunity – sexual violence during conflict is common but certainly not inevitable. To ensure that children and women are protected from violence, rather than further victimised by it, the humanitarian community can engage with armed group leaders to secure their commitment to greater protection for civilians, including protection of women and children from sexual violence; and it needs to develop mechanisms to monitor and hold violators accountable, as well as promoting the empowerment of women and girls and encouraging their leadership in transition periods and their participation in political decision-making.

(4) *National and large-scale programmes need to happen concurrently with localised projects.* Both make a difference. Service delivery and social protection are important as preservers of human capital. Rather than thinking in terms of ‘scaling up’ from a series of local often short-term and project-based approaches, it is important to think long-term and programmatically from the outset and then work out careful implementation methodologies. Entry points need to be found, such as National Priority Programmes (Afghanistan) or National

Plans for Security or Justice reform (Liberia, the DRC) or the National Development Plan (Somalia).

(5) *Programme implementation will involve many actors, state and non-state.* Effective programme implementation to address power relations, gender dynamics and sexual violence will typically involve partnerships with the state, UN, civil society and private sector, and not one or the other. This makes programmes more flexible. At the same time it is not a good idea to avoid the state and certainly not sensible if the long-term goal is to rebuild the state and bring about a shift in values and approaches. Programmatic approaches are more likely to be successfully absorbed by the state at some time in the future rather than localised and *project-based* approaches.

(6) *Improved coherence requires better frameworks.* Greater coherence is needed among security, development and diplomatic interventions to ensure they have impact on the lives of women and girls and on reducing sexual violence. This is especially the case where aid is less significant for donor states than their military and political interventions. This requires standardised strategic frameworks to address gender and sexual violence across the conflict spectrum, from emergency, to post-conflict. Frameworks have been developed to prioritise and plan donor interventions in the absence of developed state planning structures. There is a need to incorporate special initiatives and programmes for sexual violence, for example. Frameworks are often too *ad hoc*, too unrelated and there is often competition between institutions as they champion different approaches.

(7) *Experiment.* Working on sexual violence across the conflict spectrum requires experimentation and flexibility based on local knowledge. Many of the most interesting approaches have evolved through several cycles of reform and adaptation. This requires long-term commitment, good monitoring and evaluation, money and above all dedicated staff. Donors need to adjust human and financial resource allocation procedures to facilitate this.

(8) *Research is needed* to identify the best entry points and to be able to lay down a concrete proposal and options for discussion and political advocacy. In particular, further research is needed to:

- i. understand in detail the gender sensitivity challenges emerging in peace processes and how the mechanisms could plug gaps;
- ii. situate gender sensitivity in relation to policy frameworks and key discourses including major reviews around counter-terrorism policies, Sustainable Development Goals, the New Deal, joint risk assessments and the discourse around thinking and working politically;
- iii. further explore opportunities, relevant work and evidence of what people actually need.

Notes

¹ The opinions expressed here represent the views of the authors and participants in the Witness Seminars, and not necessarily those of the IDS, the UNA or BAFUNCS.

² Preventing Sexual Violence Initiative, www.gov.uk/.../2010-to-2015-government-policy

³ International Protocol on the Prevention of Sexual Violence in Conflict, June 2014, www.gov.uk/government/uploads/system/uploads/attachment_data/file/319054/PSVI_protocol_web.pdf

⁴ #BringBackOurDaughters Campaign in May 2014. See also in 2016. www.chicagotribune.com/news/nationworld/ct-nigeria-chibok-girls-2-years-20160415-story.html

⁵ See also internal United Nations Children's Fund (UNICEF) reports.

⁶ 59th session of the Commission on the Status of Women (CSW): www.uclg.org/en/media/events/59th-session-commission-status-women

⁷ Report and Recommendations from 11 March, 2015 UN Women, the World Humanitarian Summit Secretariat and Care International Workshop in the margins of CSW 59 on Gender Equality, Women's Empowerment and the World Humanitarian Summit.

⁸ In addition to SCR 1325 (2000), these resolutions are: SCR 1820 (2008); 1888 (2009); 1889 (2009); 1960 (2010) and 2106 (2013).

⁹ UN peacekeeping now has Conduct and Discipline Units that also address sexual exploitation and abuse as part of their remit.

¹⁰ See also G7 Report on the Implementation of the G8 Declaration on Preventing Sexual Violence in Conflict, 25 November 2015.

¹¹ Author's notes, based on interviews conducted in 2009 in South Kivu.

¹² Protection-mandated agencies such as the Office for the Coordination of Humanitarian Affairs (OCHA), UNICEF, UN High Commissioner for Refugees (UNHCR) but also larger international non-governmental organisations such as International Rescue Committee (IRC), Oxfam, etc.

¹³ *The Report of the Panel on United Nations Peace Operations* (2000), commonly called the 'Brahimi Report', named for the chairman of the commission that produced it, Lakhdar Brahimi. UN Secretary-General Kofi Annan had convened the Panel on 7 March 2000, ahead of the upcoming Millennium Summit, and had tasked it with making a thorough review of United Nations peace and security activities and recommending improvements. The report was published on 17 August 2000.

¹⁴ The New Deal for Somalia following the Somalia Conference, endorsed in Brussels, 2013–2016.

¹⁵ Wall, I. (2016) 'We are Demanding Change', *The Guardian*, 21 March, www.theguardian.com

¹⁶ Human Rights Watch, 24 November 2015.

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B.2.4 An End to Exile? Refugee Initiative and the Search for Durable Solutions

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Abstract

Refugees have historically been able to find durable solutions to their plight by means of voluntary repatriation to their country of origin, local integration in the country that has granted them asylum or resettlement to a third country. In recent years, however, these three solutions have become increasingly elusive, leaving growing numbers of refugees with a highly uncertain future. Rather than acquiescing to circumstances, refugees are increasingly pursuing their own solutions and life strategies, frequently involving mobility, irregularity and transnationalism. This article examines the causes, manifestations and consequences of this trend, as well as its implications for humanitarian agencies, the international refugee protection regime and refugees themselves.

Keywords: refugees, UNHCR, refugee responses.

1 Introduction: the notion of durable solutions

The international refugee protection regime was established in the wake of the Second World War and consists of three main components: an international legal instrument, the 1951 UN Refugee Convention; an institution, the Office of the UN High Commissioner for Refugees (UNHCR); and a set of norms, the most important of which, the principle of *non-refoulement*, prevents refugees from being returned to countries where their life or liberty would be at risk.

The interchangeable notions of ‘durable’, ‘permanent’ or ‘lasting’ solutions are central to the functioning of the international refugee protection regime. While these concepts do not appear in the 1951 UN Refugee Convention, the UNHCR Statute defines one of the organisation’s primary responsibilities as that of ‘seeking permanent solutions for the problem of refugees’ (UNHCR 1950). Using very similar language, UNHCR’s current mission statement says that the agency aims to achieve ‘the resolution of refugee problems... by seeking lasting solutions to their plight’ (UNHCR 2016).

In practical terms, refugees have historically found such solutions in three different ways:

- By means of voluntary repatriation to their country of origin, conducted in conditions of ‘safety and dignity’ and followed by ‘sustainable reintegration’ there;
- By means of local settlement and integration in their country of first asylum, entailing the progressive acquisition of rights, including, eventually, that of citizenship; and
- By means of organised resettlement from refugees’ country of first asylum to a third country that has agreed to admit them, provide them with permanent residence rights and the opportunity to be naturalised.

While these three solutions are distinct and require different preconditions to be met if they are to be attained, they have an important common feature: that of reconnecting refugees to a state and enabling them to benefit from that country’s effective protection. The end of exile is only attained when that bond has been established.

2 Solutions in practice

For the first 50 years of the international refugee regime’s existence, this three-pronged approach to the pursuit of refugee solutions operated in a generally effective manner. In the late 1940s and 1950s, for example, large numbers of people displaced by the armed conflict

in Europe were resettled to countries such as the USA, Canada and Australia, where their labour was needed to support the process of post-war reconstruction.

In the 1960s and 1970s, the focus of the global refugee problem shifted to Africa, where national liberation struggles and a spate of post-colonial coups and conflicts uprooted large numbers of people. In many instances, those refugees were able to benefit from local settlement and integration programmes, which provided them with secure residence rights, as well as land and other agricultural inputs needed for them to strive for self-sufficiency.

In the late 1970s and 1980s, resettlement to industrialised states became the predominant solution for more than 1 million refugees fleeing from conflicts and persecution in Vietnam, Cambodia and Laos, as well as for people who were in need of protection from dictatorships, as in Chile and Argentina.

With the end of the Cold War in the late 1980s, voluntary return to countries of origin became the solution of choice for the largest number of refugees, to the extent that UNHCR chief Sadako Ogata dubbed the 1990s 'the decade of repatriation'. With superpower proxy wars coming to an end or diminishing in intensity, and with the UN establishing post-conflict peace-building operations to stabilise the countries concerned, large-scale repatriation became possible with respect to countries and regions such as Afghanistan (around 2 million returnees), Mozambique (1.7 million), Cambodia (365,000), Central America (150,000) and Namibia (45,000).

While these were undoubtedly positive developments, bringing durable solutions to large numbers of refugees, there was also a darker side to repatriation. UNHCR and UN member states came to the conclusion that repatriation was the best and in many instances only way that refugee situations could be resolved (Crisp 2004). And in their eagerness to promote this solution, the principles of voluntariness, safety, dignity and sustainable return were violated.

Rohingya refugees from Myanmar, for example, were induced to return to Bangladesh, despite the persecution and discrimination they continued to experience in their country of origin. And Tanzania forced more than 300,000 Hutu refugees from Rwanda back across the countries' shared border, with the support of UNHCR and donor states (Long 2013).

3 Protracted refugee situations

Since the beginning of the twenty-first century, it has become increasingly difficult for refugees to access the three durable solutions from which they have historically benefited. As a result, growing numbers have found themselves trapped in 'protracted refugee situations' (defined by UNHCR as those that have persisted for more than five years), unable to go home, to move to a resettlement country or to locally integrate in the state that has granted them asylum. According to the organisation, some 45 per cent of the world's refugees found themselves in such circumstances at the end of 2014, a figure that has continued to rise since that time (UNHCR 2015a).

This trend can be ascribed to three principal developments. First, a number of the world's most important refugee-producing conflicts have gone unresolved, making it impossible to repatriate refugees on anything like the scale that took place in the 1990s. Indeed, refugee repatriation figures are now at historically low levels, with minimal levels of return to countries of origin such as Afghanistan, the Democratic Republic of Congo, Myanmar, Somalia and Sudan.²

Second, the past five years have witnessed a spate of new refugee emergencies, provoked by armed conflicts in countries such as Central African Republic, Iraq, Nigeria, South Sudan, Syria, Ukraine and Yemen, none of which seem likely to be resolved in the immediate future. As a result, the number of people throughout the world who have been displaced by armed

conflict and persecution has jumped to around 60 million, the largest number since the end of the Second World War (*ibid.*).

Third, while refugee numbers have gone up, access to solutions has stagnated. Voluntary repatriation is out of the question for most of the world's refugees, and yet the option of local settlement and integration is not available to them. Major refugee-hosting countries, including Kenya, Lebanon, Pakistan, Thailand and Turkey, have all made it very clear that the large number of refugees admitted to their territory have no hope of remaining there indefinitely and acquiring the citizenship of those states.

At the same time, the number of resettlement places available to the world's refugees has not kept pace with the demand. In 2014, around 100,000 refugees benefited from this solution, around 70 per cent of them being admitted to a single country, the USA.

UNHCR has calculated that around 1 million refugees, including around 400,000 Syrians, are now in need of resettlement given their lack of other options (UNHCR 2015b). But efforts to persuade the world's more prosperous states to increase their resettlement quotas have generally met with meagre results, largely because those same countries are confronted with the arrival of significant numbers of asylum seekers and irregular migrants. In current circumstances, the appetite for increased refugee arrivals simply does not exist, even if those people were to arrive in an organised and legal manner (Siegfried 2015).

4 Refugee responses

On World Refugee Day 2013, UNHCR lamented that so many people had no immediate prospect of finding a lasting solution to their plight. Millions of refugees around the world were languishing in camps and dependent on international aid for their survival.

It was a misleading statement in two respects. On one hand, less than 50 per cent of the world's refugees are now accommodated in camps, and that proportion is in steady decline. On the other hand, there is considerable evidence to suggest that many refugees are not 'dependent' or 'languishing', but are taking active steps to find solutions for themselves, often employing a number of interrelated strategies that are designed to maximise the opportunities available to them and to minimise or spread the risks that they encounter. The following sections provide a brief examination of those strategies.

4.1 Moving to urban areas

Refugee-hosting states and humanitarian organisations have had a long-standing preference for the establishment of refugee camps, derived from the notion that they facilitate delivery and distribution of assistance, are conducive to maintaining local security and, by making refugee situations highly visible, help mobilise donor state funds. Based on these assumptions, refugees have often been confined to camps and had serious restrictions placed on their ability to take up residence in urban areas, despite cities and towns providing refugees with better livelihood opportunities and a more familiar way of life.

In recent years, refugees have increasingly ignored such restrictions and have voted with their feet, either moving from camps to cities or taking up residence in urban areas immediately on arrival in their country of asylum. The Kenyan capital Nairobi, for example, has an estimated refugee population of around 75,000, despite the fact that the government formally maintains a policy of 'strict encampment' and has made periodic efforts to forcibly relocate the urban refugee population to camps in remote rural areas of the country. In neighbouring Uganda, an easing of official restrictions on refugee mobility has prompted at least 50,000 refugees to take up residence in the capital Kampala.

Belatedly recognising that many refugees refuse to be confined to camps and are determined to find new opportunities elsewhere, UNHCR has adopted policies that assert the right of refugees to take up residence and establish livelihoods in a location of their choice, irrespective of government policy (Crisp 2015).

4.2 Onward and irregular movement

For many refugees, moving to an urban area is just the first step in an onward journey that takes them to more distant countries and continents that appear to offer them greater security and better opportunities in life. The movement of Eritrean refugees through Sudan, Egypt and Libya to Israel and Italy provides one long-standing example, as does the more recent and much larger movement of Syrian refugees from Turkey to Greece, the Balkans, Germany and other parts of northern Europe. A third example can be found in the route taken by Central Americans escaping from gang- and narcotics-related violence, many of them children, who are obliged to endure an arduous passage through Mexico in their efforts to reach the USA.

Needless to say, the visa restrictions and border controls the world's more prosperous states have established almost invariably require such journeys to be undertaken in an irregular and clandestine manner, with the assistance of people traffickers, document forgers, corrupt officials and other members of the burgeoning 'migration industry'. As witnessed in Egypt's Sinai desert and the Mediterranean Sea, the high cost of such journeys provides no protection against harassment, exploitation and death to those refugees who strive to find their own solutions in this way.

4.3 Transnational lifestyles and livelihoods

For many years, the international refugee protection regime worked on the assumption that an individual refugee or refugee household could live in only one place at a time, whether that was their 'country of origin', 'country of asylum' or 'resettlement country'. At the same time, these three durable solutions were regarded as mutually exclusive. Refugees had a simple and straightforward choice: to go back home, to be relocated to another country or to remain where they were.

The process of globalisation, which has been responsible for a significant expansion in the scope, scale and complexity of human mobility, has seriously undermined such assumptions. Far from living in and belonging to only one place, refugees can now find solutions for themselves by establishing transnational lifestyles.

Many Afghans, for example, move on a periodic basis between their own country and Pakistan, depending on the economic opportunities and security situation in those locations at any given time. They might also move to work in Iran or the Gulf states, where they can earn the money required to support family members in other locations or to finance their onward journey to other parts of the world.³ In this respect, the distinction made between 'refugees' on one hand and 'labour migrants' on the other no longer appears to be as clear-cut as UNHCR and other members of the international refugee protection regime have often assumed (Long 2009).

Somali refugees are also particularly well connected across international borders, with a sophisticated ability to establish livelihoods and lifestyles based on the circulation of goods, capital, information and people between the many sites where their compatriots and clanfolk are to be found: Mogadishu in Somalia, Nairobi and the Dadaab refugee camps in Kenya, as well as Uganda, South Africa, the UK and USA.

4.4 De facto integration

Only a small minority of refugees in the developing world can benefit from local integration in its full and legal sense. Rather than being able to look forward to the day when they become naturalised citizens of their asylum country, the majority are confronted with the prospect of long-term restrictions on their access to residence and voting rights, the labour market and business permits, and public services such as education and healthcare.

Despite these formal restrictions, refugees often attain a high degree of *de facto* integration in their asylum country by finding a niche in the local economy, establishing close social relations (through marriage, for example) with members of the host community and by enjoying the sponsorship and protection of local elites with whom they share an ethnic, tribal, sectarian or political affinity. Such is the situation of some Angolan refugees in Zambia, for example, and Iraqi refugees in Jordan (Bakewell 2011; Crisp *et al.* 2009).

In situations where refugees are able to acquire national identity documents (whether on the basis of a financial transaction or in return for services such as electoral support) the line between *de jure* and *de facto* integration becomes more blurred. In Gedaref state in eastern Sudan, for example, around 60 per cent of Eritrean refugees living in the area are thought to hold Sudanese documents, a situation that helps them to avoid the restrictions on land ownership and labour that would otherwise be imposed on them. Large numbers of Afghan refugees in Pakistan are also known to have acquired local identity documents (genuine and forged), thereby facilitating their efforts to pursue transnational lifestyles and livelihoods (Ambroso, Crisp and Albert 2011; Baloch 2015).

4.5 Competing for resettlement places

A final way that refugees in developing countries strive to find solutions for themselves is to compete for the relatively small number of resettlement places that are made available by countries in other parts of the world. The advantages of resettlement need little elaboration. Resettlement allows refugees to move in a safe, legal and relatively inexpensive manner. It enables refugee families to stay together, comes with the promise of integration assistance in the country of destination and often allows refugees to take up residence in locations where there is already a supportive diaspora community.

At the same time, the resettlement selection process is surrounded with uncertainty and even mythology, leaving refugees uncertain about how they can maximise their chances of gaining access to this durable solution. For some, it means demonstrating – and even exacerbating – their protection needs or their economic, physical and psychological vulnerabilities. For others, it entails learning a language, a vocabulary and a set of skills that they feel will be attractive to UNHCR and government officials engaged in the selection process. The quest for resettlement can prompt refugees to falsify their personal identity as well as their ethnic or sectarian affiliation. In the most disturbing cases, it can tempt refugees into corrupt, exploitative or aggressive behaviour, and can even become a psychological fixation.⁴

5 Durable solutions or fragile outcomes?

A large proportion of the world's refugees are currently denied access to the durable solutions of voluntary repatriation, resettlement and local integration. Rather than acquiescing to a life in indefinite limbo, many are doing what they can to improve their circumstances in life, whether by moving to an urban area or another country, establishing transnational lifestyles and livelihoods, quietly integrating into the country and society where they have found asylum or competing for resettlement to another part of the world.

Humanitarian organisations and the media have not given such strategies sufficient recognition. On too many occasions have they preferred to portray exiled populations as dependent and passive recipients of international assistance, rather than as purposeful actors who can exercise a high level of agency.

That image has been modified somewhat by the way that Syrian and other refugees have sought to assert control of their own destiny, challenging the many obstacles placed in their way as they try to move from the Aegean and Mediterranean Seas to the European Union (EU). But at national government and EU levels, this assertion of refugee autonomy has been portrayed as a threat, to be countered with ever more draconian measures, including forced expulsions.

While the strategies that refugees employ to improve their prospects in life should be acknowledged, supported and even celebrated, their limitations must also be recognised. The solutions that refugees attain by means of these strategies are not necessarily durable or permanent, but can be fragile and reversible. Rather than being embedded in a solid legal framework, they are often contingent on the goodwill, neglect or corrupt nature of other actors. And in many cases, they do not lead to an outcome in which the refugees have a firm and legal bond with a state whose protection they can rely on.

The refugee strategies described in this article can also have a number of unintended and adverse consequences. They can lead to the long-term separation of family members; they can oblige people to embark on hard and dangerous – often deadly – journeys and to live in the shadows of illegality; and they can evoke negative responses from host states and societies, and challenge the integrity of the resettlement process. They are most successfully pursued by those refugees who have the capacity to thrive in challenging circumstances.

UNHCR and other members of the international refugee protection regime consequently have a responsibility to reinvigorate the search for durable solutions in ways that are creative and – unlike some of the repatriation movements that took place in the 1990s – fully consistent with international refugee and human rights law.

More effort should be made to ensure that refugees can move from one country to another by regular means, through the provision of appropriate travel documents and their incorporation into labour migration programmes. The number of privately sponsored resettlement places should be expanded, an objective that will require greater engagement with civil society and diaspora communities in destination countries. Governments that have tolerated the *de facto* integration of refugees should be encouraged to provide refugees with legally secure residence and employment rights. And further thought should be given to the establishment of ‘orderly departure’ and ‘humanitarian visa’ arrangements that enable people who are at risk in their own country to find protection elsewhere without the danger and trauma entailed in first becoming a refugee.

Notes

¹ The opinions expressed here represent the views of the authors and participants in the Witness Seminars, and not necessarily those of the IDS, the UNA or BAFUNCS.

² In 2014, fewer than 130,000 refugees were repatriated, the lowest figure for 30 years (UNHCR 2015a).

³ The fluid nature of Afghan identity, residence and legal status is neatly summarised in Kronenfeld (2008).

⁴ The situation of Somali refugees in Kenya provides a useful illustration; see Jansen (2008) and Horst (2006).

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B.2.5 The UN and Humanitarian Action: What Have We Learned?

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Abstract

In his concluding remarks on WS2, the moderator, Adam Roberts, summed up the lessons learned from the seminar. The article starts with a summary of the UN's operational framework for humanitarian affairs within the broader context of the incidence and impact of international and non-international conflicts. Reflecting on the nature of future humanitarian crises and the challenges of protecting civilians in danger, the article highlights the new human rights frameworks of the Responsibility to Protect (R2P) and Human Rights up Front (HRuF) initiatives, which were established to address failures the UN has experienced in conflicts. The article concludes with six key recommendations for consideration by the World Humanitarian Summit in May 2016.

Keywords: Humanitarian crises and response, protection of civilians, human rights, WHS, R2P.

1 Introduction

These summary remarks touch on issues that needed to be faced at the World Humanitarian Summit (WHS) in May 2016. They were intended to summarise in the briefest possible form some conclusions relevant to what the UN Secretary-General's report for that summit might ultimately contain.²

I focus more on humanitarian action against man-made disasters of war and repression, as distinct from the extensive and important work regarding natural disasters such as droughts, tsunamis, floods and earthquakes. One of the documents preparing the way for the summit – the UN synthesis report, *Restoring Humanity*, released on 5 October 2015 – rightly emphasised the connections between war and humanitarian action, and also between humanitarian action and development:

At the end of 2013, the ten largest consolidated humanitarian appeals involved armed conflict, with most of these crises under way for over five years. In contexts such as Somalia, eastern Democratic Republic of Congo or Afghanistan, it is difficult to distinguish between humanitarian issues and development or peace-building challenges, making collaboration between sectors a necessity (WHS Secretariat 2015: 55).

2 The UN framework

It is useful to remind ourselves of the framework within which UN bodies have been involved in humanitarian action. Although the UN Charter mentions 'human rights' seven times, the word 'humanitarian' is mentioned only once, in Article 1(3), which includes in the UN's list of purposes:

To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion.
(UN 1945)

There was no specific provision for humanitarian action during or in the aftermath of armed conflicts. That would have been difficult to include in the foundational document of an organisation whose aim was to prevent war altogether. Yet the commitment to humanitarian action began early. Even before the UN itself was created, the wartime alliance called ‘the United Nations’ created the United Nations Relief and Rehabilitation Administration. Within a few years of the creation of the UN in 1945 involvement in humanitarian action increased. The Relief and Works Agency in the Near East (UNRWA) was established in 1949 and the UN High Commissioner for Refugees (UNHCR) in 1950–51.

3 The incidence and impact of international and non-international conflicts

The fact remains that the UN was founded with one over-arching purpose in mind: to address the problem of *international war*. In this there has been some success. The past 70 years have indeed seen a significant reduction in the number of international wars, and in the numbers killed in them.³ One can, according to one’s interests and ideological predilections, attribute this reduction to a wide range of causes going well beyond the UN System: the existence of nuclear weapons, the harsh lessons learned from two world wars, the operation of military alliances, the growth of democracy, the progress of economic development – the list goes on. And one can be sceptical about whether the trend will continue. But the UN era has been characterised by a reduction of wars between states – and this is a cause for celebration.

This reduction in international wars does not mean that all war is on the retreat: on the contrary, the decline in international wars has been accompanied by a rise in *non-international armed conflicts*. As we see daily in Syria and Yemen, some of these have dragged or attracted outside forces into their ambit, hence the oxymoronic term *internationalised non-international armed conflicts*. Non-international armed conflicts of all types are notoriously difficult for an international organisation to address; witness the incapacity of the League of Nations to tackle the Spanish Civil War in the 1930s, and the no less obvious difficulties the UN has experienced in countless cases, including in the wars in the former Yugoslavia in the 1990s and in Sudan, right up to the present.

With some significant exceptions, it has been primarily non-international armed conflicts – whether internationalised or not – that have contributed most to the development of so-called humanitarian crises. Although international wars and natural disasters have also produced a series of humanitarian crises, civil wars and post-conflict situations have been at the centre of many of the most difficult and controversial humanitarian operations. The UN has essentially been expected to address problems it was not created to tackle.

4 Reflections on the nature of future humanitarian crises

In the future, the nature of the humanitarian crises the UN faces will certainly evolve, not least in view of the effects of climate change and increased incidence of extreme weather events. However, some problems show fewer signs of changing. Throughout its 70-year history the UN has continuously addressed some very familiar types of problems, especially those arising from the break-up of empires – whether the European colonies in Asia and Africa, or the socialist federations of the USSR and Yugoslavia. Establishing new states, with legitimate borders, effective systems of government and peaceful relations between different ethnic and religious groups, is an inherently difficult task and provides the background to almost all major UN humanitarian and peacekeeping involvement. Preoccupation with these types of issue is likely to continue.

I am therefore sceptical about arguments that we now face a completely new paradigm or a dramatically new era. A problem with such approaches is that ways of thinking about the

world do not change in unison; and even if we believe we are in a new age, many people in many countries have different and more historically grounded views.

WS2 confirmed the obvious and sobering critique of humanitarian action: that it is often a central part of the UN's response to a crisis precisely because the main UN bodies, especially the Security Council, could not agree on a substantive and decisive course of action. This point, valid as it is, does not negate the value of humanitarian action. Such action has saved huge numbers of lives. In the last decades of the twentieth century, significant achievements – never free from controversy – included providing support for huge numbers of refugees from Vietnam and Afghanistan from the 1970s to the 1990s before ultimately assisting some of them to return home and others to resettle; and bringing food and medical supplies to Sarajevo in Bosnia and Herzegovina during the siege from 1992 to 1995. In the twenty-first century, they have included emergency relief following the 2004 Asian tsunami and 2010 Pakistan floods; and supporting the large and growing number of displaced persons in East and Central Africa.⁴

Unsurprisingly, the UN's increasing involvement in humanitarian activities has resulted in much trial, error and adaptation. One perennially difficult issue has been maintaining an impartial stance in ongoing conflicts. Respect for impartiality is often critical for the effective operation and very survival of international humanitarian workers; yet it is hard to achieve even at the best of times, and particularly hard to achieve in those cases where the UN has several types of involvement in a conflict. Peacekeeping forces, coercive sanctions, enforcement measures and humanitarian missions do not mix easily with each other.

5 Protection of civilians in danger

Humanitarian involvements during armed conflicts or situations of extreme repression raise particularly difficult issues. The failures of UN peacekeeping forces to prevent mass slaughter, and the limited effect of humanitarian programmes, were evident in Rwanda in 1994 and at Srebrenica in Bosnia and Herzegovina in 1995.⁵ It was natural that out of these and other crises a new emphasis emerged on protecting civilian populations. This raises a fundamental question about whether, in situations of danger, humanitarian assistance should be understood to encompass the military protection of endangered communities; and whether the UN in all its varied activities should place greater emphasis not just on the provision of food, shelter, education and medical services, but also on defending human rights, providing security and addressing the fundamental issues at stake in the crisis.

'We don't need food. We need safety.' A refugee child carried a placard with this simple message in Safwan, in the demilitarised zone in southern Iraq, just after the end of hostilities in the 1991 Gulf War.⁶ The message remains a challenge in many of the situations where international bodies provide humanitarian assistance today. On the other hand, just as there are obvious dangers in humanitarian work being associated with plans to address the fundamental issues of the conflict, so there are also dangers in humanitarian assistance being associated with military action.

The UN Security Council has devoted considerable attention to the protection of civilians in armed conflict. It has received a series of reports from the Secretary-General on the subject.⁷ It has also passed thematic resolutions on it, starting in 1999.⁸ This process has had significant effects, and contributed to the increasing emphasis on the protection of civilians in the mandates for peacekeeping forces. The Security Council's attention to civilians has led to follow-up debates and resolutions on women and children in armed conflict. Attention on the dangers journalists face has also increased.⁹ However, in some respects the process has been superficial. In particular, there has been a tendency towards abstract generality rather than actual experience, and reiterating old proposals (for arms embargoes and demilitarised zones) without discussion of the conspicuous failures of exactly these proposals in several conflicts in the 1990s and the present century.¹⁰

5.1 Responsibility to Protect

Apart from this extensive Security Council activity, there have been two major attempts in a UN framework to develop a doctrine to address the key issue of what to do about protection of civilians in ongoing situations of danger. Both emerged in response to terrible failures of the UN to prevent the slaughter of civilians towards whom the UN had obligations. The first is Responsibility to Protect (R2P), enunciated in the 2001 report of the International Commission on Intervention and State Sovereignty (IDRC 2001). It placed major emphasis on the responsibility of governments to protect their own citizens, but did not exclude as a last resort interventions backed by the Security Council to prevent mass slaughter. It went on to recognise that taking military action 'might make it impossible for humanitarian workers to remain' (IDRC 2001: 61). The broad principle of R2P was subsequently incorporated into the 2005 UN World Summit Outcome Document (UN 2005).¹¹

5.2 Human Rights Up Front

The second attempt is Human Rights up Front (HRuF). This is a response to a highly critical report issued in November 2012 on UN humanitarian operations in Sri Lanka in the last months of the war there that ended in May 2009 (UN 2012). Prepared by a panel headed by Charles Petrie, the report concluded that UN action (or inaction) in the final stages of armed conflict in Sri Lanka was a 'systemic failure' (UN 2012). In response, in July 2013 UN Secretary-General Ban Ki-moon and senior colleagues approved a plan initially labelled 'Rights Up Front' (Ban Ki-moon 2013).¹² As Ban Ki-moon subsequently emphasised in a letter to all UN staff and at a staff meeting at UN Headquarters, he now wanted the UN to have 'a transformational impact in preventing and ending gross violations of human rights and humanitarian law' (UN 2013).¹³ In 2014 the initiative was re-labelled 'Human Rights up Front' (HRuF).¹⁴

John Holmes, who was the UN's Emergency Relief Coordinator at the time, has criticised the Petrie report and the resulting doctrine of HRuF.¹⁵ In his remarks at WS2, he indicated that the doctrine risks suggesting that humanitarian work is the same as human rights activism. However, the main problem confronting the HRuF initiative is that it has been discussed much less than R2P: the risk it faces is oblivion rather than denunciation.

HRuF was not intended to be quite as ambitious as R2P. But one of the features they have in common is that, while starting from a humanitarian problem, they propose solutions that go beyond 'humanitarian action' as it is conventionally understood.

Both of these attempts to promulgate general doctrines have run into severe difficulties. For both, the civil war in Syria since 2011 is a case from hell: a huge humanitarian crisis; deep disagreement between the permanent members of the Security Council on how to tackle it; the post-Iraq lack of willingness of the US and allies to put boots on the ground; and a vast refugee crisis that has left governments, UN agencies and the European Union unable to do much more than react to some of the symptoms of a deep tragedy. Moreover, the way that Russia has used arguments of an R2P type to justify its military actions in Georgia in 2008 and Ukraine in 2014 illustrates the potential dangers inherent in doctrines that place human and humanitarian concerns above the rights of sovereign states.

It is noteworthy that neither of these doctrines was mentioned in the 2015 synthesis report for the WHS, despite that report's frequent emphasis on the importance of protection (WHS Secretariat 2015: 103–5). Nor were they mentioned in another substantial report geared to the WHS, which was also issued in 2015 (Global Humanitarian Assistance Programme 2015).

The lack of mention of these two doctrines can be defended. As hinted above, both doctrines are problematic. They also pose special problems for humanitarian assistance. Those involved in humanitarian action are aware that different kinds of action, including military,

may have massive and sometimes positive effects on populations, but do not wish to allow them to be described as humanitarian. Most humanitarians would struggle with the idea of humanitarian intervention, because they do not believe the motives are usually humanitarian, and it is obviously difficult to calculate how many people from one group it is legitimate to kill to save another group of people. They perceive a need to stop politicians claiming humanitarian motives when they are too often nothing of the sort. All this may of course apply rather more to R2P than HRuF. Nonetheless, the absence of mention of these issues is one of several cases indicating that there may be a risk of the WHS not confronting directly some of the key doctrines, and difficulties, of humanitarian action in conflict situations.

It was suggested at WS2 that humanitarian action faces a serious crisis; and in particular that today's conflicts challenge the very foundations on which our assumptions and guidelines for humanitarian action are based. It is certainly true that if one party to a conflict puts a premium on killing neutral people, or if a government refuses to have any dealings with an organisation that has worked in a rebel-held part of its state territory, the possibilities of impartial humanitarian action are drastically reduced. I share this concern, but such hard cases do not necessarily invalidate humanitarian action more generally, nor the principles on which it is based. The question is, what can be done about this and many other problems that confront those engaged in humanitarian action today?

6 Six conclusions for the World Humanitarian Summit

The WHS met in Istanbul in May 2016. Its goal was to bring the global community together to commit to new ways of working together to save lives and reduce hardship around the globe.¹⁶ Our discussions benefited from the presence of several colleagues who took part in preparatory work in the form of the WHS Global Consultation.

Many conclusions could be drawn from our seminar, some of them similar to those in the documents prepared for the WHS and some of them different. What follows is a personal selection of just six matters that need to be emphasised – and in some cases emphasised more than they have been so far in the WHS preparatory work.

6.1 The need for consent and cooperation by governments. Humanitarian action, in almost all situations, involves consent and cooperation by governments. For humanitarian organisations, establishing working relations with governments is a difficult and hazardous enterprise. Humanitarian action by foreigners – whether non-governmental organisations (NGOs), international organisations or armed forces – can only too easily be seen by states as a threat, not least because it challenges their basic competence, and calls into question any claims they may make that they are the protectors of their own citizens' interests. There are of course many problems in underlining that states should be treated with respect, especially in those cases where a state is engaged in massive assaults on civilians or is preventing particular humanitarian operations. To say that respect has to be a default position can never mean that all criticism of a government's policies and actions is avoided. Nonetheless, as a default position respect may be better than a 'holier than thou' attitude.

6.2 The need for respect for local culture, economy and languages. Humanitarian workers need to show respect not just for states but also for the local culture, economy and languages. This conclusion, as with the first one, reflects a view that the *local* legitimacy of any kind of operation (peacekeeping, humanitarian or a mix of the two) is at least as important as its legitimacy from on high – for example, from the UN, a regional international organisation or an international humanitarian body, such as the International Committee of the Red Cross. This conclusion is one of many to have emerged from Martin Barber's book reflecting on his long career in UN humanitarian operations (Barber 2015: 207, 209–10, 217–8). Much the same conclusion has been reached about various peacekeeping operations.¹⁷ In humanitarian as in other kinds of international operations, an ability to speak local languages can be of vital importance, contributing to the whole operation's legitimacy.

WS2 participants emphasised the language issue. The *Restoring Humanity* document for the WHS makes several welcome references to the importance of understanding local languages (WHS Secretariat 2015: 19, 95, 110). However, these are not reflected in the document's conclusions, nor in some of the other documents for the WHS.

6.3 Protection of civilians. There is a need to recognise explicitly that protecting civilians is a multi-faceted, inherently difficult and often controversial task. Several WS2 participants indicated this. The word *protection*, often used imprecisely, actually has some very different meanings. So far as humanitarian action is concerned, there are three main ones. Firstly, it can refer to a legal status, as in the provisions regarding 'protected persons' that form the heart of the 1949 Geneva Conventions, and the equivalent provisions for the 'protection of refugees' in the 1951 Convention on refugees and its 1967 Protocol. Secondly, it can refer to a large range of non-violent measures aimed at reducing the likelihood of attacks on particular groups of people. Thirdly, protection can also involve something very different: physical security, including the use or threat of armed force to prevent and oppose attacks. It is vital that UN agencies should be clear about which of these three meanings they are referring to when they use the word 'protection'.

In UN documents, protection issues are sometimes discussed in vague and general terms. A draft UN Concept Note for the WHS has this:

Equitably offering assistance and protection to all people affected by conflict, in particular in zones of active combat, remains a critical challenge. Work under this theme will include identifying more effective strategies and methods of providing assistance to people affected by conflict and other forms of violence across lines of combat or hostility.

(UN Office for the Coordination of Humanitarian Affairs 2013: 3)

A particular difficulty for policies of physical protection is that they tend to involve some degree of reliance on outside powers and alliances, and also on local forces – even on a party to a conflict. The report of the panel on UN Peace Operations chaired by José Ramos-Horta, issued in 2015, addresses protection of civilians and makes some important proposals, but disappointingly restricts its discussion to actions by UN peace operations themselves (UN 2015b).¹⁸ Even then, it does not cite certain effective cases of protection, including the UN rapid reaction force outside Sarajevo in summer 1995, which helped to end the three-year siege of the city. Some of the complexity of the task is missed. In this, as in some other matters, the UN needs to avoid two familiar risks. Firstly, creating inflated expectations, which lead to disappointment; and secondly, using vague forms of wording on issues that require clear discussion.

6.4 Coordination of humanitarian activities. The perennial call for better coordination of humanitarian activities needs a response that takes into account a huge range of experience – including experience of how things should not be done. The call for more coordination arises for good reasons. The main need for coordination is between the different bits of the humanitarian system (or non-system) – not least between the UN, NGOs and the Red Cross – because it is such a fragmented world. In addition, humanitarian operations almost always necessitate close cooperation with many other organisations with different functions: government ministries, development agencies, regional organisations, diplomatic missions, local NGOs and more. The urgent need for more coordination was the main reason for the creation of the Department of Humanitarian Affairs (DHA), and then the Office for the Coordination of Humanitarian Affairs, in the 1990s.¹⁹ Preparatory consultations for the WHS rightly drew attention to 'the relative absence of local and national actors in coordination and decision-making platforms and their lack of access to humanitarian funding' (WHS 2015: 1, 13). Whether or not there is improved machinery of coordination at the top, a huge amount depends on practical collaboration and personal chemistry between the parties involved, even if that means breaking with their usual ways of operating.

6.5 Improved management of whistle-blowing. Whistle-blowing needs to be managed much better than it has been. Things sometimes go dreadfully wrong in humanitarian operations and it is best to be frank about this. It is important that personnel at all levels should have confidence in any procedure for hearing and dealing with concerns. A particular problem within the UN System is the perception that staff members are reluctant to report failures, abuses or corruption because they fear their report may be ignored or even that they will lose their jobs; and the Ethics Office, established in 2006, would appear to have a long way to go to build confidence in its procedures and advice (see, for example, Hamilton-Martin 2015: 24). The documents for the WHS make extensive and welcome reference to the importance of accountability, transparency, performance monitoring and so on. However, they do not explicitly mention whistle-blowing and its problems: they should do so.

6.6 Financing of humanitarian action. The financing of humanitarian action is too precarious, making long-term planning and consistent delivery of programmes extremely difficult. This is far from being a new problem, and was mentioned in WS2 as having hampered many humanitarian projects of the twentieth century. In this century it has recurred repeatedly in unusually acute form because of a rise in humanitarian needs. In 2014, although overall international humanitarian assistance reached a record high, there was the biggest shortfall in UN-led appeals (US\$7.2bn, which is 40 per cent of the total US\$18bn requested). Things got even worse in 2015, with UN humanitarian agencies experiencing huge shortfalls in their funding for emergencies in Syria, South Sudan and Yemen, necessitating abrupt cutbacks in vital services such as education. The WHS synthesis report rightly says that ‘simply asking for more money will not solve the problem’, and offers a useful summary of the problem and an indication of possible additional sources of financing (WHS Secretariat 2015: 124–36). The WHS must become a focus for new approaches to addressing the age-old problem of funding humanitarian relief.

One possible approach to this funding problem – not free of difficulty, but worth at least discussing – would be for states and international bodies to be even more flexible than they have been about the use of development aid funds for emergency humanitarian relief – including in countries not classified as ‘developing’. The UK record in respect of the bilateral part of its official development assistance budget illustrates the issues and the possibilities. In 2013, of the £6,745m disbursed by the UK as bilateral development assistance, humanitarian aid increased to £826m, a 94 per cent rise from the 2012 figure of £425m. This increase brought humanitarian relief into the top five sectors receiving bilateral aid from the UK, but it still represented only 12.3 per cent of UK official bilateral development assistance.²⁰ There is a strong case for increasing that proportion further – a conclusion that may apply to other major donor countries as much as it does to the UK. This of course involves a complex consideration of the relative merits of emergency assistance and longer-term development assistance.

Notes

¹ The opinions expressed here represent the views of the author and participants in the Witness Seminars, and not necessarily those of the IDS, the UNA or BAFUNCS.

² On 2 February 2016, more than two months after this article was completed and a copy was submitted to the Department of Humanitarian Affairs at UN HQ in New York, the Secretary-General’s report for the WHS, *One Humanity: Shared Responsibility*, was published as a UN General Assembly document. It addressed some of the points raised in this article but did not fully cover certain issues, notably the importance of language competence (conclusion 6.2 below), the meaning of the term ‘protection’ (6.3), and whistle-blowing (6.5).

³ Table from Uppsala Conflict Data Program, www.pcr.uu.se/research/ucdp/charts_and_graphs.

⁴ For extensive statistics on East Africa, see the Global Humanitarian Assistance Programme (2015), especially pp. 4–7.

⁵ The Srebrenica massacre of July 1995 led to a remarkably thorough and frank analysis, *Report of the Secretary-General Pursuant to General Assembly Resolution 53/35: The Fall of Srebrenica, A/54/549*, 15 November 1999.

⁶ Photograph in *The Times*, London, 18 April 1991, p. 3.

⁷ For example, the Secretary-General’s 11th report on the protection of civilians in armed conflict, UN (2015a).

⁸ UN SCR 1265, 17 September 1999, on the protection of civilians in armed conflict.

⁹ See the references to journalists in UN SCR 1738, 23 December 2006, on the protection of civilians in armed conflict.

¹⁰ For a short critique of UN Security Council resolutions and of the Secretary-General's 1999 report on protection of civilians in armed conflict, see Roberts (2011: 371–3).

¹¹ Paras. 138 and 139.

¹² A team led by Jan Eliasson, an experienced and respected diplomat who was UN Deputy Secretary-General from July 2012, did much of the work leading to this Action Plan.

¹³ See also his speech on the same topic, UN Headquarters, New York, 22 November 2013, at www.un.org/apps/news/infocus/sgspeeches/statments_full.asp?statID=2068#.VjuenITxoYK.

¹⁴ *Human Rights up Front*, on the Secretary-General pages of the UN website, www.un.org/sg/rightsupfront/doc/RuFAP-summary-General-Assembly.shtml.

¹⁵ For his overall perspective on the end of the war in Sri Lanka in 2009 see Holmes (2013), especially pp. 89 and 127.

¹⁶ Summarised from the WHS website, www.worldhumanitariansummit.org.

¹⁷ Whalan (2013: 6–9, 156–65). Her definition of 'peace operations' on pp. 4 and 21 indicates that they address 'complex security, political, and development crises'. Although the definition does not encompass humanitarian operations, her argument about the importance of local legitimacy has obvious relevance to them.

¹⁸ pp. 11, 22, 25, 36–41, etc. On the panel, the most serious divisions were on the difficult issue of the use of force; this helps to explain the report's cautious approach and language on this issue.

¹⁹ The DHA was established following UN General Assembly resolution 46/182, 19 December 1991.

²⁰ DFID (2014: 37–8). The figures for 2013 quoted cover only bilateral aid. The total UK official development assistance budget, bilateral and multilateral, was £11,462m. The proportion of UK multilateral funding that went to organisations concerned with emergency relief is more difficult to determine from this series of statistics, but may also have increased.

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