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The Humanitarian Policy Group at the Overseas Development Institute is Europe's leading team of independent policy researchers dedicated to improving humanitarian policy and practice in response to conflict, instability and disasters.

Report

The New Humanitarianisms: A Review of Trends in Global Humanitarian Action

Edited by Joanna Macrae

HPG Report 11
April 2002

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Acronyms

| | |
|---------|--|
| ACABQ | Advisory Committee on Administrative and Budgetary Questions |
| ACF | Action Contre la Faim |
| ACP | African Caribbean and Pacific |
| BHR | Bureau for Humanitarian Response |
| CAP | Consolidated Appeals Process |
| CERF | Central Emergency Revolving Fund |
| CFSP | Common Foreign and Security Policy |
| CIA | Central Intelligence Agency |
| CIVCOM | Civilian Crisis Management Committee |
| COREPER | Committee of Permanent Representatives |
| CRS | Catholic Relief Services |
| DAC | Development Assistance Committee |
| DARTs | Disaster Assistance Response Teams |
| DERA | Defence Evaluation and Research Agency |
| DFID | Department for International Development |
| DG | Directorate General |
| DHA | Department of Humanitarian Affairs |
| DPA | Department of Political Affairs |
| DPKO | Department of Peacekeeping Operations |
| DRC | Democratic Republic of Congo |
| EC | European Community |
| ECHO | European Community Humanitarian Office |
| ECOSOC | Economic and Social Council |
| ECU | European Currency Unit |
| EDF | European Development Fund |
| EEC | European Economic Community |
| EISAS | information and analysis secretariat |
| ERC | UN Emergency Relief Coordinator |
| ERMA | Emergency Refugee and Migration Assistance |
| ESDI | European Security and Defence Identity |
| EU | European Union |
| EUMC | European Union Military Committee |
| EUMS | EU Military Staff |
| FAO | Food and Agriculture Organisation |
| FPA | Framework Partnership Agreement |
| GNI | gross national income |
| GNP | gross national product |
| HAC | Humanitarian Aid Committee |
| HC | Humanitarian Coordinator |
| IASC | Inter-Agency Standing Committee |
| ICA | International Cooperation Administration |
| ICC | International Criminal Court |
| ICRC | International Committee of the Red Cross |
| ICG | International Crisis Group |
| IDA | International Disaster Account |
| IDP | internally-displaced person |
| IFRC | International Federation of the Red Cross and Red Crescent Societies |
| IHL | international humanitarian law |
| IQC | Indefinite Quantities Contract |
| IRC | International Rescue Committee |
| MDM | Médecins du Monde |

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| MSF | Médecins Sans Frontières |
| OAU | Organisation of African Unity |
| OCHA | Office for the Coordination of Humanitarian Affairs |
| ODA | official development assistance |
| OECD | Organisation for Economic Cooperation and Development |
| OFDA | Office for Disaster Assistance |
| OSCE | Organisation for Security and Cooperation in Europe |
| OTI | Office for Transition Initiatives |
| PDD | Presidential Decision Directive |
| PPEWU | Policy Planning and Early Warning Unit |
| PRM | Bureau for Population, Refugees and Migration |
| PSC | Political and Security Committee |
| REDSO/ESA | Regional Economic Development Services Office for Eastern and Southern Africa |
| RRF | Rapid Reaction Force |
| RRM | Rapid Reaction Mechanism |
| SRSR | Special Representative of the Secretary-General |
| TEU | Treaty of the European Union |
| THW | Technisches Hilfswerk |
| UNDRO | UN Disaster Relief Coordinator |
| UNHCR | UN High Commissioner for Refugees |
| UNCHR | UN Commissioner for Human Rights |
| UNDAC | UN Disaster Assessment and Coordination |
| UNRWA | UN Relief and Works Agency |
| USAID | US Agency for International Development |
| USG | Under-Secretary-General |
| WEU | Western European Union |
| WFP | World Food Programme |
| WHO | World Health Organisation |

Preface

The international humanitarian system has experienced a massive rate of change over the past decade. There have been significant shifts in the understanding of humanitarian need and of the context in which humanitarian assistance is provided. At the same time, international expectations of the role of humanitarian action have evolved. No longer seen as simply a palliative for the worst excesses of man and for the impact of natural hazards, many see humanitarian action as part of a wider agenda of conflict management and development.

This report reviews and analyses the key trends influencing humanitarian action over the past decade. It comprises five chapters:

- Chapter 1, written by Joanna Macrae of the Humanitarian Policy Group (HPG), introduces and analyses the key elements of change shaping the international humanitarian system. The following four commissioned chapters analyse important areas in greater detail.
- Chapter 2, written by Judith Randel and Tony German of Development Initiatives, describes and assesses changes in the financing of humanitarian assistance.
- Chapter 3, by Nicola Reindorp, formerly of HPG, examines developments in the role and structure of UN humanitarian assistance.
- Chapter 4, by Abby Stoddard of the Center on International Cooperation at New York University, assesses trends in US humanitarian policy.
- Chapter 5, by Emery Brusset and Christine Tiberghien of Channel Research Limited, analyses developments in the European Union (EU)'s approach to humanitarian action.

The paper also draws on wider HPG research, as well as on a series of interviews with representatives of NGOs, donors, the UN and academia, conducted by Margaret Buchanan-Smith of HPG. A list of interviewees is given in the Annex to this report.

Chapter 1

Analysis and synthesis

Joanna Macrae, Humanitarian Policy Group, ODI

Presuming to identify trends in humanitarian action is a perilous business. The very meaning of humanitarianism has become elusive, as a new set of actors has claimed it as part of a new, more interventionist international order. As the definition of humanitarianism has been stretched, so identifying the actors on the humanitarian stage has become more difficult. The cast of characters has changed significantly in recent years, to include new, often unfamiliar faces.

This chapter analyses comparatively the findings of four commissioned papers that sought to describe key trends in the financing of humanitarian action, and in humanitarian policy in the UN, the US and the EU. It reviews the changing nature of contemporary crises and the factors shaping international responses to them. It argues that humanitarian action has been incorporated into a broader security agenda, and that humanitarian responses are becoming increasingly differentiated in terms of their shape and size according to the strategic significance of particular emergencies. The implications of this differentiated humanitarian action are then reviewed.

Humanitarianism and the new security agenda

A new political economy of war

Wars are not what they used to be (Kaldor, 1999). While the origins of these 'new wars' can be traced back to much older conflicts of colonisation, decolonisation and the Cold War, the seismic shifts in the global political economy since the mid-1980s have moulded a new generation of violence and misery. While the extent of warfare may not have changed significantly, the wars of the twenty-first century appear particularly threatening, not only for the countries involved, but also for international security more broadly. Paradoxically, while the close of the Cold War paved the way for the end of at least some conflicts, in others the disengagement of the superpowers provided for the emergence of an apparently more deadly and intractable political economy of war. Deprived of funds from international sources and unrestrained by internal and external means of regulating violence, these new wars have relied upon the steady extraction of natural resources and predation of civil assets. There are three major implications of this new political economy of warfare for those concerned with humanitarian action.

First, international political leverage over internal conflicts has diminished as international finance, particularly from

the US and the former Soviet Union, has declined. As it has become 'privatised', so violence has become more fragmented. The proliferation of small arms and the means to sustain armed groups through systematic predation of natural and personal assets have provided fertile ground for the fragmentation of armed groups, with weak command and control structures. This makes it extremely difficult to identify clearly the different forces controlling territory, to negotiate with them, and to ensure that agreements regarding humanitarian access and conflict resolution are adhered to.

Second, the basis of reciprocity between armed groups and civilians that characterised many of the wars of decolonisation and the ideological struggles of the 1960s and 1970s also seems to have diminished. While contemporary armed groups may be aggrieved as well as 'greedy', they appear less reliant on generating popular legitimacy to sustain themselves. There is a lack of political institutions to give voice to grievance and to provide the basis for alternative political agendas. Thus, the incentives have diminished for armed groups to respect the rules of war, and to protect civilians under their control (Leader, 2000). This has resulted in both extreme violence against civilians, and in more dangerous and precarious humanitarian access (*ibid.*).

Third, international responses to these conflicts have become less predictable. Defining a clear 'target' for intervention has become more difficult, and the strategic interest associated with these new forms of conflict has become less obvious. The rules governing international intervention in internal wars have become more opaque, and are being redefined. This variability in international political and military responses to conflict sets the framework for an increasingly differentiated humanitarian response, both in the institutional arrangements in place to provide protection and assistance, and in the volume of resources available.

Humanitarian action and the new security agenda

Throughout the 1990s, there was an emerging consensus that security is not just about bombs, bullets and elite politics, but also about development. A redefinition of security was required by the near-disappearance of conventional military threats to the major powers, and by an increasing awareness of the costs of the political economy of the new wars, both for affected countries and internationally.

The broadening of the security agenda to include new threats was most explicitly marked first by the UN, with the launch in 1992 of *Agenda for Peace* (Boutros-Ghali, 1992). This put forward the idea of human security, which included the social and economic determinants of violence within the security agenda. This broadening of the definition of security has been reflected in the changing scope of the work of the UN Security Council. By the late 1990s, the Security Council was including humanitarian issues on its agenda, alongside more long-term structural threats to international security, including the environment, water and HIV/AIDS.

Addressing the new wars: containment

Insecurity and poverty continue to result in people leaving their home countries to seek asylum and employment, particularly in the West. When these migrants reach the West, they can expect less support than in the past. There is now a greater emphasis on containing refugees within the borders of their own states (Hathaway, 1995). It is becoming harder for people to get out of, and stay out of, their home countries. Thus, international borders with Afghanistan were effectively sealed in 2001, preventing significant population outflows. In Macedonia in 1999, asylum for Kosovar refugees was negotiated with the Macedonian government on the condition that they would subsequently be transferred to other countries.

In part reflecting this trend towards keeping conflict-affected populations *in situ*, as well as drawing on lessons of past responses, humanitarian agencies have become more concerned with protection issues. The protection agenda is no longer seen as the monopoly of the UN High Commissioner for refugees (UNHCR) and the International Commission of the Red Cross (ICRC). A succession of papers have been produced by the UN in this area (see Reindorp, Chapter 3), and there have been important attempts to build common understanding around the meaning of protection – and strategies for achieving it – between those concerned with refugees and with internally-displaced people (IDPs), and between human rights and assistance actors. Many see this as a welcome, if belated, recognition of the central importance of protection to humanitarian work. However, one informant interviewed during the course of this study suggested a more cautious reading, seeing this interest as centred on how to achieve protection *within* conflict-affected countries, and a pragmatic acceptance of the difficulties facing populations in crossing international borders. In other words, increased preoccupation with protection issues *in* conflict zones might be seen as an effective accommodation by humanitarian actors to the containment of conflict, which exposes civilians to greater levels of violence.

This central issue – how to address massive threats to the human rights of whole population groups when the government is either unwilling or unable to do so – has

preoccupied the international community with renewed intensity in the past decade. At the root of these debates have been questions regarding the rationale for, and rules of, humanitarian intervention (see, for example, International Commission on Intervention and State Sovereignty, 2001). The 1990s saw a series of experiments that sought to establish new organisational structures to deliver on an emerging international political order. These in turn have required innovation in the relationship between humanitarian actors and their political and military counterparts.

Norms of behaviour and humanitarian intervention

In Chapter 4, Stoddard notes that, until 11 September, violent conflicts around the world were portrayed as humanitarian crises, rather than potential geostrategic threats to the US (and, by extension, the West generally). Quoting American academic Joseph Nye (1999), she argues that foreign policy came to be defined by many in the US in terms of promoting certain values, including human rights. The idea that the national interest is best served by promoting liberal values was echoed in Europe and Australasia (Macrae and Leader, 2000).

In the name of protecting these values, military interventions were launched to address the humanitarian consequences of wars in states such as Somalia, Bosnia and Haiti. Complex military, political and aid strategies were designed variously to mitigate the humanitarian effects of conflict and to stabilise violent states. These interventions were premised on a reappraisal of international responsibilities to protect the rights of individuals, rather than the interests of states. The unconditional respect of states' sovereignty that had been the cornerstone of international relations throughout the Cold War now became conditional upon states adhering to norms of international behaviour. This meant confronting non-conforming individuals, governments and armed groups, sometimes with force.

Throughout the 1990s and into the new millennium, the UN was to provide a focus for debate concerning the balance between the rights of states to non-interference and the rights of individuals to protection. UN Secretary-General Kofi Annan has been a strong advocate for interpreting the UN Charter as a document to protect people, not their governments (see Reindorp, Chapter 3). Throughout the 1990s, violations of humanitarian law routinely became the subject of international political censure and sanctions, and were used to justify the deployment of force.

Adam Roberts (2000) notes that, since 1989, governments and the Security Council have used three types of violation of international humanitarian law to justify military intervention in internal conflicts: harm to civilians;

problems in the delivery of humanitarian aid; and violence against humanitarian workers. By the end of the decade, moves were beginning to codify these principles in a series of Security Council resolutions.

As Reindorp notes in Chapter 3, Annan's promotion of a more conditional approach to sovereignty has been controversial. Within the General Assembly, and specifically in the Humanitarian Segment of the Economic and Social Council (ECOSOC), there has been a more sceptical interpretation of the Security Council's new-found concern with international law. States such as Egypt and India see Western interests lurking behind humanitarian claims, and argue that the introduction of conditional sovereignty marks the beginning of the end of international order. Commentators such as Roberts have noted that the absence of systematic criteria to catalyse intervention leaves the Security Council open to charges of 'selective intervention' – with the West intervening in Kosovo and Afghanistan, but not in Chechnya, for instance – again calling motives into question. Dissent regarding the moral basis of humanitarian intervention and the obligations this places on states is not confined to international relations; *within* governments and international organisations, disagreement and confusion persist about the ethics and the tactics of such interventions.

Throughout the closing months of 2001, the international alliance fighting in Afghanistan reminded the world of the convergence of two agendas. The first was self-defence: the need to rid the world in general, and the US in particular, of a known security threat, based in Afghanistan. The second was the need to address the conditions under which such a threat had developed: a state that operated outside internationally-accepted norms of behaviour, governing a people impoverished and exhausted by war.

The extent to which these two agendas are regarded as of equal weight, and their compatibility sustained, remains an open question. The events of 11 September have exposed the frailty of the consensus around the definition of security and how it might be achieved. As Reindorp notes in Chapter 3, this concept, and its counterpart peacebuilding, lacked substantive political content throughout much of the 1990s. While it was easy to rally support around calls for peace, security and development in distant lands, rarely articulated explicitly was neither the kind of peace that was being sought, nor the precise steps required to achieve it. Instead, there were a series of assumptions about the shape of desirable governments and the project-by-project steps that could be used to achieve this. The lack of sustained engagement in most peacebuilding environments, and the weak documentation of peacebuilding experiences, means that these models are assumed, rather than proven, to be effective.

European governments are likely to argue for the intensification of investment in 'soft' security measures, for example increasing investment in development, and are

tending towards scepticism of a militarised approach to security. The picture in the US is less clear. Stoddard highlights the continuing difficulty the US administration faces in formulating a coherent international policy, amid a formidably complex and vast bureaucracy and a dynamic political configuration that can set legislators against the executive. The vital question is whether the US decides that upholding international law and democratic values elsewhere is in its own immediate security interests. The controversy over the treatment of prisoners taken in Afghanistan and held in Guantanamo Bay, as well as hawkishness towards Iraq, suggests the potential for starkly differing views within the US administration, and between it and its European allies.

The precarious consensus that had been developing as to the legitimacy of international armed intervention in internal conflicts is thus looking shakier than ever. If a major schism emerges between Europe and the US over the principles that should guide such intervention, this will have significant implications for the context within which humanitarian agencies are working. In particular, there remains considerable scope for the internationalisation of 'internal' wars, in which the US and other Western countries are belligerents, as well as major financiers of humanitarian assistance. Further differentiation of humanitarian response is likely to result from this diversity of opinion between and within donor governments regarding the place of humanitarian assistance within the new security agenda, and if there are additional military interventions as part of the US 'war on terrorism'.

Political humanitarianism: from coherence to differentiation of response

Humanitarian assistance as peacemaker

The 1990s saw the concept of humanitarianism transformed, from a distinctive but narrow framework designed to mitigate the impact of war, into an organising principle for international relations, led largely by the West. Rethinking the relationship between humanitarian action and broader political responses to conflict required a series of organisational adaptations. In the latter half of the decade, the lessons of Bosnia, Somalia and Rwanda inspired a number of experiments in integrating humanitarian and political responses to conflict, in particular through the use of humanitarian assistance (by omission or commission) to exert political leverage. In Serbia, South Sudan, Sierra Leone and North Korea, explicit attempts were made by the US government, European governments and the European Commission to use humanitarian assistance to this end (see Macrae and Leader, 2000; and Stoddard (Chapter 4) and Brusset and Tiberghien (Chapter 5)). These initiatives were extremely controversial. Many within the humanitarian community argued that using aid in this way threatened neutrality and impartiality, and would therefore compromise access.

In Chapter 4, Stoddard reports that in the US, at least at first sight, the argument regarding political conditionality on humanitarian assistance seems to have been won. Secretary of State Colin Powell has supported Andrew Natsios, the Administrator of the US Agency for International Development (USAID), in safeguarding humanitarian assistance from direct political interference. Similarly, in Chapter 5 Brusset and Tiberghien report that the European Community Humanitarian Office (ECHO) has resisted efforts to bring EC humanitarian assistance under the umbrella of the Common Foreign and Security Policy (CFSP) framework.

While policymakers may have found their attempts to incorporate humanitarian assistance into a strategy to resolve conflict a political liability domestically, and of patchy success technically, this is not the end of the story of the relationship between politics and aid. Specifically, while humanitarian assistance may no longer be considered to have a significant role to play in conflict resolution, it continues to serve other political purposes. In particular, it may be seen to have an important role in *legitimising* international military and political interventions, proving the humanitarian credentials of Western governments to their own domestic audience and those in conflict-affected countries. The apparent concentration of humanitarian assistance resources on 'loud' emergencies lends credence to this view (see Randel and German, Chapter 2).

Stoddard notes that recognition of the limited leverage that humanitarian assistance can exert over contemporary conflicts may have mixed effects. While it may provide humanitarian agencies with a degree of insulation from foreign policy influence, it may also mean that they find themselves relegated once again to the sidelines of international relations. This view is echoed by Brusset and Tiberghien, who note in Chapter 5 that, in the EU and the EC, there is increasing differentiation of the humanitarian response depending on the relative strategic importance of the areas in question. Thus, ECHO is likely to become less relevant to crises in high-priority strategic countries, and more important in chronic emergencies in countries of limited significance. Under the CFSP, new mechanisms are being developed to allow the EU to field defence and peacekeeping personnel. In parallel, member states have been seeking to develop new forms of assistance that would support the political process of peacebuilding. In June 1999, a European Rapid Reaction Force was established which combined military and civilian assets, including quasi-military civil protection forces. New institutions and organising structures are emerging within the EU to support these forces, and to provide political direction to assistance strategies.

In addition to the potential for links between EU humanitarian aid and military action, the development of a Rapid Reaction Mechanism (RRM) creates the possibility of overlap between its functions and those of ECHO. The main aim of the RRM is to integrate existing

Community instruments, such as election monitoring, human rights initiatives, media support, police training, border management and mediation, into a single intervention. This is in order to provide short-term stabilisation while the bureaucratic steps of regular Community programmes are undertaken. The RRM can draw on existing Community instruments and budgets, including 'humanitarian missions' and 'emergency assistance, rehabilitation and reconstruction'. Although the RRM cannot be invoked in situations where ECHO funds have already been applied, how the division of labour between the two will play out in practice remains to be seen (ICG, 2001, cited in Mowjee and Macrae, forthcoming, 2002).

This adaptation within the EU is not mirrored precisely in the US. Stoddard describes the complex architecture of US humanitarian response, and how it traditionally sought to insulate itself from overt political interference. A significant development has been to place USAID, the overseeing body for the Office for Disaster Assistance (OFDA), directly under the leadership of the Secretary of State, removing the Agency's direct line to the President. Attempts to clarify the maze of humanitarian actors, in particular to consolidate OFDA and the Bureau for Refugees and Migration and to clarify their relationships with the State Department and USAID, have failed, despite an extensive review led by Morton Halperin (US government, 2000). Thus, the tendency in recent years has been to create new bodies, such as the Office for Transition Initiatives (OTI), to respond to the political challenges of peacebuilding and to promote new structures for coordination between different wings of government.

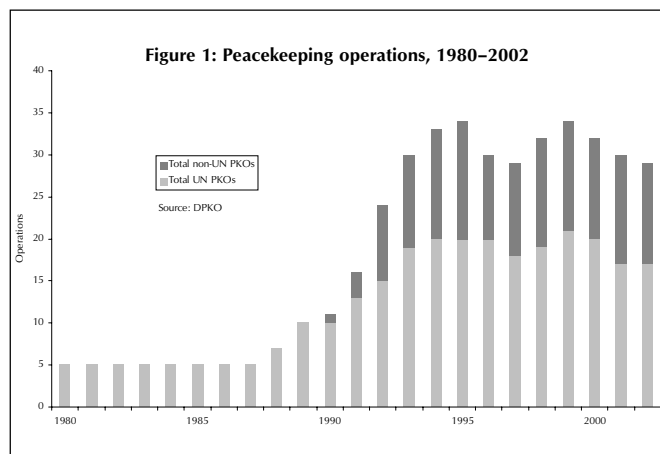
Powell and Natsios are reported to have a strong working relationship, and the consensus is that it is neither legitimate nor effective to use humanitarian assistance to exert leverage over a conflict. However, the complex relationship between the legislature and the executive suggests that this agreement may be contingent upon individuals remaining in post and able to exert influence in this domain. The dropping of US food parcels by military aircraft during the Afghanistan campaign suggests further that the administration is not necessarily consistent in its use of the humanitarian label. Stoddard's analysis further suggests that, while US NGOs may have been effective in curtailing the most blatant use of humanitarian assistance in the service of foreign policy, the dependence of a handful of NGOs on US government funding may curtail their criticism of less vivid forms of politicisation. In particular, while operational agencies have been critical of political conditionality, many have been less critical of the process of concentration of assistance, not least because their own patterns of resource mobilisation tend to echo those of official donors.

Within the UN, there is evidence of organisational change to reflect the position of humanitarian assistance in the new security agenda. In 1999, the *Report of the Panel on United Nations Peace Operations* – commonly known by the name of the Chair of the Panel, Lakhdar Brahimi –

proposed the integration of UN humanitarian and peacekeeping activities, whereby humanitarian resources would be subsumed into wider peacekeeping, and placed at the disposal of the Special Representative of the Secretary-General (SRSG). This interpretation of the function of humanitarian assistance was controversial and, in December 2000, agreement was reached that, where a peacekeeping operation was present, the SRSG would be the sole UN representative, overseeing all aspects of its response, including humanitarian activities. Practice and policy within the UN have, however, been evolving unevenly. At various stages, Annan has supported both the incorporation of humanitarian action under a political umbrella, and argued for its separateness, although the emphasis now appears to be more on the latter (Annan 2000; Annan 2001a; Annan 2001b). Thus, in common with many other governmental bodies, the UN has been ambiguous in its interpretation of the relationship between humanitarian and political action, in particular whether and how the former should be subsumed under a wider peacebuilding agenda.

The new humanitarians

The inclusion of humanitarian action within a broader security agenda has encouraged a new group of actors – the military – to include humanitarian concerns in their thinking and operations. Jane Barry (2002) argues that these changes have come about in part because of the overall expansion in peace support operations since 1989. Figure 1 depicts the number of peacekeeping operations in 1980–2002.



Peacekeeping operations are claiming an increasing proportion of the international investment in addressing conflicts. In 1991, for instance, budgets for peacekeeping operations stood at \$0.4 billion, and for humanitarian assistance they were \$4.5bn. In 2000, budgets for peacekeeping were \$2.5bn, and for humanitarian assistance \$5.9bn.¹ Assessing the impact of this militarisation of

interventions on the security of conflict-affected populations is beyond the scope of this paper. However, these figures demonstrate that humanitarian organisations are increasingly likely to be working alongside military bodies in conflict situations.

Three main types of forces have historically engaged in conflict resolution, peacekeeping and peace enforcement: the UN, regional security coalitions and national armies. The UN has launched all of its peacekeeping operations under Chapter VI of its Charter; that is, they have been initiated with the consent of warring parties, and have been deployed in support of an existing peace agreement. By contrast, the UN has not controlled any Chapter VII – peace enforcement – operations (Barry, 2002). Whereas the UN remains at the forefront of policing existing agreements, regional and bilateral interventions are associated with high-profile peace enforcement.

Until the 1990s, humanitarian activities were not included in peacekeeping operations undertaken by the UN (Thornberry, 1990, cited in Barry, 2002). However, as the definition of security has changed, and as international military actors have been deployed into on-going conflicts under a humanitarian banner, so this has changed. In rare cases – Zaire in 1994 and Albania and Macedonia in 1999 – military forces have delivered basic services. More commonly, collaboration has involved the use of military assets such as aircraft to facilitate aid delivery and to rebuild key infrastructure; using military forces to protect relief supplies and aid workers; and information-sharing, particularly around security.

Working with the military is particularly common among UN agencies. In 2001, for instance, UN humanitarian convoys used military or armed escorts in seven of the 22 complex political emergencies in which the Office for the Coordination of Humanitarian Affairs (OCHA) was involved (Barry, 2002). NGOs appear less convinced that the use of force will enhance their security. As far as has been regularly reported, NGOs use armed protection on a regular basis in just four of the approximately 55 conflict-affected countries in which they are working, namely northern Iraq, Somalia, Russia (Ingushetia/Chechnya) and northern Kenya. Armed forces may also be used on a case-by-case basis, for example at border areas and to support assessment missions in volatile areas, for instance in Rwanda. NGOs are not drawing on protection from international peacekeepers where there are mandated UN operations, such as in East Timor, Ethiopia/Eritrea or Sierra Leone. Nor are they using protection from NATO-led forces in the Balkans. In some cases, NGOs are using private security companies to provide protection. This has been the case in Sierra Leone, where the state sub-contracted security services to private companies (Tufts, 2001, cited in Barry, 2002).

While national doctrines in this area differ among the major military players in the West, a number of tenets are shared.

¹ Figures for peacekeeping are from the UN Department of Peacekeeping Operations (DPKO; www.un.org/Depts/dpko/dpko/home_bottom.htm); and for humanitarian assistance from Development Initiatives (www.devinit.org).

Specifically, official doctrine makes clear that civilian organisations should take the lead in the provision of relief. Where in exceptional circumstances they become involved, this should be under the coordination of a mandated civil body, and a clear exit plan should be in place. Yet despite these official policy positions, Barry suggests that a number of factors are likely to encourage military actors to become more involved in humanitarian operations. At a time when conventional security threats are becoming less common, Western militaries are seeking to diversify their role. Participation in humanitarian operations is seen as important to morale, and as a way of securing political support at home for continuing engagement, as well as serving to legitimise foreign militaries' presence in the affected country. Alongside these internal pressures, Barry identifies external factors. Failure to invest sufficiently in civil disaster preparedness and responsiveness in the long term means that, when civil capacity fails, military participation becomes necessary. In addition, as Brusset and Tiberghien describe in Chapter 5, there is a more deliberate move among European politicians to expand the role of military and paramilitary actors in 'humanitarian activities' as a means of delivering more coherent and effective assistance for peacebuilding.

Defining the terms under which NGOs use armed forces has become a complex task. In navigating this difficult area, some argue that the integrity of humanitarian action will be safeguarded only if there is clarity between the military and its civilian partners regarding their mutual responsibilities and the principles according to which they operate. While the military are the primary subjects of international law, those involved in peacekeeping operations are often less conversant with humanitarian principles as these are commonly understood by aid agencies. In particular, their understanding of impartiality is often at variance with that of humanitarian agencies. Thus, for example, the Brahimi Report notes:

Impartiality for United Nations operations must therefore mean adherence to the principles of the Charter: where one party to a peace agreement clearly and incontrovertibly is violating its terms, continued equal treatment of all parties by the United Nations can in the best case result in ineffectiveness and in the worst may amount to complicity (Brahimi, 2000).

The resources being deployed by military forces are drawn from different budgets, some of which carry a formal 'humanitarian label', some of which do not. It is increasingly difficult to differentiate between these different funds, and to ascertain the rules governing who may use them and to what purpose. For example, US airdrops of army rations over Afghanistan in October 2001 were simultaneously reported as humanitarian, constituting part of the US pledge of assistance, and as being overtly part of a hearts and minds operation, and hence one element in a political strategy. Similarly, it has been reported that military contingents

can apply to UK humanitarian assistance budgets to implement quick-impact projects in Afghanistan.

In seeking to untangle this increasingly complex web of issues, a number of agencies are attempting to clarify their positions. OCHA (2001), for example, has sought to reinforce the predominant doctrine by making it clear that military engagement in direct service provision should be an option of last resort, and should always be conducted under the supervision of the mandated civilian authority. OCHA has also made it clear that, in its view, military participation in relief operations should be at no cost to the receiving state, and should not confer military advantage on any party. Maintaining the relevance of rules such as these is likely to demand that agencies mount a robust defence of their principles, grounded in an understanding of the costs of violating them.

Humanitarianism and the new security: summary

The past decade has seen a rapid transformation in the policy and institutional context of humanitarianism and humanitarians. Humanitarian assistance, which once covered a very narrow set of activities carried out by a small group of relatively independent actors, has expanded significantly. Humanitarianism is now seen by some to be an organising principle for intervention in internal conflicts, a tool for peacebuilding and the starting-point for addressing poverty, as well as a palliative in times of conflict and crisis.

The assumption that relief could serve these multiple purposes has been sorely tested in the emergencies of the past decade. The limitations of humanitarian assistance in providing protection to civilians has now been recognised in principle, occasionally prompting interventions in practice – Kosovo and East Timor being the most obvious examples. The limitations of relief aid in peacebuilding and development have prompted the creation of new institutions and budget lines, free of the demand for political independence.

Arguably, this expansion in the array of actors and the tools of intervention in internal wars has concealed the gaps that UN, Red Cross and non-governmental humanitarian agencies have long recognised in their response. There is much less consensus as to how this proliferation of actors, each with complementary but distinct mandates, will affect the ability of conventional humanitarian agencies to provide assistance and contribute to protection. Also unclear are the implications of the increasing differentiation of response between those emergencies that capture political and public attention, and those which languish at the margins. This differentiation in the scale and form of humanitarian response seems to be the defining feature of humanitarianism at the start of the new century.

Trends in humanitarian assistance

Financing the humanitarian system

There remain significant problems in identifying how much money is allocated to humanitarian assistance, and who is spending it. This is partly a result of the hazy definition of what constitutes 'humanitarian' assistance. The labyrinth of sub-contractors involved further complicates the picture. Existing data collected by the UN and the Organisation for Economic Cooperation and Development (OECD) do not fully cover humanitarian-related spend, such as that provided through civil protection forces, nor do they include the very significant volume of humanitarian assistance provided through private channels. However, sufficient information is available to suggest some clear and marked trends in humanitarian assistance over the past decade.

Understanding official humanitarian aid flows first requires an understanding of general flows in official development assistance (ODA). In Chapter 2, Randel and German document the steady decline of ODA as a percentage of the gross national product (GNP) of the major Western states over the past 30 years. In real terms, however, aid flows increased between 1974 and 1992. In 1992, \$63bn was spent on ODA. By 2000, this had fallen to \$55bn in real terms, a drop of some 12%. Stoddard (Chapter 4) explains how this global pattern has played out in the US. She describes the steady erosion of USAID's funding base, and its struggle to build a constituency within Congress and among the public for its work. While the public perception is of large shares of the national budget (15–20%) flowing to developing countries, the reality in the US, and elsewhere, is of a declining willingness to share wealth through providing aid. In 1999–2000, the percentage of the US national budget going to foreign relief and development assistance was less than 0.1%, lower than in any other advanced industrialised nation, and the lowest level in the US in decades. Significant reductions in aid from France, Germany and Italy have reduced the overall aid contribution from EU countries. In 2000, EU countries gave \$25.2bn in aid, or 0.32% of their GNP. A decade ago, European Economic Community (EEC) countries gave 0.45% of their GNP.²

Between 1990 and 2000, the volume of official humanitarian assistance more than doubled, from just over \$2,000 million to \$5,900m. Within this broad increase, there are significant variations between years in line with the

occurrence of major emergencies. Thus, there are clear peaks around major events, most obviously the Great Lakes crisis in 1994–95 and Kosovo in 1999–2000. There also appears to be a 'ratchet effect', whereby particular emergencies lever up the overall expenditure on humanitarian assistance. This level is maintained until it increases again in response to the next crisis. Given stagnating ODA, increasing overall humanitarian aid spend has implied a significant increase in the proportion of *total* aid allocated to relief. In 1989, relief aid accounted for less than 5% of ODA. By 1999, this had doubled, to 10.1%, and stood at 10.5% in 2000. Randel and German's work also demonstrates that aid allocated to natural disasters accounts for a small share of humanitarian assistance reported through the Consolidated Appeals Process (CAP). In 2001, for instance, 49 places were the subject of an OCHA appeal for natural disasters. Total contributions to these appeals were \$311.2m. In the same period, 20 places were the subject of an appeal for a complex emergency. Total pledges for these amounted to \$2.1bn. Aid allocated to natural disasters is also heavily concentrated on a few high-profile emergencies. In 1998, the response to Hurricane Mitch exceeded the response to natural disasters for the previous five years combined.

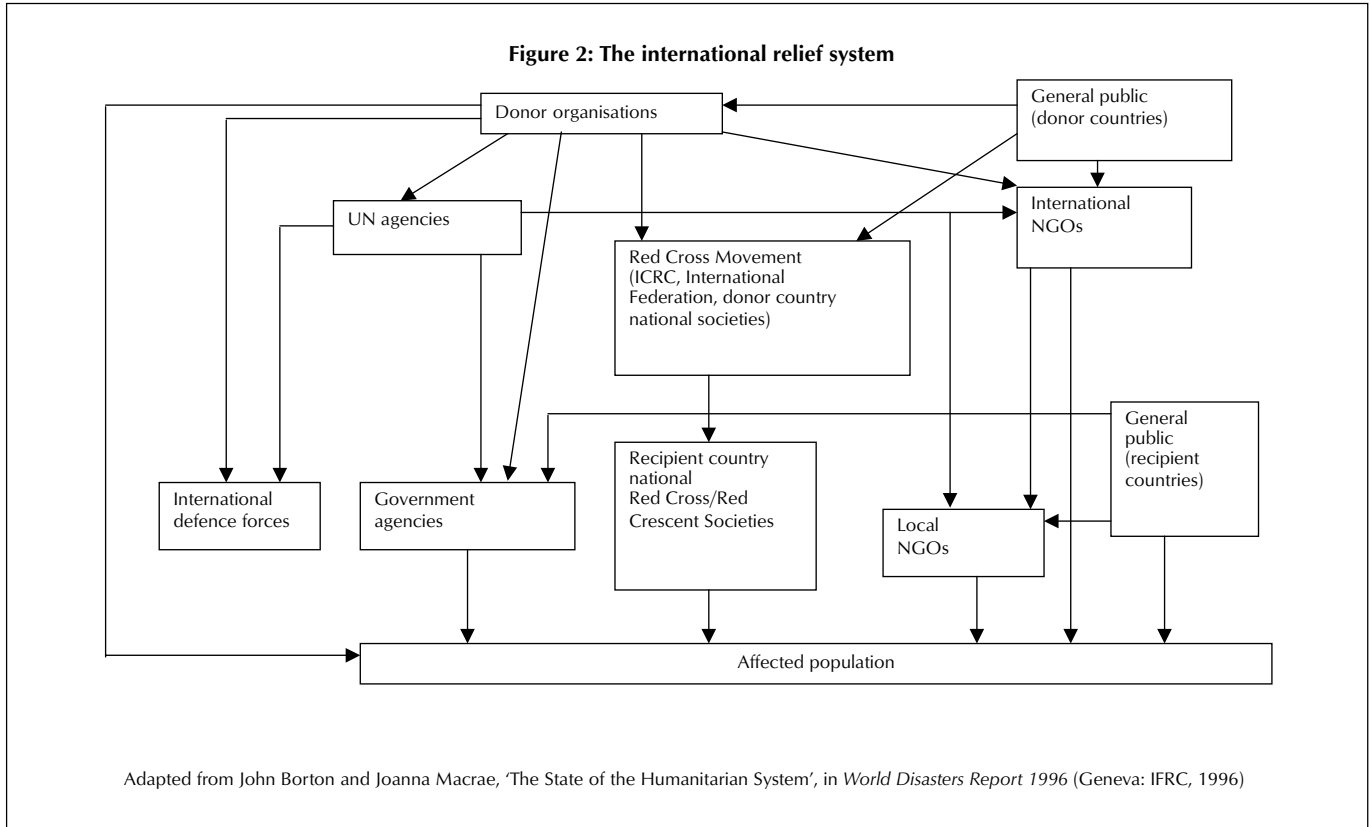
A striking feature of any analysis of official humanitarian aid is how a small number of donor bodies dominates funding, and is thus able to exert a significant influence over the shape of the humanitarian system. In most years, the US is the largest donor by a factor of three or four. In 1999, humanitarian assistance from the US amounted to \$1.6bn, a sum that exceeds the total ODA of 12 Development Assistance Committee (DAC) donors. The Netherlands, Sweden, Germany, Norway, Canada, the UK, Japan, France and Switzerland have also consistently been important sources of humanitarian aid. The remaining donors accounted for \$240m, or just 7%, of the total. Overall, the concentration of donors has increased; the share of smaller DAC donors has fallen, from 36% in 1995 to only 17% in 1999. Germany's relative contribution to humanitarian assistance has shown a particularly significant drop, from 11% to 6%.

EU member states contribute varying proportions of their humanitarian aid spend through ECHO. ECHO's budget in 2000 was \$453m, larger than all bilateral donors other than the US, yet just over half the figure for 1999, which was \$866m. The EC's share of total humanitarian aid spend increased steadily in 1992–97, when it peaked at a fifth of total humanitarian aid. However, in 1998 and 1999 it fell to around 12% of the total.

The 'bilateralisation' of humanitarian assistance: trends in the management of official humanitarian assistance

The dramatic increase in official humanitarian aid has required significant adjustments in the way these funds are

² This fall in the ratio of aid to GNI/GNP has come despite the accession to the EU of states such as Sweden and Denmark, which have a high GNP/aid ratio (over the 0.7% target). The relatively small size of their economies means that these countries' contribution to the average fails to counteract the major falls which have occurred in member states with large economies. France, Italy and Germany, together with the other Group of Seven (G-7) members (except the UK), account for most of the decline in world aid.



allocated and managed. It also reflects the changing significance of this form of aid as part of a broader international policy response to conflict. The expansion in the humanitarian system indicated by this growth in aid brings with it questions as to *how* these funds have been spent, on what and by whom. Figure 2 presents a schematic view of the international humanitarian system. It shows that official donors (including the European Commission) have a number of different choices as to how they disburse emergency aid funds.

Funds can be disbursed through:

Multilateral organisations. UNHCR and the World Food Programme (WFP) are the primary operational agencies. OCHA plays a coordinating role, while the Food and Agriculture Organisation (FAO), World Health Organisation (WHO) and UN Commissioner for Human Rights (UNCHR) are smaller players.

Non-governmental organisations. Usually Western donors channel funds through international NGOs, who may then disburse funds through local partners.

The Red Cross Movement. The ICRC, the International Federation of the Red Cross and Red Crescent Societies (IFRC) and national Red Cross and Red Crescent societies.

Direct operations. Some donors have developed their own capacity for project operations. This ranges from a small

field presence to identify need and facilitate the coordination of projects funded by a particular donor, to the establishment of significant logistics and service delivery capacity.

The military and paramilitary actors. These include civil defence agencies, which may be contracted directly by a particular donor or by a UN agency, often using stand-by agreements. They may also draw on budgets from other governmental departments to support humanitarian operations.

Commercial contractors. These may be national and international.

The complex audit trail of contracting and sub-contracting makes a detailed analysis of trends in disbursement patterns difficult. What does emerge clearly from available data is a trend towards the 'bilateralisation' of humanitarian assistance.

The term 'bilateralisation' can be understood on a number of levels. Its narrow, technical meaning relates to the way in which official aid funds are disbursed. 'Bilateral' aid spend includes monies spent directly by an official donor, through grants made directly to NGOs, and through earmarked funding channelled through international and multilateral organisations. (By contrast, 'multilateral' aid spend reflects money allocated to a multilateral organisation, but unearmarked.)

In Chapter 2, Randel and German note that, in the 1990s, the share of total official humanitarian assistance going through UN agencies steadily declined. Between 1989 and 1993, it averaged 31% of humanitarian assistance. In 1994–98, the UN share averaged 25%. In 1999, the volume and share of the total (11.7%) was less than the multilateral humanitarian assistance spent through the EC (11.86%). The year 1999 proved to be a low point, however. In 2000, the UN agencies were again responsible for channelling around 25% of humanitarian assistance.

Randel and German note that a number of important changes in resource mobilisation and reporting requirements are behind this apparent bilateralisation of humanitarian assistance. The most significant of these was the change in the reporting requirements of the DAC in 1992, that allowed donor governments to include the costs of supporting refugees within their borders as ODA. Between 1992 and 2000, \$8.5bn of official humanitarian assistance was spent in this way. In 2000, such support accounted for 38% of bilateral humanitarian assistance spending. If this support is removed from the statistics, then with the exception of 1999 the picture of UN and bilateral shares is more consistent.

A second important aspect of bilateral assistance is not only the channel through which it is disbursed, but the conditions under which it is given. The past decade has seen significant changes in the *earmarking* of contributions to multilateral organisations. Randel and German note that donor governments earmark their contributions in relation to specific countries and activities. The trend towards greater earmarking is inherent in the CAP, introduced in 1992, since donors pledge resources in relation to particular countries. In real terms, multilateral ODA to UN organisations declined over the 1990s. In 1991–95 multilateral (that is, unearmarked) ODA to UNHCR and WFP averaged \$534m and \$515m respectively per year. In 1996–2000, this fell to \$492m and \$446m per year, although there was a marked increase in 2000.

While earmarking may enable donors to use funds to leverage policy change and enhance accountability, and to increase the visibility of their contributions, Randel and German also highlight a number of negative effects. These include difficulty in maintaining an equitable allocation of resources; reduced operational flexibility; increased administrative costs; and gaps in funding core costs. Informants interviewed for this study indicate that there remains widespread support for multilateral action and for channelling assistance through the UN, although this is tempered with checks and balances more than was the case a decade ago. Weary of participating in multilateral governance structures that appear unresponsive, and aware of the weakness of their coordination mechanisms, individual donors are developing new ways to enhance the performance and accountability of multilaterals, and to enable closer targeting of resources.

Thus, in addition to increased earmarking of contributions, Reindorp notes greater donor involvement in UN assessment missions. Both the EC and the US have increased their capacity to deploy staff to assess emergency needs and to monitor the work of their implementing partners. The British government has also gone down this route (Macrae and Leader, 2000). Particularly in the case of ECHO, these field representatives are seen to have significant influence over decisions regarding the choice of implementing channel and priority areas. This type of field presence is managerial, rather than directly operational. The majority of donors appear to be pulling back from claiming a major role in direct service provision through their humanitarian assistance bodies. A key lesson from Kosovo appears to be that bilaterally-led service provision is potentially costly, both directly and in its negative impact on coordination (Suhrke *et al.*, 2000).

Developing new types of contractual relations is another strategy that donors are using to influence the conduct of humanitarian operations (Macrae *et al.*, forthcoming 2002). In the case of ECHO, this has taken the form of Framework Partnership Agreements. These are designed to allow ECHO to respond promptly to requests for funding, while benefiting from the security of a generic agreement with a partner organisation, rather than just in relation to a particular project. They are another means of seeking to enhance trust and transparency between donor and recipient organisations, while maintaining the benefits of more loosely-tied aid. Other donor bodies, including the UK, US and Swedish governments, have signed agreements with selected multilateral bodies that provide for multi-year spending, with various degrees of earmarking. In return for greater predictability of funding, some framework agreements set clear benchmarks by which the agency's performance will be measured.

These developments all indicate a new professionalism among donor bodies with regard to humanitarian policy. There has been significant investment in strengthening the mechanisms for standardising the procedures by which projects are reviewed, and by which performance is measured and evaluated. What remains unassessed as yet is whether donors collectively have been sufficiently coherent and consistent in their efforts to enhance the quality of humanitarian action, and what, if any, have been the consequences for the actual or perceived politicisation of response.

ECHO: the unilateral multilateral?

While many donor bodies have made their support increasingly conditional, the majority have maintained relatively constant levels of support to the UN. ECHO is, however, the exception. In 1991, ECHO disbursed 24.3% of its aid through the UN. By 2000, this had fallen to 19.8%. With respect to other international organisations

such as the ICRC, the trend was similar. In 1991, 17.4% of ECHO assistance was channelled through these organisations. By 2000, this had dropped to 11%. Given the significant proportion of global humanitarian aid spend accounted for by ECHO, its decisions regarding disbursement channels exert a particularly strong influence on the system.

Poul Nielson, the Commissioner responsible for ECHO, has expressed his determination to protect the position of the UN, and in particular its role in the coordination of humanitarian assistance. However, in addressing the decline in the UN's share of ECHO funds, Nielson will have to confront the scepticism of some member states and of his own staff regarding the UN's added value.

Unequal humanitarianism

One of the most striking elements of the financial trends in humanitarian action is the continuing difference in the scale of response between countries. In 1996–99, the top humanitarian aid recipients were: Bosnia; Serbia and Montenegro; the former Yugoslavia (unspecified); Israel; and Iraq. The next five were Rwanda, Sudan, Afghanistan, Angola and Indonesia. The aid these countries received totalled \$1,388m in 1996–99. This is half that received by the top five recipients.

Data from the 1990s on numbers of affected people and levels of humanitarian need show that funding per affected person in the Great Lakes and the former Yugoslavia was roughly twice the regional average. Funding *requests* for these regions also far outstripped those per affected person for other regions. While the average request for Africa between 1995 and 1997 was between \$50 and \$90 per affected person, for the Great Lakes it was never lower than \$150, and peaked at \$235. Humanitarian assistance in 2000 shows a similar variation in the funds per head. Taking 12 countries or regions that were the subject of consolidated appeals:

- five received less than 10% per affected person (North Korea, Somalia, Tajikistan, Uganda and Guinea-Bissau);
- five received between \$20 and \$36 per person (Sudan, Angola, Burundi, Sierra Leone and Tanzania);
- one received \$87 per person (the Democratic Republic of Congo (DRC)); and
- one received \$185 per person (South-Eastern Europe).

The concentration of overall resources on South-Eastern Europe is clear. In 2000, 21% of total bilateral humanitarian assistance went to the region, the same percentage as went to the 24 other countries that were the subject of the consolidated appeal (see Chapter 2 for further analysis of these data).

These figures are controversial. At present, there is no comparable indicator of need. A system-wide initiative to review how resources are mobilised and allocated is due to get under way in 2002. Whatever the weaknesses of current data, however, it is clear that the different levels of humanitarian appeals and response cannot be explained primarily by differences in cost between countries, nor probably in terms of real need.

While different responses between countries and over time do not constitute a new trend (humanitarian assistance has always fluctuated according to the visibility, as well as scale, of disasters), there are new elements. The mechanisms by which humanitarian aid is provided through official sources have been refined over the past decade so that it is possible for donors to target their humanitarian assistance more precisely than was arguably the case historically. Greater earmarking by country and activity in response to general appeals, combined with responses to specific appeals, means that as funds are directed to one country, fewer resources are available from global funds for agencies to allocate to 'forgotten emergencies'.

If donor governments are influenced by considerations of foreign policy and visibility, this would contravene the principle of impartiality that requires humanitarian assistance to be distributed on the basis of need alone. It remains difficult for humanitarian agencies to argue this case while they themselves are unable to present robust data on need that allow for comparison between different areas of the same country, and between countries. UN appeals are notorious in their inability to prioritise need, and to demonstrate the impact of partial funding on beneficiaries' access to basic goods and services.

The demise of the UN

The 1990s did not end well for the UN. While it had provided a banner for intervention in Somalia and Bosnia, the bitter experiences in these countries, and the lack of unity within the Security Council, meant that in Kosovo and Afghanistan intervention took place under regional and bilateral security arrangements. The UN has yet to lead a Chapter VII intervention, which seeks to enforce a peace, rather than police it. Given that contemporary conflicts rarely yield sustainable peace accords, traditional UN peacekeeping frameworks are looking increasingly antiquated. Reindorp argues that, while the values of the UN have become associated with a wider, Western-dominated set of neo-liberal ideals, its capacity to *implement* that vision remains constrained. The UN's inability to control the political framework of this complex peacebuilding agenda, or to draw on adequate resources, is echoed throughout its humanitarian response.

As Reindorp explains in Chapter 3, the UN is still struggling to establish an effective framework for coordination, particularly in resource mobilisation and

allocation. Resolution 46/182 of 1991 established a sophisticated array of institutions and instruments to promote the system-wide coordination of humanitarian assistance. While representatives of member states at the 2001 Economic and Social Council (ECOSOC) lacked the appetite for substantive reform of the UN architecture, others are less confident that an incremental approach will achieve substantive results (Reindorp and Wiles, 2001). The designation of a UN Emergency Relief Coordinator (ERC) at Under-Secretary General level has provided for a humanitarian voice within the political forums of the UN, including the Security Council. This voice has been used with variable effect by the five people who have occupied the post since its creation in 1991.

The Central Emergency Revolving Fund (CERF), set up to facilitate UN agencies' rapid response to humanitarian emergencies, has proved highly effective. Its success has encouraged individual agencies to establish their own funds, so obviating the need for a system-wide pool of money. The CERF is therefore likely to be reformed to provide a fund from which to draw in natural disasters and protracted emergencies, and for security.

The CAP and the Inter-Agency Standing Committee (IASC) have enjoyed more varied fortunes. A number of interviewees for this project commented that the CAP has yet to serve its purpose as a system-wide basis for analysing need and prioritising resource allocation. The CAP's weakness in this respect means that there is no credible benchmark by which to monitor the adequacy or otherwise of resource allocation. While the IASC has promoted greater mutual understanding between the UN family of assistance agencies, NGOs and the Red Cross movement, it is seen by many to make only a marginal contribution to coordination at field level (Reindorp and Wiles, 2001).

It is at this level that OCHA is also struggling to exert its coordination role. It is undermined by a lack of authority, resistance from UN agencies and uncertain funding, while its inconsistent performance has done little to bolster its credibility. Staff can be deployed too slowly, given uncertain or no contracts, and poorly briefed before reaching the field. Effective handovers from previous incumbents are rare. OCHA also fails to standardise the functions it provides from one country to the next, and there are few opportunities for staff to learn from one another.

NGOs

The expansion of the humanitarian system over the past decade has relied heavily on a dramatic increase in the capacity of international NGOs to mount large-scale humanitarian operations. In addition to the increasing size and complexity of international NGOs working in this arena, there have also been a number of significant changes in their relationship with official donor bodies, and among themselves.

Over the past two decades, the increase in the size and complexity of NGOs working in the humanitarian field has been staggering. UNHCR notes that, in the 1960s, between ten and 20 NGO partners were implementing its work. By the 1990s, this had risen to several hundred. One hundred and eighty NGOs now have framework agreements that allow them to work as operating partners with ECHO. Within this very large group of international players, a relatively small number dominates humanitarian action. UNHCR (1997) estimates that some 20 European and North American NGOs receive approximately 75% of all public funds spent in emergencies. Interviewees for this study noted the formation of international networks and confederations of NGOs, such as Médecins Sans Frontières (MSF), Médecins du Monde (MDM), Action Contre la Faim (ACF) and Oxfam. The emergence of these transnational NGOs has effectively globalised humanitarian response, as NGOs are able to raise funds in one country and disburse them through an NGO based in another, for a third to implement in the field.

These developments have a number of implications. First, there are issues regarding the identity of NGOs within these newly-developed confederate structures. One interviewee noted that considerable effort was required to sustain dialogue between the different members of these structures. This is important in order to safeguard the 'branding' of particular NGOs. However, several interviewees commented on the relatively slow progress in translating shared policy into practice.

A number of interviewees also commented on the changing place of NGOs in relation to donors and the UN. In 1970, UNHCR estimated that its partners received on average 1.5% of their income from governments. By the late 1990s, this had reached approximately 40% (UNHCR, 1997). Stoddard notes that, in 1999, US NGOs raised just over \$10bn from private sources for humanitarian and development work. In addition, they secured a further \$1.5bn from USAID. This suggests that official funding accounts for a relatively small share of NGO income. However, these aggregate data belie the importance of US government funding to the small group of large organisations that constitute the major American players in the humanitarian field. Out of over 400 US organisations, CARE, Catholic Relief Services (CRS), the International Rescue Committee (IRC), Save the Children and World Vision account for around 30% of the US government's total annual support to NGOs.

NGOs have also taken on new roles as advocates, not only within the domain of international assistance, but more broadly in terms of international responses to conflict. They have been particularly active advocates on humanitarian principles. Some see NGO advocacy as vital in protecting the neutrality of humanitarian space. Thus, one interviewee for this study noted that, as the nature of conflict had changed, so international NGOs could no longer appeal to political causes such as anti-colonialism and ideological

struggles. Instead, they are seeking to ground their work around internationally-recognised principles. This informant saw NGOs as the obvious guardians of humanitarian principles, such as neutrality and impartiality.

Others were more circumspect. Although NGOs have developed codes of conduct at a global level and for specific countries, the interpretation of these codes and their application in practice has been uneven. Some interviewees questioned the extent to which NGOs can act as independent advocates given their dependence on official funding. Arguably, in part because of their close operational relationship with donor governments as well as their media visibility, NGOs have been influential in maintaining the neutrality of humanitarian action and highlighting the costs of political conditionality. However, the mood following 11 September appears to be more sombre. A number of interviewees commented that NGOs, as well as the UN, were comparatively silent on the US 'humanitarian' food drops in October 2001, for example. Many NGOs have struggled to position themselves as their own countries have become belligerents in major conflicts, both in relation to donor governments and their publics.

From principles to rights-based humanitarian action?

A number of interviewees identified a shift in favour of a rights-based approach to humanitarian action. Interviewees differed in their interpretation of what this meant in practice, and some argued that there was an urgent need to introduce greater clarity in this area. Proponents of the approach in the NGO sector see rights-based programming as a means of overcoming the sterile arguments about relief-development aid linkages by organising aid around a project designed to fulfil basic economic and social, as well as political, rights. A rights-based approach is also seen as a means of linking humanitarian action more closely with human rights and conflict reduction.

Depending on how a rights-based approach is interpreted, it may or may not conflict with more traditional humanitarian principles. NGOs, alongside UN agencies such as UNICEF, are likely to face more challenges as they seek to balance advocacy on rights with the need to preserve the space to operate in conflict situations. The potential proximity between NGOs and human rights organisations implied by this approach is seen by some as jeopardising operationality. The significance of this approach as an organising framework is nevertheless likely to increase in coming years.

Religious NGOs are becoming significant humanitarian actors, particularly in the US. Stoddard describes how the US administration is promoting faith-based groups, particularly Christian ones, promised as an antidote to large governmental and international bureaucracies. How this will play out in the humanitarian arena more specifically

remains to be seen. Stoddard notes the risk of polarisation within the NGO humanitarian community between religious and secular NGOs, and suggests that such an approach may prove counter-productive at a time when the US administration is at pains to emphasise its religious inclusivity at home and abroad. The rise of other faith-based NGOs, particularly from the Islamic tradition, is also likely to be important. Any expansion in faith-based NGOs is likely to have significant implications for the understanding and operationalisation of humanitarian principles.

Conclusion

Five key conclusions emerge from this analysis. First, events in Kosovo in 1999 cemented the association between humanitarianism and a new, and sometimes controversial, security agenda. The events of 11 September have reinforced this link between assistance and security issues. On the one hand, these events highlighted the need to invest in poor countries to tackle inequality and poverty, and so address perceived grievances. The revival of initiatives to promote recovery in Africa constitutes one example of how this is happening. On the other hand, these events are likely to prompt the adoption of a harder edge to the West's analysis of security, in which a humanitarian agenda is more likely to be relegated to the sidelines of international relations. At the same time, the humanitarian label is being used by Western governments to legitimise their military intervention. The use of this label, and the fact that these same governments are the financiers of the humanitarian system, risks compromising the independence of humanitarian action. This is not to imply that there is not a need for the ethical use of force to protect civilians from massive abuses of human rights, only that this is distinct from humanitarianism.

The second issue concerns the increasing diversity of international actors working in conflict-related crises. A new generation of military, paramilitary and developmental actors have emerged to fill the gaps apparent in international crisis response. These groups have different mandates and operating principles from those of conventional humanitarian agencies. The inevitable confusion of humanitarian actors with these other groups is a pressing issue because it compromises the actual and perceived neutrality of humanitarian action, and therefore endangers the access of humanitarian agencies to people in need.

Third, in addition to increasing differentiation of response *within* particular countries, there is also an increasing differentiation of response *between* countries. This is reflected in the uneven distribution of humanitarian aid resources, as well as different arrangements for the coordination and execution of humanitarian action. While the UN looks set to remain as the core of humanitarian coordination in most crises, in the more strategically significant areas a more bilateralised response is likely to prevail. This has implications for the impartiality of the humanitarian system

as a whole, and for the ability of the UN to maintain a global role.

Fourth, the struggle continues to define consistently the *purpose* of humanitarian action, and the principles according to which it operates. While there is now greater caution regarding claims that humanitarian action can exert significant leverage over conflict, there remains uncertainty regarding whether and how it might contribute to conflict reduction, and to the legitimisation, domestically and internationally, of political and military strategies. At the same time, the initial rush of enthusiasm within the NGO community to subscribe to a common Code of Conduct appears to have eased as the diversity of mandates and working practices is more sharply revealed. The tendency towards greater diversity of principle is likely to continue

as new frameworks to govern humanitarian action are explored, including rights-based approaches. The promotion of faith-based NGOs in the US and the rise of Islamic relief agencies are both likely to present new challenges for defining a universal humanitarianism.

Finally, there remain real difficulties in accountability. Donors have introduced tighter procedures through which to monitor and evaluate the performance of their partners. However, despite many initiatives to improve accountability and performance, the most basic data regarding need and resource flows remain opaque. Addressing these statistical and management gaps will require not only investment, but also consensus between the different stakeholders regarding the definition of what constitutes humanitarian assistance, and even what constitutes humanitarian need.

Chapter 2

Trends in the financing of humanitarian assistance

Judith Randel and Tony German, Development Initiatives

This chapter analyses trends in the financing of humanitarian assistance over the past decade.¹ Financial assistance to people affected by conflict and disasters, both man-made and natural, comes from many sources. The most immediate providers of assistance are the affected communities and countries themselves, and often neighbouring states. International assistance can come from private individuals, donor governments, the UN, international organisations like the ICRC and the IFRC and international NGOs.

This report deals systematically only with that portion of humanitarian assistance that is classified as an official aid flow. Official development assistance (ODA) is money given by governments to a list of developing countries defined by the DAC.² ODA must have the promotion of economic development and welfare as its main aim, and it must be given on concessional financial terms – either as a grant or a loan with a grant element of at least 25%. The definition of humanitarian assistance used in this chapter is that used by donors to report their allocations to the DAC. Called ‘emergency and distress relief’ in DAC terminology, it includes emergency food aid, aid to refugees as a whole and aid to refugees in the donor country for their first year of residence. Peacekeeping operations do not count as ODA.

The OECD/DAC classifies all ODA as either bilateral or multilateral. Multilateral aid is given to international institutions whose members are governments, who conduct all or part of their activities in developing countries, and where the contributions are pooled and disbursed entirely at the multilateral institution’s discretion. Bilateral ODA is

spent on activities such as support to NGOs, direct funding to recipient country governments, bilateral operational activity and earmarked contributions to multilateral agencies and international organisations like the ICRC. Thus, multilateral ODA does not represent all the funds spent by multilateral agencies, only those funds over which multilateral agencies have control as to where and how the money is spent.

There is no official global calculation of total official aid flows for humanitarian assistance. The calculations in this report use the same methodology as in *Global Humanitarian Assistance 2000* (Development Initiatives, 2000a). That is:

total bilateral ODA for emergency and distress relief including emergency food aid, as reported to the OECD/DAC by all bilateral donors and the European Commission

plus

total multilateral contributions to UNHCR and the UN Relief and Works Agency (UNRWA)

plus

multilateral contributions to WFP in proportion to the share of WFP’s operational expenditure allocated to relief in each year

Many organisations are both recipients and donors of humanitarian assistance. ECHO, for instance, is a recipient of primarily multilateral humanitarian assistance from donor governments, but it is also a donor of primarily earmarked funding to UN agencies, which are themselves both recipients and donors, and to NGOs. To avoid double counting, humanitarian assistance is measured by the allocations from the DAC donor.

Two major sources of data have been used. The first is the international database of the OECD DAC, which provides information on the donors and recipients of all aid flows and of emergency and distress relief. The second major source is the OCHA Financial Tracking System of the CAP. Expenditure through the CAP amounts to around half the expenditure for global humanitarian assistance reported through the OECD. However, the Financial Tracking System allows much more detailed breakdowns of allocations by agency, and provides information on the amounts requested per appeal and the amounts pledged. In addition, it provides information on the numbers of affected people for each appeal, allowing global comparisons of spending per capita.

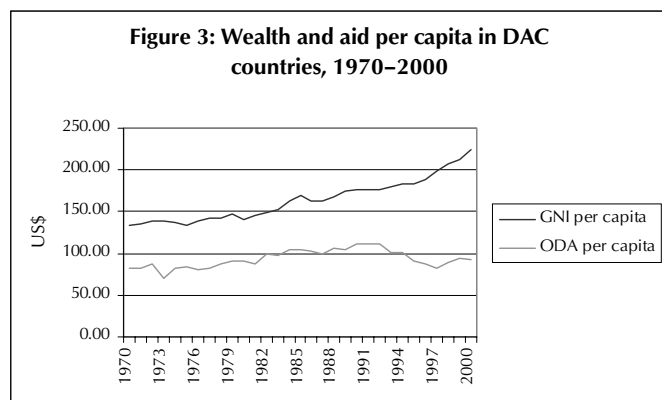
¹ The authors gratefully acknowledge contributions from Bruce Crawshaw on trends in UN agencies and in earmarking, as well as his reviews of early drafts. This report draws on the data available from OECD DAC Statistics (www.oecd.org/dac) and from OCHA’s new Financial Tracking System (www.reliefweb.int/fts), as well as on *Global Humanitarian Assistance 2000* (www.devinit.org/humgha.htm).

² The donors who are members of the DAC are Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, the UK, the US and the Commission of the European Union. Humanitarian assistance is often given by neighbouring governments who are not members of the DAC; by groups of states; or by non-DAC members with relevant strategic interests. For some countries, reported aid flows from non-DAC countries have been substantial. In 1991, for example, Arab countries gave \$375m in aid to Afghanistan; between 1977 and 1980–81, they gave over \$100m annually to Somalia.

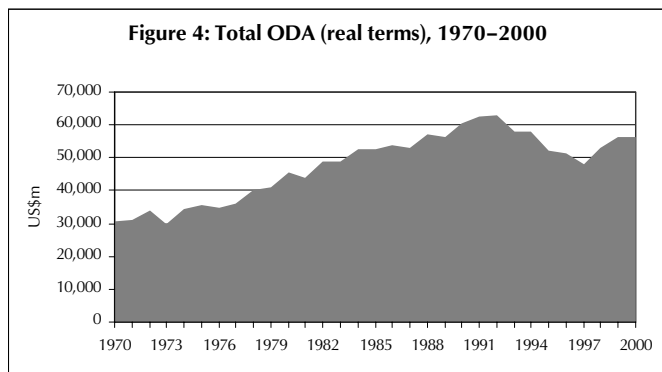
This analysis includes official aid expenditure through NGOs and international organisations. It does not, however, include money given by the public for humanitarian assistance. Levels of private contributions are particularly hard to assess, as there is no standard method for keeping the data. However, a US government report – *Global Humanitarian Emergencies: Trends and Projections, 2001–2002*, published in 2001 – suggests that international private contributions account for between 10% and 15% of global funding for humanitarian assistance (CIA/NIC, 2001). This analysis also does not include local and national resources for humanitarian assistance. Although vitally important, these funds are rarely calculated.

Financing patterns

Throughout the 1970s and 1980s, aid as a share of donor countries’ wealth remained stable at around half of the UN’s target of 0.7%. Since then, however, the proportion has declined, reaching an all-time low of 0.22% of gross national income (GNI) in 2000 (see Figure 3). That year, ODA from DAC donors combined was \$53.7bn.

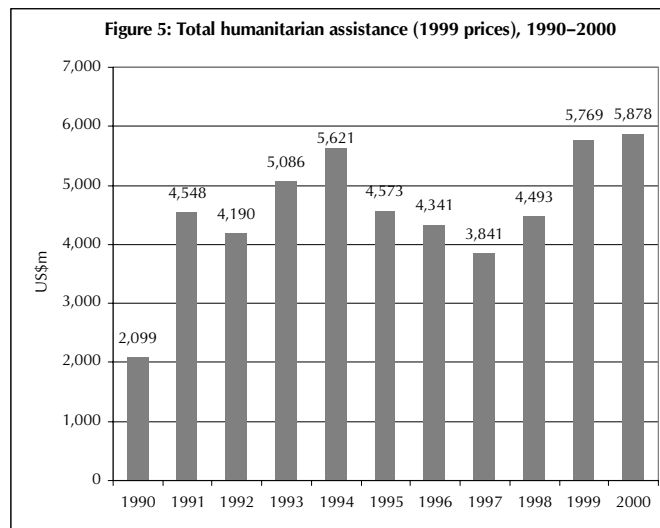


As Figure 4 indicates, this represents a decline in real terms between 1992 and 2000 of some \$8bn, or around 12%. Most of this fall is accounted for by the sharp reduction in aid from five of the G-7 donors, Canada, France, Germany, Italy and the US. Evidence suggests that aid spending has been a particular casualty of wider budget cuts in OECD countries.



Within this overall decline in ODA, aid for humanitarian assistance has increased each year from 1997. In 1990, it was \$2.1bn. In 1994, it reached \$5.5bn (current prices), or

\$5.6bn in 1999 prices. This high-point was surpassed in 2000, when humanitarian assistance reached an all-time high of \$5.9bn, at 1999 prices and exchange rates (see Figure 5). Humanitarian assistance has also increased its share of the total. Between 1989 and 1993, total humanitarian assistance as a share of total ODA averaged 5.83%. For the next five years, 1994–98, it averaged 8.54%, and in 1999 it reached 10.11%. In 2000, humanitarian assistance accounted for 10.5% of total ODA.



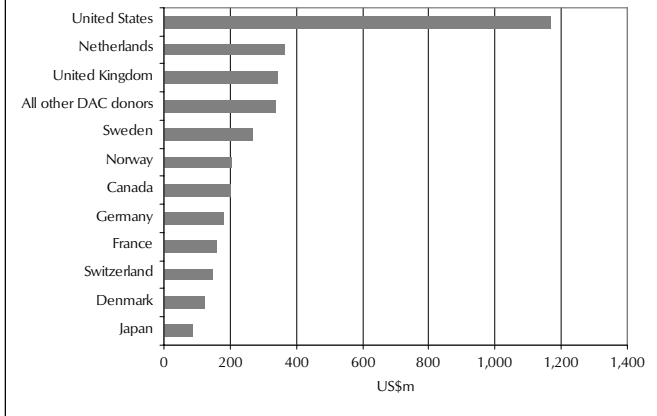
In each year during the 1990s, 40–50 natural disasters were reported to OCHA. The funding for assistance fluctuates more sharply, because responses to natural disasters in particular tend to be strongly focused on individual episodes. In 1998, the response to Hurricane Mitch globally exceeded the total response to natural disasters for the previous five years combined. In 1997, the response to the Montserrat volcano eruption constituted three-quarters of the total response to natural disasters.

In 2001, 49 places were the subject of an OCHA appeal for natural disasters. Total contributions in response to these appeals amounted to \$311m. In the same period, 20 situations were subject of an appeal for a complex emergency. Total contributions in response to these appeals amounted to \$2.1bn. In 2000, 15 crises were the subject of an appeal for a complex emergency, receiving contributions of \$1.3bn. There were 45 appeals for natural disasters, receiving a total of \$459m in contributions.

Donors

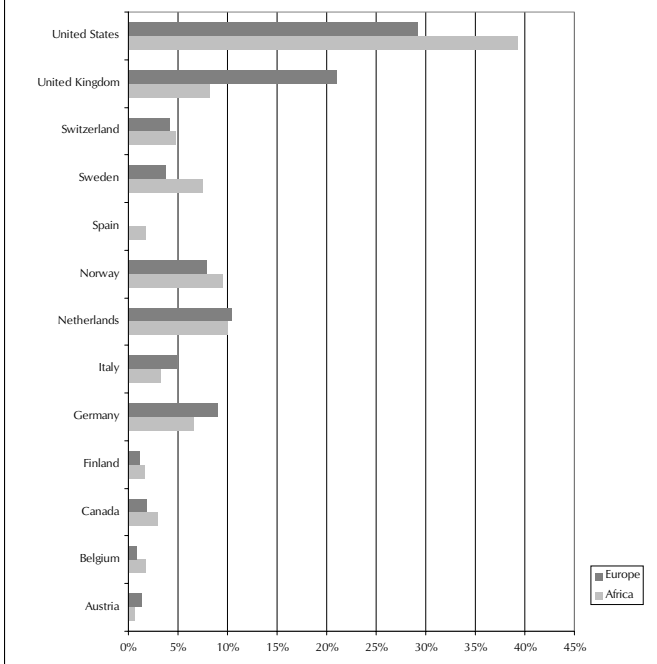
A handful of donors account for the bulk of humanitarian assistance. In most years, the US is the largest donor by a factor of three or four (see Figure 6). In 1999, humanitarian assistance from the US amounted to \$1.6bn, a sum that exceeds the total ODA of 12 DAC donors. The US provided around a third of total humanitarian assistance for 1998, 1999 and 2000; for the previous three years, it provided about a fifth of the total. Its share of bilateral ODA as a whole is much lower, ranging from 14% to 18% of the total.

Figure 6: The major donors of bilateral humanitarian assistance, 2000



The other consistently large donors are the Netherlands, the UK, Sweden, Norway, Canada, Germany, Switzerland, Japan, France and Australia. In 2000, the Netherlands provided 11% of humanitarian assistance, the UK 10%, Sweden 8%, Norway and Canada 6%, Switzerland and Denmark 4%, and Japan and Australia 2.5%. The remaining donors accounted for \$240m, or just 7% of the total. Although the same donors dominate the picture in most regions, their share of humanitarian assistance varies by region. The US, for instance, is responsible for 29% of humanitarian assistance to Europe, and 39% of humanitarian assistance to Africa. By contrast, the UK accounts for 21% of humanitarian assistance for Europe, but only 8% for Africa (see Figure 7).

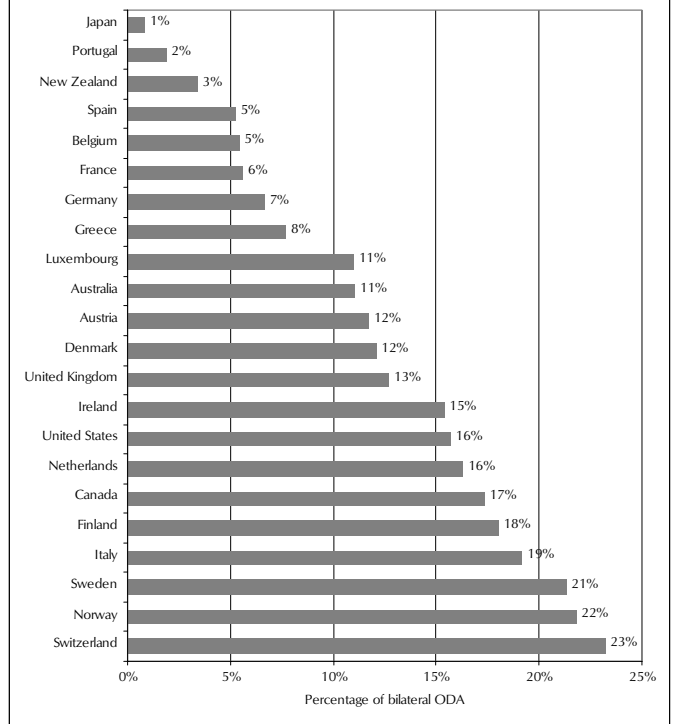
Figure 7: Bilateral humanitarian assistance for Africa and Europe by donor, 2000



The relative importance of humanitarian assistance to these donors also varies substantially. In 2000, the Nordic countries and Switzerland allocated around a fifth to a quarter of their bilateral aid to humanitarian assistance. Eight

donors allocate less than 10%, including both very large and very small donors. The US tends to average 10–15%, although in 1999 this was 23%. The UK averages around 12%, Germany and Canada less than 10% and France, Australia and Japan less than 5%.

Figure 8: Share of bilateral aid allocated to humanitarian assistance by donor, 2000



Bilateral versus multilateral contributions

In 1988, 45% of humanitarian assistance was given in the form of multilateral contributions to UN agencies. In other words, within their mandates these agencies had total discretion over where and how this money was spent. The share of humanitarian assistance going through the UN agencies as multilateral aid steadily declined through the 1990s. In 1989–93, the share of multilateral aid was 31% of humanitarian assistance. Between 1994 and 1998, the UN share averaged 25%, and in 1999 the share of total humanitarian assistance going to UN agencies as multilateral contributions halved, falling from \$1,194m to \$666m. In the first half of the 1990s, multilateral ODA to UNCHR and WFP averaged \$534m and \$515m respectively per year; in the latter half of the decade, this fell to \$492m and \$446m per year.³ The volume and share of the total multilateral ODA going to the UN (11.67%) was less than the multilateral humanitarian assistance spent through the EC (11.86%); this was driven by the response to Kosovo. This proved, however, to be a low point. In 2000, UN agencies were again responsible for channelling around a quarter of humanitarian assistance.

³ The resources available to UNHCR and WFP are much larger than their volume of multilateral assistance as donors also make bilateral contributions to these agencies.

Box: Earmarking and fragmentation

Within bilateral contributions to multilateral agencies, donors can choose to dictate where and how their contributions are spent. The most usual form of earmarking is for donors to allocate resources for specific regions, countries or operations. Occasionally donors may go further, and require their resources to be used for specific activities within operations. For example, within WFP, some donors requested that resources provided for protracted relief and recovery activities should only be used for relief and not recovery because of domestic legal restrictions.

Figures 9 and 10 show the proportion of earmarked and unearmarked contributions by donor to UNHCR and WFP. The proportion of UNHCR unearmarked resources has fallen from 26% in 1998 to 18% in 2000. Over the past three years, between 10% and 15% of WFP resources have been unearmarked.⁴ In both agencies, the Netherlands and the Nordic countries are most generous in providing the greatest proportion of unearmarked resources. In the case of WFP, the US provides less than 20% of resources unearmarked, while less than 2% of Japan's contribution is unearmarked. All resources contributed by the EC are earmarked. By comparison, the UK provides one third of its contribution as unearmarked, while nearly half of the Netherlands' contribution is unearmarked.

Changes in the way that UN agencies raise resources have led directly to an increase in the earmarking of resources. Increasingly, agencies are soliciting resources through special, specific appeals. The most obvious example is the CAP. All resources obtained as a result of a CAP are, by definition, earmarked for that CAP. Increasingly, donors also direct their resources to specific countries or operations. This may be because of donors' domestic or external political processes. Countries with unpopular governments tend not to attract donor resources. For example, WFP was unable to secure any resources for the drought that struck Cuba in 1998. Conversely, emergency situations that attract high levels of media attention also attract high levels of resources.

Earmarking has a number of implications:

- *Equitable distribution of resources*

There are significant differences in the regional and country distribution of bilateral humanitarian assistance and multilateral humanitarian assistance. Broadly, bilateral humanitarian assistance is less focused on Africa and concentrated more heavily on a smaller number of countries, often reflecting donor domestic and historical priorities. These consequences of the increasing bilateral control over humanitarian assistance may make it more difficult for the international community to ensure that humanitarian assistance meets needs and is distributed equitably.

- *Flexibility*

Both UNHCR and WFP claim that increased earmarking has reduced flexibility, and hampered their ability to respond quickly to changing circumstances. UNHCR reports that, more recently, donors have earmarked resources to regions rather than countries, which has helped improve flexibility in allocating resources.

- *Administrative burden*

Earmarking is also claimed to increase the administrative burden in allocating resources, although there is no evidence that this has necessarily resulted in quantifiably increased administrative costs.

- *Funding core costs*

A more immediate implication concerns agencies' ability to fund unallocable costs, such as headquarters costs. This applies particularly to UNHCR, where the decline in unearmarked resources could have significant implications for management.⁵ Currently, all unattributable costs of UNHCR are met from the unearmarked contributions. In other

⁴ In 2000, the proportion of unearmarked resources included resources provided under the so-called 'Swedish model', whereby contributions are jointly allocated by the donor and UNHCR; other donors claim that resources contributed under such a system are also effectively earmarked. Thus, the proportion of effectively unearmarked resources in 2000 is probably even lower than the reported 18%.

⁵ In the case of WFP, new resource and long-term financing policies, introduced in 1996, identified three specific sets of costs: the Direct Operational Cost (the cost of the food, and of its transportation); Direct Support Cost (costs of implementing the operation, that can be directly linked to the operation); and Indirect Support Cost (any cost incurred in staffing and operating the WFP headquarters and regional offices, and other such costs that cannot be attributed easily to any programme or activity). Direct Support Costs are paid for through a fixed rate per metric ton of food. Indirect Support Costs are paid for through a fixed rate charged on the DOC and DSC. This rate is set at the same level for all types of operations. Thus for WFP, whether resources are provided as earmarked or unearmarked funds has little implication beyond the administrative burden.

words, a few donors pay for all of UNHCR’s headquarters and other international costs that cannot be allocated to a specific country or operation (in-country costs are currently met with little problem from earmarked resources).

For agencies with a global mandate, the ability to fund core costs in a predictable and sustainable manner is important. Some pressure to change may come from donors currently providing most of the unearmarked funds – such donors (and their electorates) are likely to want their funds to help refugees, not headquarters bureaucrats. However, these donors are members of the EU. Not only does the EC provide very few unearmarked resources, but it has also expressed the desire to replace the contributions of individual member states with a larger, single EC contribution. If this move should gain strength, then UNHCR is likely to see a significant further decline in the proportion of resources that are unearmarked. Thus, it is likely that UNHCR could face a situation where meeting unattributable costs will become increasingly difficult.

Figure 9: Total humanitarian contributions to UNHCR with earmarked share, 1999 and 2000

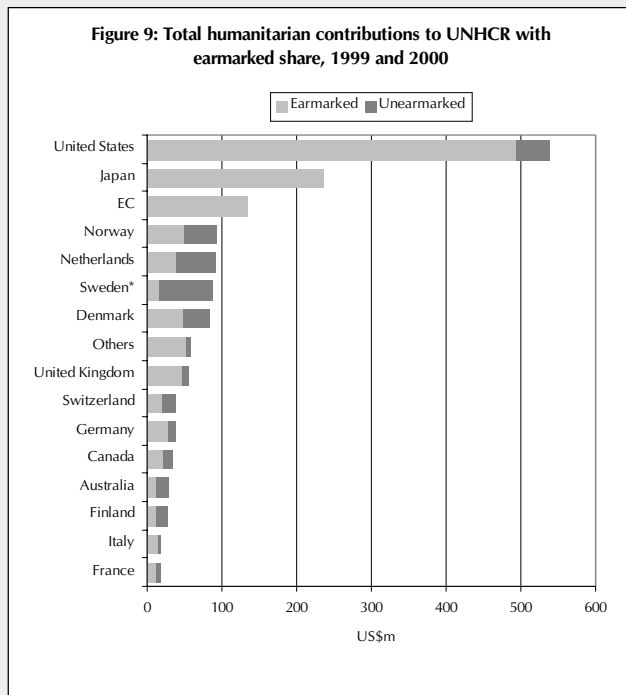
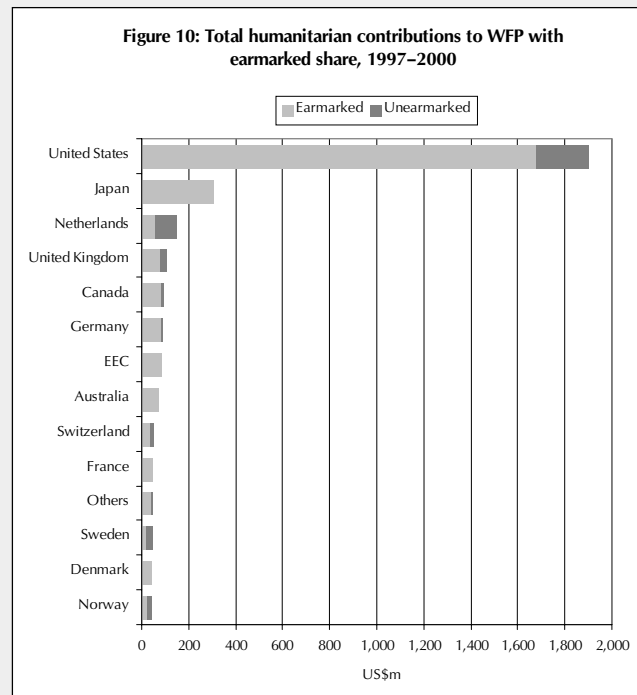


Figure 10: Total humanitarian contributions to WFP with earmarked share, 1997–2000



Bilateral ODA to humanitarian assistance is classified into three categories: relief food aid, aid to refugees and refugees in the donor country. The share of relief food aid, which has been monitored by the DAC since 1995, has increased from around 6% of total humanitarian assistance in 1995–98 to 14% in 1999.

Not all donors include the cost of supporting refugees within their borders as ODA, but it is an allowable expenditure under DAC rules. Since 1992, nearly \$8.5bn of ODA has been spent in this way. Spending in 2000 was extremely high at \$1.4bn, or 38% of total bilateral humanitarian assistance in that year (see Figures 11 and 12). Over the previous four years, about a quarter of humanitarian assistance was spent on refugees in the host country. Levels of bilateral ODA to refugees excluding those in the donor country reported to the DAC have been volatile, ranging from a high-point of \$1.6bn (46% of bilateral humanitarian assistance) in 1994 to a low of \$182m (9%) in 1997.

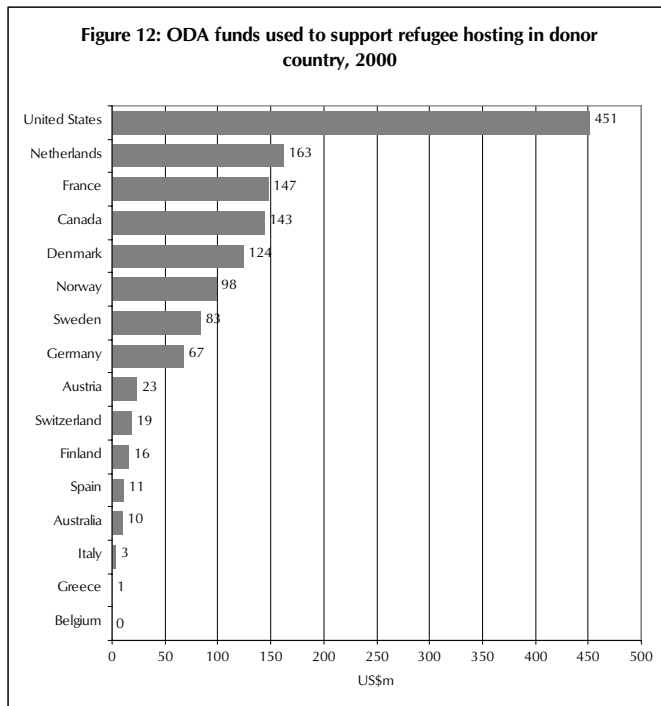
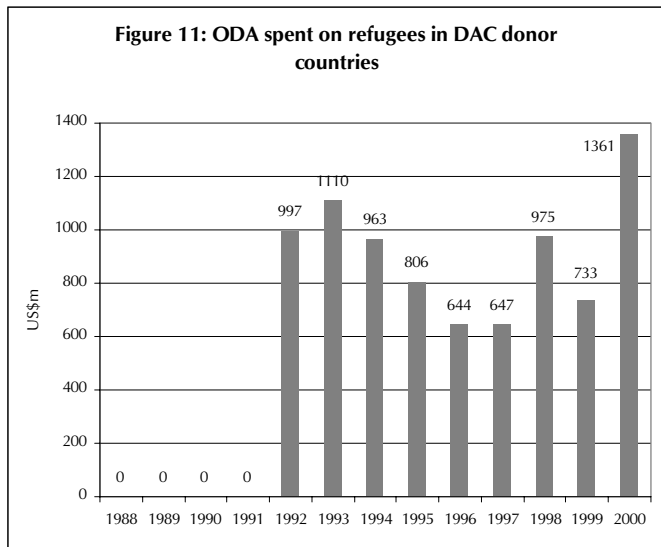
Governmental support to international organisations like the ICRC and the IFRC is usually provided from donors’

bilateral budgets. Government contributions to ICRC stood at around 450m Swiss Francs (about \$350m) throughout the 1990s. In 2000, government contributions were \$686 Swiss Francs (\$377m), of which \$373m came from DAC donor countries. Not all of this may be counted as ODA but, to give an indication of scale, this is equivalent to about 10% of total bilateral humanitarian assistance. Spending reported through ICRC and IFRC as part of the CAP almost doubled between 1992 and 1995, to reach \$560m. Between 1996 and 1998, however, this declined, although it remained above its 1992 level.

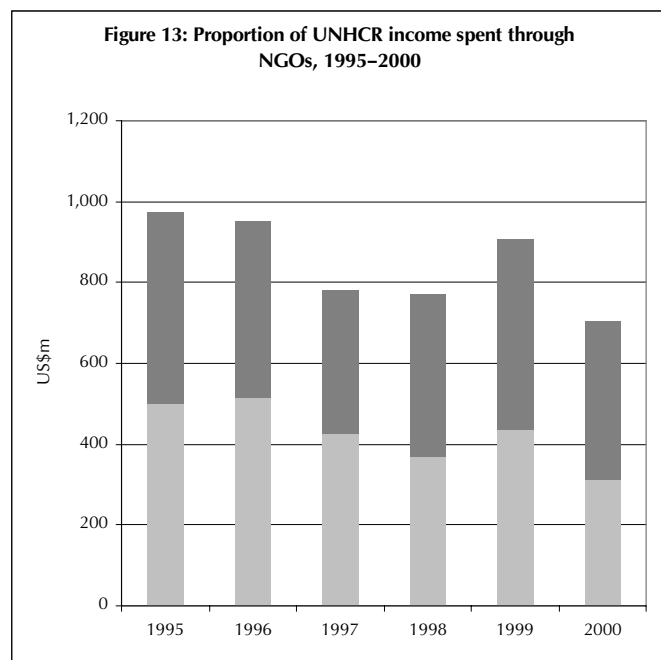
Humanitarian assistance channels

NGOs

A substantial part of official bilateral humanitarian assistance is spent through NGOs directly, in addition to humanitarian assistance channelled through NGOs via ECHO, UN agencies and international organisations. There is no consistent international reporting on this, but it is estimated that most donors were channelling at least a quarter of



their humanitarian assistance through NGOs in the late 1990s; for some, this proportion was significantly higher (Development Initiatives, 2000). In Denmark in 1999, 36% was channelled through Danish NGOs, and a further 3% through international organisations and international NGOs. In the late 1990s, France, which provided French development NGOs with less than one percent of their overall income, spent more than 40% of its emergency assistance through NGOs. In the US, OFDA spends 60%–70% of its resources through NGOs (Smillie and Helmich, 1999). In the UK in 1999–2000, the Department for International Development (DFID) spent 16% of the UK government’s bilateral humanitarian assistance through British NGOs, accounting for 17% of their total income from DFID. In 2000–2001, DFID expenditure on humanitarian assistance through NGOs more than doubled from £33.5m (\$55m) to £75.5m (\$114m). Total DFID spending through NGOs declined in the same year by £11m (\$17m). Thus, humanitarian assistance accounted for 41% of total DFID support to NGOs in 2000–2001.



Overall NGO income is also strongly affected by humanitarian appeals. After a major disaster, when voluntary donations for the crisis subside, NGO incomes tend to settle back to a level significantly higher than they were before the crisis. Oxfam UK’s income rose by 27% to £124.3m in 1998–99. Its Annual Report noted the ‘tragic irony that dreadful wars and natural disasters have led to Oxfam announcing a record fundraising year’, with major emergencies in South Sudan, Bangladesh, Central America and Kosovo resulting in Oxfam spending more overseas on emergencies than on development work. Opinion polls show that public support for aid as a whole is strongest around short-term humanitarian issues. In Canada, for example, a 1998 poll showed that humanitarian concerns were the public’s main reason for supporting aid.

than \$500m in 1995 and 1996 (51% of the budget) to \$311m in 2000 (44%).

Figure 13 depicts the amount of its annual income that UNHCR spent through NGOs in 1995–2000. As the graph shows, this spending has been declining, both in volume and as a share of total spending, falling from more

But it is ECHO expenditure through NGOs that has shown the sharpest growth (see Figure 14). In 2000, European NGOs channelled \$326m of humanitarian assistance from ECHO – 64% of the total – up from around 40% in the mid-1990s. To put this in perspective, that exceeded the bilateral aid for humanitarian assistance of all but three donors in 2000.

Figure 14: Allocation of the EC humanitarian budget by organisation type, 1990–2000

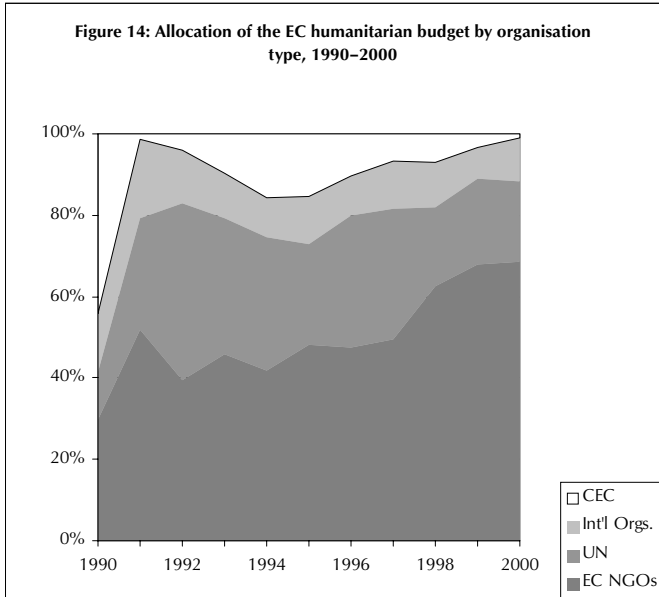
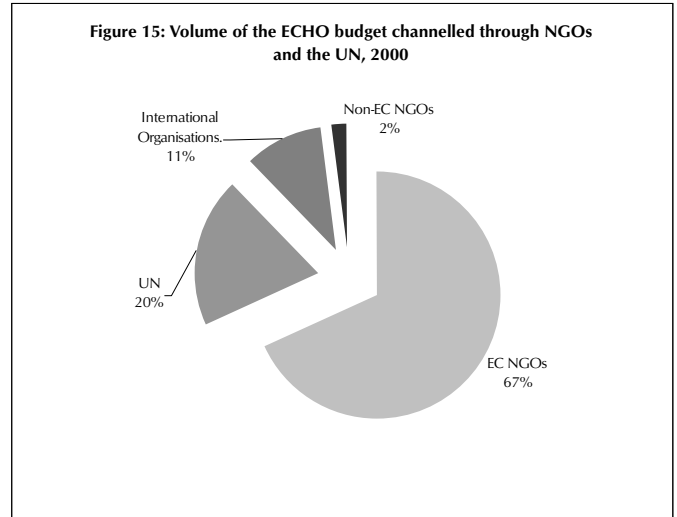


Figure 15: Volume of the ECHO budget channelled through NGOs and the UN, 2000



31%. Figure 15 shows the volume of the ECHO budget channelled through NGOs and the UN in 2000.

ECHO

ECHO was set up by the European Commission in April 1992. Its establishment coincided with the December 1992 European Summit in Edinburgh, which decided that budgetary aid through the Commission would rise from 3.85bn ECU (about \$3bn) to 6.2bn ECU (about \$7.4bn) in 1999. Even in the years before ECHO was established, humanitarian assistance from the Commission as a whole was increasing; it more than doubled between 1986 and 1991, when it reached 786m ECU (about \$636m) (Reality of Aid, 1994).

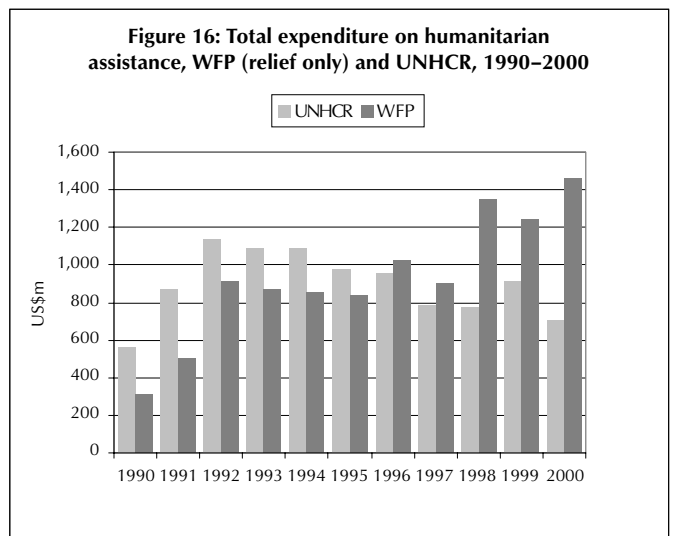
ECHO was set up to be responsible for the coherent administration of humanitarian aid, emergency food aid, and disaster prevention and preparedness activities. In 1990–93, EC humanitarian assistance reported to the DAC averaged \$450m a year. For the past six years, it has averaged \$670m. Its share increased steadily in 1992–97, when it peaked at a fifth of total humanitarian assistance. However, by 1998 and 1999 it had fallen to around 12% of the total.

ECHO is both a donor and a recipient. It receives humanitarian assistance funds from EU member states, and it allocates humanitarian assistance through UN agencies and NGOs. ECHO's budget in 2000 was \$453m – larger than all bilateral donors apart from the US, but slightly over half of its 1999 level of \$866m. Its peak years were 1994 and 1995, when it spent over \$900m a year. ECHO spends largely through partners. The percentage spent by the EC itself since ECHO's formation peaked in 1994 at 15.4%, falling gradually to 10% in 1996, 7% in 1998, 3.1% in 1999 and just 1% in 2000. The vast bulk of EC humanitarian assistance is spent through European NGOs. The share has been steadily rising, from 27% in 1990 to 67% in 2000. Spending through international organisations averages around 10%. The share through the UN has been less than a fifth of total ECHO expenditure for the past three years. For the previous six years (1992–97), it averaged

UNHCR and WFP

Contributions to UNHCR peaked in 1992, and have since then declined each year (apart from an upsurge in contributions in 1999), whereas contributions to WFP have generally steadily increased (though admittedly with some blips in this pattern). As Figure 16 shows, before 1996 UNHCR's expenditure exceeded WFP's relief expenditure. Since 1996, the situation has been reversed and WFP's relief expenditure has exceeded UNHCR's expenditure by an increasing margin; in 2000, it was about twice as large. One reason for the difference is that many of the major international relief situations of the past decade – the food crisis in North Korea, Hurricane Mitch and the Mozambique floods, for instance – have not involved large flows of international refugees, and therefore have not involved UNHCR.

Figure 16: Total expenditure on humanitarian assistance, WFP (relief only) and UNHCR, 1990–2000



Contributions to UNHCR and WFP are not enough to meet their assessed level of overall need. For example, in 2000 less than 80% of long-term relief needs (including

refugee needs) and 84% of immediate relief needs were met by donors to WFP (WFP, 2000). In UNHCR, resources do not match the number of 'people of concern'. Resources peaked in 1992, but the number of people of concern to UNHCR continued to rise until 1995. Currently, the number of people of concern (12m refugees, 8m IDPs and 1.8m people who are being assisted to return or resettle or are asylum-seekers) is 80% of the peak level, but resources have fallen to 60% of the peak (UNHCR, 2000). (There are serious caveats to these figures. Techniques for assessing levels of 'need' are far from exact, and substantially different methodologies are used within the same agencies, as well as between agencies. Setting a level of need is also a political choice. It may be exaggerated, as agencies know that they will not receive 100% funding in any case.)

Fifteen donors (14 countries and the EU) provided 95% of contributions to UNHCR in 2000. In the case of WFP, the US alone provided over half of all resources for relief, and three donors (the US, Japan and the EC, but not member states) accounted for over three-quarters of all WFP relief resources. The situation was similar for UNHCR, where both the US and the EC (including member states) and Japan together account for some 85% of all contributions. Thus, the impact of a very small number of donors far outweighs all the other donors together. This is particularly evident in the earmarking of contributions. Only 8% of the total contributions from the US, Japan and the EC are reported by UNHCR as unearmarked, compared with Sweden, the Netherlands, Norway and Denmark, whose unearmarked share is 81%, 59%, 46% and 42%, respectively.

Recipients

Over the past six years, bilateral humanitarian assistance has been split fairly evenly between three regions: Africa, Asia and Europe, with each receiving around a fifth of the total, including assistance that cannot be allocated by region. Bilateral humanitarian assistance to Africa was about \$500m in 1995–1998. In 1999, it increased by nearly 70%, to reach \$820m. In 2000, it was \$759m. The overall increase reflected larger allocations of humanitarian assistance to a number of countries, notably Ethiopia, Mozambique, Sudan, Sierra Leone and Angola, as well as a large increase in unspecified spending in Africa.

Humanitarian assistance to Europe has shown the sharpest changes. It fell each year from 1996 to 1998, when it reached the low point for the period of \$336m. The following year it tripled, accounting for 30% of all bilateral humanitarian assistance and \$1.3bn. In 2000, it fell back to around half that level, \$671m. Humanitarian assistance to Asia has also fluctuated sharply, ranging between \$480m and \$850m in 1995–2000.

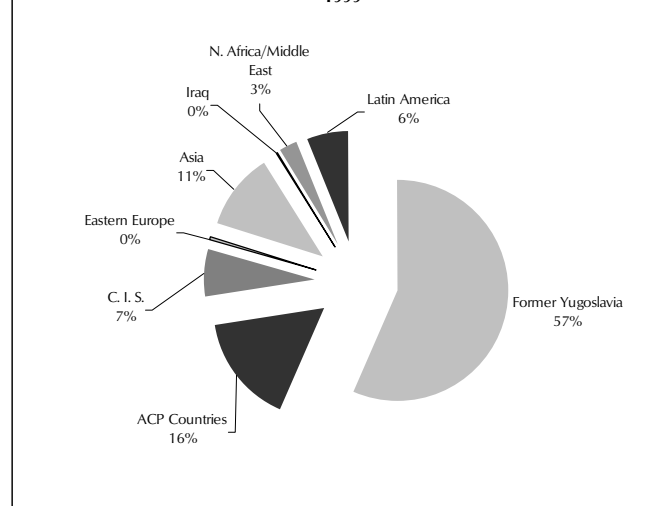
Regional allocations vary significantly between the bilateral sector and the main multilateral agencies. Taking the totals

allocable by region in 2000, 33% of bilateral humanitarian assistance went to Africa, compared with 46% of UNHCR and 64% of WFP expenditure allocable by region. WFP's expenditure outside Asia and Africa is only just over 10% of the total, of which 8.5% is in Europe. This contrasts with 30% of bilateral and 27% of UNHCR.

Table 1: Total bilateral humanitarian assistance allocable by country, 2000 (US\$m)

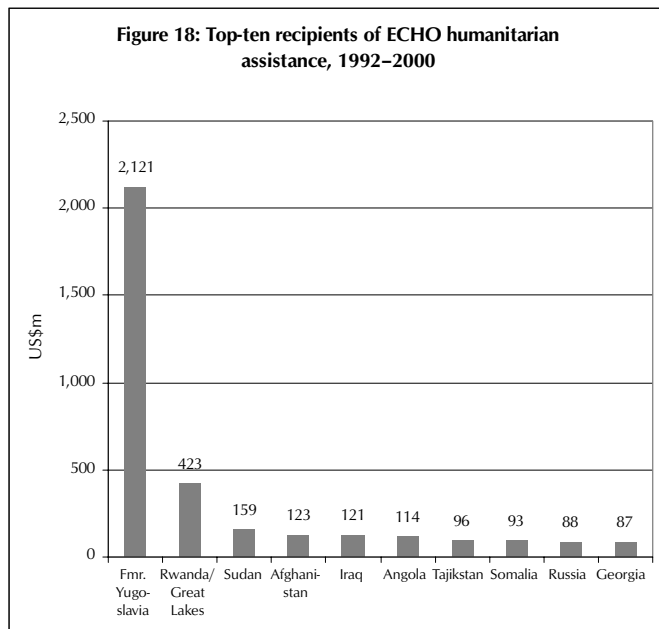
| Country | Volume allocable | Percentage |
|--------------------------------|------------------|------------|
| FRY (Serbia & Montenegro) | 237.24 | 13% |
| Europe (unallocated) | 177.64 | 9.7% |
| FRY (unspecified) | 141.79 | 7.7% |
| Ethiopia | 102.39 | 5.6% |
| Mozambique | 94.59 | 5.2% |
| East Timor | 91.56 | 5.0% |
| Iraq | 75.77 | 4.1% |
| Sudan | 51.91 | 2.8% |
| Angola | 48.27 | 2.6% |
| Bosnia | 43.06 | 2.4% |
| South & Central Asia | 39.16 | 2.1% |
| Somalia | 38.44 | 2.1% |
| DRC | 34.57 | 1.9% |
| Indonesia | 32.69 | 1.8% |
| Eritrea | 32.58 | 1.8% |
| Palestinian-administered areas | 32.23 | 1.8% |
| Sierra Leone | 28.1 | 1.5% |
| North & Central America | 26.21 | 1.4% |
| Honduras | 25.89 | 1.4% |
| Cambodia | 22.23 | 1.2% |
| East Asia | 21.36 | 1.2% |
| Iran | 21.32 | 1.2% |
| Albania | 20.97 | 1.1% |
| Burundi | 20.64 | 1.1% |

Figure 17: Allocation of ECHO humanitarian expenditure by region, 1999



ECHO analyses its budget by different regional groupings, reflecting European political systems and priorities. In the eight years from 1993 to 2000, almost half (47%) of ECHO humanitarian assistance was spent in Central and Eastern Europe, including former Yugoslavia. Just under a third (32%) in all 78 African Caribbean and Pacific (ACP) countries, and the remaining amount (21%) split between Asia, North Africa and the Middle East, Iraq, Latin America and Global Initiatives (Figure 17 shows the regional allocation of ECHO humanitarian expenditure in 1999).

The former Yugoslavia tops the list of countries receiving humanitarian assistance from ECHO, with €2.3bn over the past ten years, or 41% of the total. Three other European countries are in the top ten: Tajikistan (€103m over ten years, or 1.9%); Russia (€96m, 1.7%); and Georgia (€94m, 1.7%). The second most significant area for the receipt of ECHO funds over the same period is the Great Lakes, with €456m, or 8% of the total.



Concentration on selected emergencies

Of the top 50 recipients (by volume) of bilateral humanitarian assistance between 1996 and 1999, the top five were all political hotspots: states of the former Yugoslavia were numbers one (Bosnia), two (Serbia and Montenegro) and four (ex-Yugoslavia, unspecified); the other two were Israel and Iraq. The next five were all low-income countries: Rwanda, Sudan, Afghanistan, Angola and Indonesia. Total volume for these five was \$1,388m, half of the total for the top five, which was \$2,725m.

OCHA analyses the responses to consolidated appeals by country, and compares amounts pledged with funds requested. Figure 19 depicts the percentage of needs met by consolidated appeals in 2000. Overall, in 2001 pledges were made to meet 57% of needs identified as part of consolidated appeals. There was, however, a sharp variation between appeals. Four countries were in the bottom group

for both volume and percentage of needs met, receiving less than 50% of requested funds and short of between \$60m and \$150m. These were Ethiopia, Burundi, Somalia and Angola. Four countries were in the top group, receiving more than 75% of requested funding and having a shortfall of less than \$21m. These were the Northern Caucasus, Sierra Leone, Tajikistan and Tanzania. South-Eastern Europe was the second-largest appeal, at \$413m. Pledges were made to the value of \$211m, or 53%. This compares with 1999, when a billion dollars were requested, and pledges were made to the value of \$685m. The largest appeal in 2001 was, predictably, the Afghanistan donor alert, where requirements were estimated at \$662m, of which \$500m had been pledged by March 2002.

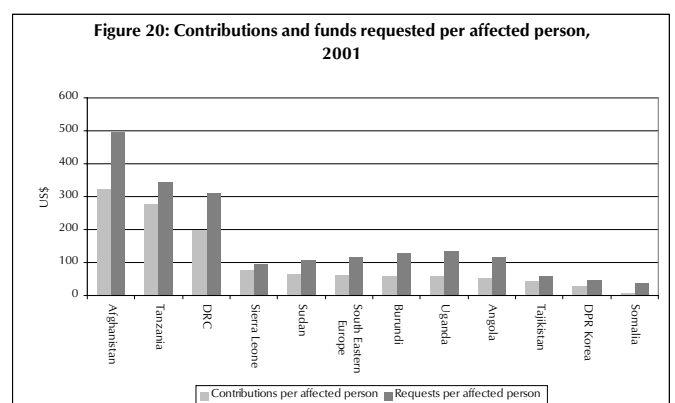
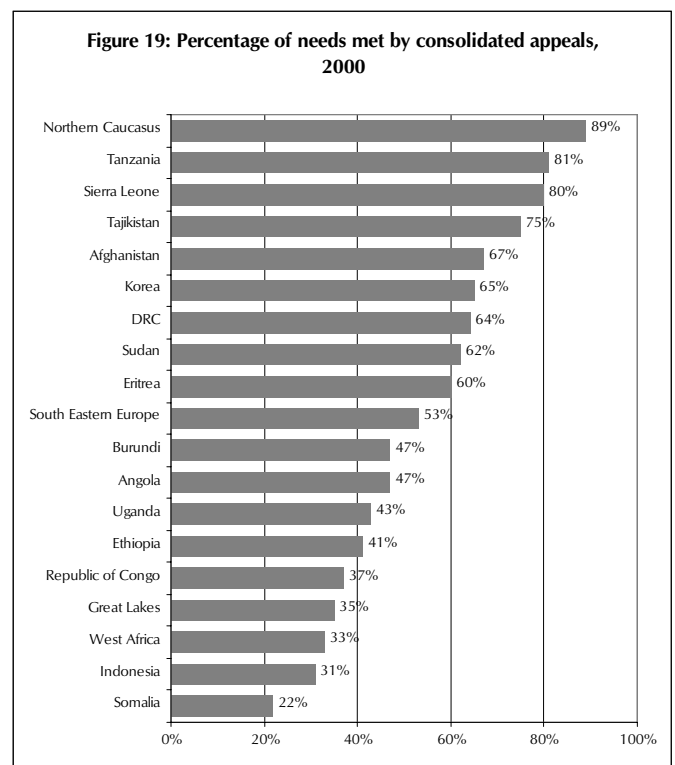


Figure 20 shows funding per affected person in 2001. Data from the 1990s show that funding per affected person in the Great Lakes and former Yugoslavia was roughly twice the average for surrounding countries. Funding requests for these regions also far outstripped those per affected person for other regions. While the average request for Africa between 1995 and 1997 was between \$50 and \$90

per affected person, for the Great Lakes it was never lower than \$150, and peaked at \$235. Similarly, in the former Yugoslavia, while the regional average was under \$120, requested funding per head ranged from \$150 to \$300.

Humanitarian assistance in 2000 shows a similar variation in the funds received per head. Taking 12 countries that were the subject of consolidated appeals:

- five received less than \$10 per affected person (North Korea, Somalia, Tajikistan, Uganda and Guinea-Bissau);
- five received between \$20 and \$36 per person (Sudan, Angola, Burundi, Sierra Leone and Tanzania);
- one received \$87 per person (the DRC); and
- one received \$185 per person (South-Eastern Europe).

The pattern of concentration differs for different agencies: for UNHCR, the spending per capita ranges from \$2 to \$92. Nine countries received less than \$10 per head; among the rest Uganda received \$26, South-Eastern Europe \$40, the DRC \$51 and Tanzania \$92. The range from WFP is narrower. Only two countries, the DRC and Angola, received more than \$50 per affected person. Affected populations in six countries received less than \$10 a head; five received between \$15 and \$50 per head. ECHO spending per capita in 2000 on the 12 selected CAP countries was highest in Tanzania (\$76). Ten countries received less than \$20 per head. Affected populations in South-Eastern Europe received \$43, and Sierra Leone \$29. The concentration of overall resources in South-Eastern Europe is clear. In 2000, 21% of total bilateral humanitarian assistance went to the region – exactly the same percentage as went to all 24 other countries which were the subject of a consolidated appeal.

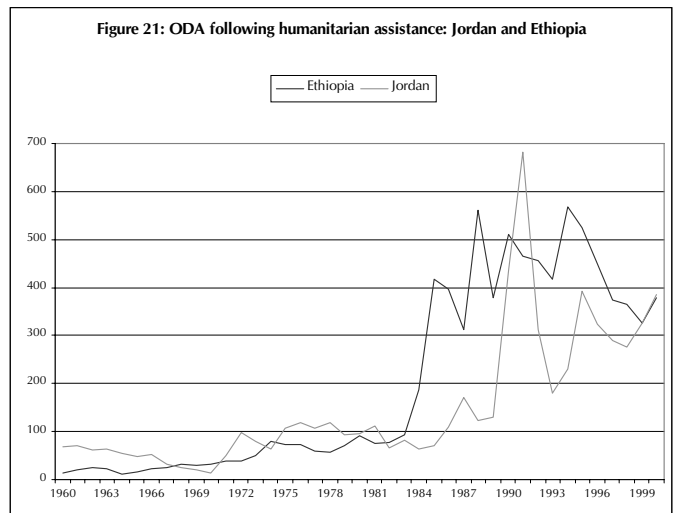
There may be differences in methodology and approach, which affect the calculations of funding per affected person. In Somalia, 44% of the total population of the country are classified as ‘affected people’. In Tanzania and the DRC, less than 1% of the population was classified as ‘affected by’ the emergency. In South-Eastern Europe, 3.5m people – 15% of the total population – were ‘affected’. The data on spending per affected person have to be used with care since costs of delivery differ between situations. These limitations point to the need for a stronger benchmark for measuring the equitable distribution of humanitarian assistance and the costs of meeting humanitarian need.

Development assistance ‘following’ humanitarian assistance

It is important to look at humanitarian assistance in the context of total ODA – particularly in analysing humanitarian assistance to specific recipient countries and regional trends. The dividing line between development and humanitarian assistance, particularly in chronic emergencies, is hard to draw. Donors also differ in their

methods; some have special funds to cover prevention, rehabilitation and reconstruction, while others require attention to ‘humanitarian’ issues in the context of development planning, and vice versa.

Figure 21 demonstrates how, in Jordan and Ethiopia, the increase in ODA occasioned by an emergency has been sustained, if not at emergency levels, then considerably higher than in the previous period. Up to 1984, ODA for Ethiopia was always below \$100m. After 1984, it has always been above \$300m. Similarly in Jordan: in 1991, the Gulf War resulted in increases in ODA from \$100m to \$500m, and then again to \$700m in 1992. From 1993 to 2000, ODA has averaged \$300m a year. This has not been the same in Rwanda. For ten years, 1984–93, aid to Rwanda averaged \$150m a year. In 1994, it more than doubled to \$487m, but has been falling since. In 1997–2000, it averaged \$185m, but in 2000 it dropped to \$175m, its lowest level for 12 years.



Conclusion

Some trends in humanitarian assistance can clearly be identified: the volume and increasing share of aid as a whole, the dominance of a small number of donors, the trend towards bilateral control of humanitarian resources and earmarking, and the concentration on a limited number of high-profile emergencies. However, there are major gaps in information on humanitarian assistance aid flows. Data are difficult to access, patchy in coverage and based on a variety of definitions. This makes it very difficult to be confident about the real level of humanitarian spending, or to get a clear picture of how resources are allocated. The lack of easily accessible and comparable data reduces transparency, and therefore the accountability of all the agencies involved. It also makes coordination more difficult, and complicates the efficient and equitable use of resources. Given the scale of spending, even modest improvements in comparability and transparency could result in significant improvements in the extent to which humanitarian assistance reduces poverty and meets the needs of victims of humanitarian crises.

Chapter 3

Trends and challenges in the UN humanitarian system

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Assessing changes in the UN is the stuff of tensions and paradoxes. On the one hand, events such as the response to Iraq's invasion of Kuwait in 1990, the humanitarian intervention in Somalia in 1993 and massacres in Bosnia and genocide in Rwanda in the mid-1990s have seared themselves into the history of the organisation. Kofi Annan's brave rhetoric on the responsibility to protect civilians has earned him and the organisation a Nobel Peace Prize. The success of the UN in East Timor and Kosovo, and the new challenges faced in Afghanistan, all suggest that the role of the UN has changed significantly over the past ten years. On the other hand, Member States and UN agencies have proved resistant to change, while the proceedings of the General Assembly appear dogged by habitual wranglings and preoccupations. Whilst the response to 11 September pointed to new international partnerships and a renewed enthusiasm for the UN from some states, notably the US, the preoccupation with national security threatens to eclipse multilateral commitment and concern for the human rights of individuals. Within the operational agencies, the persistence of the dysfunctional effects of inter-agency competition and poor coordination cast doubt on whether change is possible at all. Yet despite resistance and setbacks, there have been discernible shifts in the policy and practice of humanitarian action in the UN. A succession of reports and initiatives trace this change, from Secretary-General Boutros Boutros-Ghali's *Agenda for Peace* of 1992 to his successor Annan's declarations at the UN's Millennium Assembly in 2000.

The new security agenda

During the 1990s, the UN's activities in relation to conflict and humanitarian crisis were radically transformed. The end of the Cold War led to a surge of optimism about the possibilities of international cooperation in countering threats to international peace. The Gulf War of 1990–91 'seemed to confirm the relaunch of the UN as the guarantor of peace through a system of collective security' (Righter, 1995). The number of peacekeeping missions increased significantly during the decade. By the end of 1994, 17 operations had been launched, compared with just 13 in the previous 40 years. In 2000, the number of authorised peacekeepers deployed worldwide stood at 45,000, working alongside a further 13,000 civilian staff. Over the decade, three times more peace agreements were signed than in the previous 30 years. In 1993 alone, there were 93

resolutions, compared to an average of 15 per year between 1945 and 1988. Although NATO's failure to seek Security Council authorisation for its actions in Kosovo in 1999 signalled that divisions among the five Permanent Members remained, the speed with which peacekeeping operations were authorised and deployed to East Timor later that year indicated that things had indeed changed. At the turn of the millennium, the UN was running administrations in Kosovo and East Timor. Thus, international consensus about the UN's unique position to support Afghanistan's reconstruction in 2002 was unsurprising.

Humanitarianism on the security agenda

The agenda of the Security Council has also been transformed. Humanitarian concerns have entered its lexicon and agenda, and have manifested themselves in several forms. These concerns are partly reflected in the increasing number of resolutions that emphasise the need for civilians to have access to humanitarian assistance, for instance in East Timor (Resolution 1272), the DRC (Resolution 1291) and Eritrea and Ethiopia (Resolutions 1312 and 1320). In 1999 and 2000 alone, two resolutions were passed on the protection of civilians, two on the status of children in armed conflict and one on women, peace and security.

The increased importance of humanitarianism on the security agenda has also entailed a reworking of the term 'humanitarian' itself. The use of the humanitarian label is increasingly being seen by some as a means of legitimising partisan political ends, or concealing political failure beneath a more comfortable and acceptable cloak. Suspicions are growing within the humanitarian community – NGOs as well as UN humanitarian agencies – that decisions to use force are based less on the ultimate benefits that may be afforded victims of war, and more on the narrower political and military objectives of the intervening powers. As Dylan Hendrickson puts it: 'While these interests sometimes converge with humanitarian interests, all too often they do not' (Hendrickson, 1998; see also Shawcross, 2000). One authoritative commentator sums it up: 'In some crises [Member States] adopted a response in the name of humanitarianism because they were unable to formulate, or to agree, substantive policies dealing with the fundamental issues involved' (Roberts, 2000). The implications of using the label in this way are largely unevaluated at field level.

The redefinition of security

The Security Council's increased interest in humanitarianism and the protection of civilians is part of a broadened definition of security that emerged over the 1990s. While 'traditional' military threats associated with international conflict remained, the UN showed itself increasingly concerned with sub-national threats to do with internal conflict, and with supra-national or transnational threats, such as crime, terrorism and associated concerns around the proliferation of weapons of mass destruction. These types of security threat rendered defunct previous distinctions between domestic and foreign policy (Hain, 2001).

In the wake of 11 September, counter-terrorism has clearly assumed yet greater significance for the UN and the Security Council; some observers have gone so far as to posit counter-terrorism as the new organising principle of international affairs. It is not, however, clear what this means for another aspect of the broadened definition of security that emerged during the 1990s, namely 'human security'. At its narrowest, this term connotes a concern with the protection of human beings, rather than the protection of borders, whether from internal or external threats (Annan, 2000a). At its broadest, the notion has been extended not only to encompass individual freedom from fear, but also freedom from want; that is, it embraces all sources of social and economic insecurity associated with poverty, unemployment and disease (UNDP, 1994).

Both of these aspects of the broadened security agenda are contingent upon increasing consensus that the international community has the right to concern itself with threats to peace and security and those causes of conflict that were once seen as the sole province of a sovereign state. For the US in particular, counter-terrorism certainly appears to have shifted the terms of the sovereignty debate. Prior to 11 September, the broadened definition of what is of concern to the UN Security Council had been legitimised in part by a growing recognition of the cross-border impact of contemporary conflict, reflected in phenomena such as refugee flows (Macrae and Leader, 2000). But it is also attributable to the recognition by governments, primarily the Western democracies, that their electorates expect action when they see people suffering humanitarian crisis in conflict-affected countries.

Individual sovereignty versus the sovereignty of states

The UN Charter embodies a paradox: while it was created in the name of 'the people', it is run by states, not all of which respect the rights of their citizens. During the 1990s, the growing preoccupation with human security led to a shift towards the UN Charter's emphasis on the rights and dignity of individuals, rather than the sovereignty of the state. Annan has been a determined advocate of this shift,

his resolve stiffened by the appalling human toll in the former Yugoslavia and Rwanda. The very title of the Millennium Assembly report – *We the Peoples* – is a reminder that, although the UN is run by states, its Charter was written in the name of peoples. What remains unclear, however, is *who* has the responsibility to act when states fail to protect their citizens, and *when* this responsibility should be discharged. There are no accepted norms as to who adjudicates this emergent 'conditional sovereignty'.

Policing the new order

The new emphasis on human security and evolving attitudes to state sovereignty imply the need for new approaches to enforce international humanitarian and human-rights law, and for new mechanisms to compel states (and non-state warring parties) to discharge their responsibilities regarding their citizens. Ending impunity became a mantra throughout the 1990s, particularly in the wake of the genocide in Rwanda in 1994. The establishment of the tribunals for the former Yugoslavia and Rwanda was part of a shift that culminated at the end of the 1990s in agreement on establishing an International Criminal Court (ICC). The increasing use of universal jurisdiction has enabled the arrest of former Chilean President Augusto Pinochet, and the trial in a Belgian court of two Rwandan nuns on charges of genocide.

For some critics, the *ad hoc* nature of the various tribunals and indictments reveals a dangerously inconsistent approach to justice (CIC, 2001). There are also concerns around the politicisation of the judicial process; in the case of the former Yugoslavia, for instance, the US has made former President Slobodan Milosevic's indictment a key condition for aid, while NATO's actions in Kosovo have been ruled practically unindictable (Shawcross, 2000). The underfunding, mismanagement and lack of transparency of the tribunals have also been criticised (CIC, 2001). Not enough states have ratified the treaty on the ICC to allow the court to commence work, and US opposition casts doubt over its effectiveness when and if it begins operations. The varying international interpretations of what it means to bring Al Qaeda members to justice is further proof that this area remains subject to debate. Nonetheless, there is a shift towards what some regard as 'an emerging paradigm of international criminal justice' (Annan, 2001c).

Enforcing compliance: the use of sanctions

During the 1990s, the UN established more sanction regimes than ever before. These have included arms embargoes, trade and financial restrictions, the interruption of air and sea communications and diplomatic isolation. In Angola, sanctions have targeted UNITA's import of fuel and export of diamonds; in Cambodia, they have targeted imports of fuel, and the export of timber and gems by the Khmer Rouge. Sanctions have also been imposed to curb

exports of Iraqi petroleum, as well as the diamond trade in Liberia and Sierra Leone.

Kofi Annan's *Millennium Report* acknowledged that sanctions have had an uneven track record in inducing compliance with Security Council resolutions: 'In some cases, little if any effort has gone into monitoring and enforcing them. In many cases, neighbouring countries that bear much of the loss from ensuring compliance have not been helped by the rest of the international community and, as a result, have allowed sanctions to become porous.' Since 1998, several expert panels have been set up to monitor specific sanctions regimes, first for Angola, then later for the DRC and Sierra Leone. These panels have provided a great deal of information on sanctions-busting, including by current and former heads of state, as well as by companies and individual businesspeople.

Inevitably, these panels have been controversial. Governments whose members have been implicated in sanctions-busting have dismissed the reports, while others have questioned the standards of evidence adopted by the panels. The most recent panel on the DRC has come in for strong criticism, both for its partiality (it focuses only on some parties to the conflict, not all) and over the standards of evidence that it has used. Also damaging to the credibility and usefulness of the panels is the lack of action against those named, whether by the Security Council or by other UN Member States. Recommendations that secondary sanctions be applied to sanctions-busting countries have been ignored, and proposals to create a permanent sanctions-monitoring unit under the Security Council remain the subject of debate.

One of the key problems with sanctions regimes is that they may most directly affect general populations, while having very little impact on the regimes they are seeking to influence. There have been a number of steps towards more targeted approaches. The so-called Interlaken process, launched by the Swiss government in 1998, proposes targeted financial measures designed to penalise elites, while lessening the humanitarian impact on general populations. The Bonn/Berlin process has looked at targeted measures against weapons flows, and travel restrictions against specific individuals. The UN has also asked banks and other financial institutions to assist in implementing targeted financial sanctions. Prior to 11 September, resistance from governments and financial institutions thwarted such efforts. Since the attacks, there has been a surge of international interest in shutting off revenues deemed to sustain terrorism. This could have wider consequences for the effectiveness of sanctions.

Enforcing compliance: the dilemma of 'humanitarian intervention'

The most controversial implication of promoting the rights of the individual over state sovereignty is that the

international community will be willing to go beyond diplomacy and sanctions, and use force to compel respect for human rights law and international humanitarian law (IHL). Roberts (2000) notes that, since the Cold War, individual governments and the Security Council have used three types of violation of IHL as grounds for the use of military force:

- i) harm to civilians;
- ii) problems in the delivery of humanitarian aid; and
- iii) violence against humanitarian workers.

Opposition to so-called 'humanitarian intervention' comes broadly from two quarters: those who declare their opposition to any interference in the affairs of states on whatever grounds; and those who argue that the use of force is inconsistent with humanitarianism.

Insistence on respect for sovereignty and non-intervention in the internal affairs of states has been a perennial feature of the debates and resolutions of the UN General Assembly. The Security Council is also not without divisions, with Russia strongly resistant to international interference in Chechnya, and China to interference in Tibet. Annan's remarks on humanitarian intervention in his report to the Fifty-fourth General Assembly in 1999 provoked a major confrontation. In 2000, Egypt and India were among those insisting on the continuing sanctity of sovereignty, arguing that Security Council involvement in humanitarian intervention was 'a recipe for chaos and lawlessness'. The current composition of the Permanent Membership of the Security Council only bolsters arguments over the legitimacy of its actions and decisions; while the UK has been pushing for the inclusion of Germany and Japan as Permanent Members, there is little indication of reform to accommodate the aspirations of, for instance, India.

Another body of opinion argues that the claim to act in the name of a universal ethic such as humanitarianism is flawed because such universal ethics do not exist. William Shawcross cites Henry Kissinger, arguing that 'Once the doctrine of universal intervention speaks and competing truths contest, we risk entering a world in which, in G. K. Chesterton's phrase, virtue runs amok' (Shawcross, 2000). Finally, it could be argued that, while humanitarian intervention may not be illegitimate *per se*, the Security Council's inconsistent application of it has undermined its legitimacy. Thus, more consistent approaches are required (Forsythe, 2001). Taking up this challenge, in September 2000 the former Canadian Foreign Minister Lloyd Axworthy established an International Commission on Intervention and State Sovereignty. The commission sought to reconcile intervention with state sovereignty, and foster a global political consensus on action in the UN system. The resulting report, *The Responsibility to Protect*, was launched at a low-key event in New York on 15 February 2002. Although hailed by some as a useful contribution to the debate, it is not yet clear how the report will inform and shift the debate among UN Member States.

Inevitably, this tension over intervention touches on the work of humanitarian agencies, whether the UN, international organisations or NGOs. Debates during the ECOSOC Humanitarian Segment have frequently highlighted the tension between national responsibility and the role of international action. As the Security Council became increasingly interested in humanitarianism, so debate in the General Assembly and the ECOSOC became more hostile. As Annan insisted that it was incumbent on Member States to seek international assistance when they were unable to provide for their populations, so Member States insisted that their consent was necessary before humanitarian assistance could be given. As Annan strongly supported humanitarian agencies, so Member States in the General Assembly were more critical of relief workers, who consulted and coordinated poorly with national governments and local structures.

The 1999 Humanitarian Segment of the ECOSOC was the quintessential example of this. It was characterised by bad-tempered exchanges on the politicised nature of donor- and media-driven humanitarian aid, aid that was liable to cause more harm than good. The representative of the Permanent Mission of India to the UN summed up the feeling:

The principle that humanitarian assistance must respect the needs and interests of those concerned seems to operate through the prism of donors. Where humanitarian assistance goes, and how much, depends on the need of donors to soothe constituencies or conscience, the need of powerful international NGOs to have their egos massaged, and the need of the largest media networks to punctuate soaps [television series] with pictures of the great unwashed.

However, the 1999 Segment is broadly acknowledged as a low point. The striking enthusiasm for the humanitarian project evinced by the 2001 Segment suggests that the pendulum now seems to have swung towards the view that humanitarian aid is important, and donors need to fund more of it. However, though the strident criticism of previous years was replaced by concerns to do with staff security and access difficulties, doubts about the legitimacy and consistency of humanitarian action and intervention remain.

The politics of peace operations

In March 2000, Annan convened an expert panel to examine UN peace operations, and to make recommendations for reform. The resulting report – dubbed the Brahimi Report after the panel's chairman, Lakhdar Brahimi – was wide-ranging, covering questions of doctrine, strategy and decision-making, deployment capacities, headquarters resources and information management. The report's key conclusions were:

- peacekeeping objectives should not outrun the political will and resources necessary for the job in hand;

- the Security Council should craft and authorise clear, precise and robust mandates;
- greater resources are needed to be able to deploy sufficient, trained forces rapidly (within 30–60 days); and
- peacekeeping planning and support capacity is overloaded, and needs more personnel and the creation of a strategic planning and analysis capacity. The report recommended that a new information and strategic analysis secretariat should be created.

The report is clear that Member States must be willing to accept casualties, and that peace operations must have sufficiently robust rules of engagement to allow them to defend themselves and other mission components, with 'ripostes sufficient to silence a source of deadly fire'. Specifically, this means larger, better equipped and more expensive forces, 'in contrast to the symbolic and non-threatening presence that characterises traditional peacekeeping'. The report is similarly forthright in telling the Secretariat that it must 'not apply best-case planning assumptions to situations where local actors have historically exhibited worst-case behaviour' and must 'tell the Security Council what it needs to know, not what it wants to hear'. The organisation is further berated for its poor management and recruitment practices, which leave badly qualified or inept staff in their posts, while failing to effectively induct or support others. The report also argues that peacekeeping should receive more funding from assessed contributions as a core activity of the UN.

In all, the Brahimi Report made some 60 recommendations addressing the panoply of actions involved in peacekeeping. A number of the recommendations have not survived debate by the General Assembly. The proposal for an information and analysis secretariat (EISAS), for instance, proved controversial, since for some Member States it was tantamount to a spying capacity at the heart of the UN. To make the option more palatable, the proposed size of the EISAS was halved, and the Secretary-General emphasised that it would draw on information already in the public domain. It was still dismissed. With regard to staffing levels, the Advisory Committee on Administrative and Budgetary Questions (ACABQ) approved the majority of new posts recommended by Brahimi, although some were deferred pending further review. A number of measures have already been used in the response to Afghanistan, such as an Integrated Mission Task Force that brings together different UN actors to facilitate coordinated planning.

Multi-mandating: Brahimi, aid and politics

Another aspect of Brahimi's recommendations very much in evidence in the UN's response to Afghanistan is its desire to be 'integrated'. One of the corollaries of the redefinition of security and the nature of the threats to international peace and security is the awareness that policy response

has to be multifaceted. 'Joining up' the diverse functions of the UN has been a recurring theme throughout the 1990s. Under the guise of integration and coherence, whereby aid sits alongside diplomacy and military action as part of an integrated 'international policy' (Macrae and Leader, 2000), divisions of labour have been shifting.

The Brahimi Report took a strong line on the integration of humanitarian action within a political and military framework. In Brahimi's proposals, humanitarian action – or at least humanitarian funds – are seen as assets that can be drawn on by Force Commanders or Mission Leaders. Thus, for instance, Brahimi refers to quick-impact projects as a means of winning hearts and minds, and persuading belligerents to 'submit' to a peacekeeping operation.

From the humanitarian perspective, criticism of Brahimi's integrationist approach as outlined in the report crystallised around the report's definition of impartiality. For Brahimi, impartiality means fidelity to the UN Charter and to Security Council resolutions. This is not the same as the definition applied by humanitarian agencies. Here, impartiality means the allocation of resources on the basis of need. Leader (2001) neatly captures the distinction:

In a sense, for both actors, impartiality, like justice, is blind: but it is blind to very different things. For humanitarians, impartiality means being blind to who or what a person is and to what they have done; a key tenet of humanitarianism is that there are no good or bad victims, only degrees of need ... For peacekeepers on the other hand, for the reinvigorated champions of justice of the Brahimi report, justice is blind to who or what you are except for what you have done.

Debate within the UN itself on the implications of Brahimi's integrationist approach is relatively undeveloped, and confused by shifting positions on the relationship between aid and politics. There seem to be differences between Brahimi's version of integration, and that proposed by the Secretary-General's report to the 2001 Humanitarian Segment of the ECOSOC, which emphasised the independence of humanitarian action. Similarly, the Secretary-General's Comprehensive Plan on Peacekeeping Operations, presented in June 2001, argued that the aims of humanitarian actors and peacekeeping operations may not be the same, and that separation may be necessary.

Within the UN, this debate on separation has largely focused on the respective roles of, and the relationship between, the SRSG and the UN Resident or Humanitarian Coordinator (HC) in any given country. The logic of the integrationist agenda is that the SRSG is the key point at which coherent strategies should converge, requiring that he or she be formally responsible for all UN action – political, military and humanitarian – in the country in question (Macrae and Leader, 2000). Some have suggested that the Resident/Humanitarian Coordinator should be designated the Deputy SRSG. Yet this has been the subject of debate animated by those concerned to protect

humanitarian action from political strategies. For example, in 1994 the IASC argued that, in situations of active conflict where it was most important to retain the distinction between humanitarian and political action within the UN, there should be distance between the SRSG and the HC. In December 2000, a note of guidance was finally agreed stipulating that the HC should not be the deputy of the SRSG. However, in mid-2001 the Resident Coordinator for Sierra Leone was made the Deputy SRSG. The UN Assistance Mission for Afghanistan looks set to follow this model.

The debate surrounding integration and independence is also complicated by the lack of systematic assessment of the evidence about the practical consequences of these different arrangements. It is too early to judge whether making the Resident Coordinator the Deputy SRSG in Sierra Leone has in practice humanised the political response, or politicised humanitarian action. Such evidence as there is suggests that humanitarians on the ground are among those carrying the costs of the integration of aid and political responses to conflict. In 1998, more humanitarian workers were killed than in any previous year. Many have attributed this increase to the perception held by warring parties that humanitarians are part of the political and military strategy. Such links also risk undermining the sometimes fragile constituency for humanitarian action in the General Assembly. In his presentation to the Humanitarian Segment of ECOSOC 2000, the Indian government representative remarked: 'we need serious introspection if the increasing attacks on humanitarian workers are not on account of humanitarian assistance being perceived as biased and hence part of the problem rather than part of the solution'. Thus for many, there are already powerful demonstrations of the practical necessity for humanitarian action to retain its independence from politics, and its particular principle-bound character.

The politics of 'peacebuilding'

If the need for coherent strategies is one aspect of the changes that took place over the 1990s, setting out what should be the goal and substance of those strategies has also been subject to debate. The Brahimi Report, for instance, stresses that all peace operations should have a sound peacebuilding strategy, yet it is silent on what such a strategy should look like. This silence invites controversy. Who defines that peace? There are many unanswered questions about the nature of the peace that UN operations seek to keep or enforce. In the Brahimi Report, as in the wider debates to date, peacebuilding is depoliticised, and stripped of analysis of whose interests it serves. This bolsters those who argue that the emerging system of global governance is dominated by the discourse of liberal politics, much as the global economic debate has been dominated by the discourse of neo-liberal economics (Duffield, 2001). The UN is seen by some to be at the forefront of this distinctly interventionist governance agenda.

This critique is important because it emphasises the pervasiveness of an orthodoxy that has adopted the instruments of aid to achieve its goal (Macrae, 2001). Yet the UN's mixed record on peacebuilding and the continuing ambiguity about how peace is built suggest that, in the hands of the UN, the liberal governance project is less formed than proponents of this position suggest. Indeed, the experience of the UN on the ground indicates that the political projects of Member States have been more minimal; while the rhetoric may be interventionist and concerned with changing unacceptable behaviour, peacebuilding efforts have been *ad hoc*, and few in the West seem concerned by the quality of the peace that they want to build. Thus, for the Western powers the UN has largely served as an organisation of last resort and a safety net, required perhaps to resolve conflict, primarily to contain it, but without sufficient commitment from Member States to do either. Afghanistan is merely the latest in a series of peacebuilding challenges handed to the UN that may prove to be chalices poisoned by a lack of sustained international commitment.

Afghanistan notwithstanding, it is also not clear from the current debate whether in less high-profile cases, peacebuilding will comprise much more than humanitarian actors being asked to do more with the limited tools at their disposal. For humanitarian agencies, their as yet undefined role may be the latest attempt to co-opt humanitarian action to deliver on wider political goals of peace and security. This could have commensurate coordination difficulties as NGOs and other humanitarians are forced to distance themselves explicitly from a non-neutral UN in the interest of preserving their humanitarian identity.

The growing emphasis on conflict prevention

Although the UN has a mandate to engage in conflict prevention, both through the Charter and through the work of the Secretary-General, the capacity for preventive action only began to be developed following Boutros-Ghali's *Agenda for Peace* report of 1992. By the close of the 1990s, Member States had indicated a broad commitment to improving the UN's capacity for effective preventive action. Yet it is doubtful whether Member States, who have signally failed to respond effectively to on-going conflicts, will muster sufficient political will to engage in meaningful conflict prevention. Moreover, the concerns about non-interference in the affairs of sovereign states are as live in the case of conflict prevention as they are with peacebuilding. Concerns about resources, voiced by G-77 states suspicious of yet another vogue concept, are likely to lead some Member States to urge UN humanitarian organisations to integrate conflict prevention into their work. The Brahimi Report, for instance, argues that humanitarian and development activities should be viewed through a 'conflict prevention lens'. Thus, the aims of humanitarian aid expand again.

As to the mechanisms of conflict prevention, Annan has argued that the UN could more effectively use the tools at the disposal of its various organs. These include fact-finding and observer missions, preventive disarmament, the establishment of demilitarised zones, post-conflict peacebuilding and targeted sanctions. The Secretary-General has also suggested that he will provide regional or sub-regional reports on threats to international peace and security, and that complementary reports might focus on the cross-border aspects of conflict, such as flows of illicit arms and refugees. He also wants to explore the possibility for preventive diplomacy in consultations with heads of regional organisations, and to appoint an informal network of 'eminent people' to advise him. Finally, Annan has proposed that ECOSOC's work in Africa could extend to other regions, drawing on the capacity of the UN system through the Administrative Committee on Coordination and its inter-agency machinery.

The UN humanitarian system: operational and organisational dilemmas

The UN humanitarian system comprises six key actors – UNHCR, WFP, UNICEF, FAO, WHO and UNDP – each established by separate treaties, with its own governance mechanism. The first attempt to create a comprehensive framework to organise this system was General Assembly Resolution 2816 of 14 December 1971, which set up the Office of the UN Disaster Relief Coordinator (UNDRO) 'to mobilise, direct and coordinate relief'. UNDRO was not a success, and two decades later, prompted also by dissatisfaction with other *ad hoc* coordination arrangements and the experience of the Gulf War, General Assembly Resolution 46/182 was passed in December 1991.

Resolution 46/182 created the post of ERC and the IASC. It also proposed a central funding mechanism – the CERF – under the authority of the Secretary-General, to hold \$50m of voluntary contributions to be replenished by responses to a consolidated appeal in order to ensure adequate resources in the initial phase of a humanitarian response. The resolution also proposed that the UN should build up a central register of all specialised personnel. The following year, the Secretary-General established the DHA, with the ERC also serving as Under-Secretary-General (USG) for Humanitarian Affairs.

Although a marked improvement on what had gone before, these measures were not without their difficulties. The DHA in particular attracted criticism as its mushrooming operational programmes – responding to donors' whims for activities not within the mandate of other agencies – constituted a direct threat to the UN's operational agencies. These operational activities distracted the DHA from its essential role of coordination and advocacy both at UN headquarters, and in the field.

In 1997, Annan set in train a reform programme to evaluate this architecture. Months of debate ensued between the reform team and UN agencies around options ranging from consolidating all humanitarian activity into one 'super-agency' to more minor changes. These discussions resulted in the abolition of DHA and the creation of OCHA. The reform proposed to focus and strengthen the ERC in three core functions:

- policy development and coordination functions in support of the Secretary-General, ensuring that all humanitarian issues, including those which fall into gaps between the existing mandates of agencies, such as protection and assistance for IDPs, are addressed;
- advocacy on humanitarian issues with political organs, notably the Security Council; and
- the coordination of humanitarian emergency response, by ensuring that an appropriate response mechanism is established, through IASC consultations, on the ground. The new office was divested of the operational responsibilities of its predecessors – such as mine action and disaster prevention – which were redistributed to other parts of the UN system.

Another of Annan's measures was to propose that the IASC be strengthened by establishing a Steering Committee to include UNHCR, WFP, UNICEF, UNDP, a representative of the Red Cross Movement and a representative of the NGO community. Annan further suggested that it might be desirable to establish a governing board for humanitarian affairs, to give policy directives on overall humanitarian issues and oversee the coordination of humanitarian response. However, he confined himself to recommending that a humanitarian affairs segment of the ECOSOC be established to give guidance on overall humanitarian issues and coordination. Neither of the latter two proposals – the Steering Committee for the IASC and the humanitarian affairs governing board – were established, although the rationale for them both remained.

No need for reform? The humanitarian agencies a decade on from 46/182

A decade after Resolution 46/182, the relevance of its provisions was reassessed in the 2001 ECOSOC Humanitarian Segment. What emerged was a strong sense that, in the eyes of Member States, the fundamentals of the architecture established by the resolution – namely the post of the ERC, the CAP, the CERF and the IASC – require only minor improvements, rather than a major overhaul. It is clear that, for Member States, radical reform is off the agenda. However, there is evidence to suggest that there is need for precisely such reform.

The ERC. The ERC has a unique position as the humanitarian voice within the Secretariat, offering the opportunity for robust advocacy – both within the

Secretariat and with Member States – on the principles, role and limits of humanitarian action, and the political action required to uphold the right to humanitarian assistance and protection. However, other parts of the Secretariat have not been consistently receptive to these messages, and have often been anxious to assert the primacy of political and peacekeeping action over humanitarian concerns.

The CERF. The CERF, set up to facilitate rapid response to humanitarian emergencies managed by the ERC in consultation with the operational agencies, has disbursed over \$200m since its inception in 1992. In recent years, UN operational agencies have tended to favour their own emergency funds, calling only on the CERF when their needs exceeded these. The CERF's operation has remained largely unchanged since it was established. As a result, the Secretary-General is proposing to the General Assembly that the fund be used for natural disasters, for protracted emergencies and for security arrangements. At ECOSOC 2001, many delegations expressed support for these measures, which were to be considered in the forthcoming session of the General Assembly.

The CAP. The involvement of all UN humanitarian agencies in the preparation of the CAP has become unquestioned practice. Since its inception in 1992, there have been continuous efforts to improve it. There is evidence of increasing engagement by donors and others in using the CAP as a strategic coordination tool. However, there is still little uniformity in how this is done, what or whom it includes, and how it is used. Although in some cases, it has been seen as a useful inter-agency planning exercise, the CAP has also been viewed as a funding-focused public relations exercise with little integrated planning or prioritisation. Regardless of the quality of the CAP, all appeals face the problem that donors cherry-pick projects, or even ignore appeals. Although globally the CAP provides one of the only tools enabling comparison of international responses to humanitarian need, at its worst preparing the CAP is more an exercise in estimating likely donor response than it is a reliable assessment of need.

Although it is not clear to what extent the quality of the analysis and programmes in the CAP is a key determinant of its success as a fund-raising tool, it is clear that there is growing consensus that it could add greater value to the humanitarian effort by placing increased emphasis on analysis, strategic planning, prioritisation and monitoring (Reindorp and Wiles, 2001; and ECOSOC, 2001). Ultimately, if the CAP is to be an effective strategic funding tool, Humanitarian Coordinators need to be given greater authority to facilitate and perform prioritisation.

The IASC. At the very least, the IASC has provided a focus for regular interaction between agencies, which has fostered a degree of collaborative spirit among its members. Its broad membership is seen as its most important feature. Yet because the IASC relies on consensus, decision-making is

protracted and difficult issues get dodged. This is partly because all participants report to different boards, which causes weak buy-in and accountability, and because meeting agendas are overloaded. As a result, much decision-making goes on in corridors among smaller sub-groups of the IASC, undermining arguments about the merits of broad membership.

All of this has a direct bearing on the impact of the IASC on the ground. Much of the decision-making about field coordination structures appears to take place outside IASC meetings, and thus minimises the role of non-UN members. More time is now spent on choosing coordination arrangements – whether under a Resident Coordinator or through the appointment of a separate Humanitarian Coordination, or lead, agency. Such arrangements are plagued with difficulties on the ground. The weak links between staff in the field and those in headquarters also affect the IASC's decision-making and effectiveness. Although Humanitarian Coordinators may be invited to attend the IASC when their countries are being discussed, in the field there appears to be little interest in the body.

Changes at OCHA

OCHA has found itself in the invidious position of having a mandate for coordination that is undermined by a lack of authority, resistance from UN agencies and uncertain funding. OCHA also undermines its own frail credibility by fluctuating performance. Staff can be deployed too slowly, given uncertain or no contracts, and poorly briefed before reaching the field. Effective handovers from previous incumbents are rare. OCHA also fails to standardise the functions it provides from one country to the next, and there are few opportunities for staff to learn from one another. This is because OCHA lacks the administrative procedures to support an organisation in the field, faces the structural constraints that come from having an office divided between New York and Geneva, has financial limitations and suffers from weak management. The overall result is that many humanitarian responses are based on insufficient analysis of the context, have no clear strategy or goals, are inadequately monitored and the impact of the response poorly measured.

Kenzo Oshima, formerly the Secretary-General of the Secretariat for International Peace Cooperation Headquarters in the Office of the Prime Minister of Japan, arrived at OCHA in January 2001, to pick up the results of the management review process overseen by Carolyn McAskie, who had been serving as interim ERC. The key measures proposed by the review included integrating natural disaster and complex emergency functions; developing a 'surge capacity' to enable OCHA to respond quickly in rapid-onset crisis; enhancing support to the field; clarifying the division of labour between the headquarters in Geneva and New York, particularly in providing guidance

and support to field offices; and strengthening OCHA's advocacy capacity.

It remains to be seen whether OCHA will be capable of achieving these goals. The office has increased its disaster response capacity through the appointment of regional advisers in Asia, Latin America and the Pacific to help governments and regional networks in disaster preparedness and response. OCHA has also sought to erode internal divisions between staff working on natural disasters, and those working on complex emergencies. One impetus behind this is the enthusiasm in some quarters of OCHA for the duplication of the UN Disaster Assessment and Coordination (UNDAC) mechanism – the team of response specialists deployed in disasters to assist governments and local organisations – in rapid-onset conflicts. Early signs are that the fundamental divisions and duplication that come from having two headquarters have not been resolved. The difficulties that OCHA faces in its vital humanitarian advocacy role – such as resistance from the Department of Political Affairs (DPA) and the Department of Peacekeeping Operations (DPKO) – appear to remain.

IDPs and resistance to reform

A critical issue that highlights both OCHA's weakness and raises questions about the reform of the UN is the protection and assistance of IDPs. The rise in the number of displaced people is linked by many to the erosion of the right to asylum for refugees as governments neglect their obligations under the 1951 Refugee Convention and 1969 Organisation of African Unity (OAU) Convention, and borders become less porous to those fleeing persecution (Crisp, 2000). However, such failures of states and governments have often been eclipsed by the continuing competition among the operational agencies, funds and programmes.

Annan argues that, because national authorities fail to protect the displaced and there is no international system to do this, there has been an inconsistent and ineffective response. In 1997, he designated the ERC as the focal point for examining and addressing the needs of IDPs. In June 2000, an Inter-Agency Special Network was created, headed by a special coordinator, the former Head of Protection at UNHCR, Dennis McNamara. A year later, McNamara presented his recommendations. The result was the formation within OCHA of a non-operational unit focusing on IDPs. Having silenced discussion of a lead agency for IDPs, the inter-agency approach once again confirms that the response to IDPs will be the litmus test for coordination more generally. Despite all the efforts to make coordination more systematic, these measures have not been able to overcome the structural, institutional and management obstacles to coordinated responses to humanitarian need that pervade the UN humanitarian agencies. Effective, coordinated responses to displacement are likely to remain elusive.

The funding crisis

Whilst perhaps more a comment on donor preferences than a clear signal of the need for reform, the declining share of funds given to UN humanitarian action presents a major strategic challenge, and was one of the predominant themes of the ECOSOC Humanitarian Segment for 2001. In mid-2001, UN humanitarian programmes for 19 crises had received \$974m, or just 35%, of the \$2.74bn that the UN had requested. UN agencies have fared particularly badly since funding to NGOs has increased, and donors have developed their own operational capacity to respond to crises. These funding problems have seen certain sectors of CAPs consistently unfunded, or under-funded. This has particularly affected the work of the specialised agencies, and those concerned with health, livestock, seeds, education and rehabilitation. Certain geographical areas or appeals have suffered at the expense of others, such as Burundi, Somalia, or Liberia, while donors have earmarked funds in ways that prevent coordination.

Changes at UNHCR

Addressing the funding shortfall has been one of the principal concerns of the new High Commissioner for Refugees, Ruud Lubbers. Faced with a shortfall of \$150m in the budget, Lubbers has worked to identify savings, cutting his coat of protection and assistance to refugees according to the available funding cloth. While the global population of concern to UNHCR declined from 22.3m people in 1999 to 21.1m in 2000, the combined number of refugees and IDPs assisted by the agency remains high in historical terms. The mass displacement of populations as a war tactic and a consequence of conflict and disaster continue. Meanwhile, the international protection regime for refugees has eroded, including increasingly restrictive asylum policies in many Western European states. These factors appear to have prompted Lubbers to turn to *realpolitik* as part of an advocacy strategy to reinvigorate the commitment to refugees: 'Our message to the donors is: if you want the numbers of Afghans arriving in Europe, North America and Australia to continue doubling every two years, then continue to under-fund Afghanistan' (ECOSOC, 2001).

Following his appointment in January 2001, Lubbers launched a three-pronged internal review 'to ascertain the optimum profile and size for the organisation according to its fundamental mandate and purpose'. This review was required to define where UNHCR has a unique global responsibility; to review UNHCR's actions relating to these areas; and to find ways of securing adequate and predictable funding for these activities (ECOSOC, 2001). As a result, savings of \$100.8m were identified. This means shedding 800 members of staff and closing nine offices, seven of them in Africa. Lubbers, who argues that this strategy is designed to shock donors, is simultaneously embarking on a donor burden-sharing campaign to persuade OECD

members that they should contribute according to their population size, equivalent to \$1 per person. This proposal has yet to attract much support.

Having cut its capacity for protection during much of Sadako Ogata's tenure, in July 2000, prior to Lubbers' arrival, UNHCR launched a three-track consultative process on protection, aimed at defining problems and new approaches, and designed to reaffirm the principles developed and applied over the past half-century. Track one focused on securing reaffirmation of the Refugee Convention. The outcome was a Ministerial Declaration in 2001 affirming just this, albeit with the proviso that there needed to be more burden-sharing. Track two consists of four expert roundtables looking at emerging issues in law. Track three comprises four meetings within UNHCR's Executive Committee to examine additional issues not covered by the Convention. UNHCR describes its ultimate aim as to ensure its character as a multilateral organisation, able to meet the governance challenges posed by refugees (ECOSOC, 2001). Habitual difficulties persist, such as the tightening of borders, refoulement and disputes surrounding economic migrants claiming refugee status. UN Member States and UNHCR also face newer challenges stemming from the increasing involvement of organised crime in the cross-border trafficking of people. This is the impetus behind an emerging legal framework for combating criminal and organised people smuggling. The militarisation of refugee camps and the conscription of refugees posed challenges for the agency even before 11 September, which has heightened concerns about the international refugee regime in a number of ways. Afghanistan's neighbouring states are either not signatory to the Refugee Convention or ignoring its key provisions, and OECD states such as Australia are refusing to accept asylum-seekers.

Negotiating access and agreeing 'terms of engagement'

In a related development, there is little sign that Member States see themselves as having any role or leverage in access negotiations on reaching vulnerable civilians displaced within conflict zones. Yet a number of studies have concluded that access negotiations are most effective when donors and governments provide additional leverage, or undertake complementary diplomatic and political action (Leader, 2001; Reindorp and Wiles, 2001). These same studies conclude that negotiation is done well where negotiators have strong back-up in terms of analysis and situation-monitoring, and where there is clarity on principles among all negotiating parties to prevent belligerents from playing agencies off against each other. The Secretary-General has come to the same conclusion, and his second report on the protection of civilians placed heavy emphasis on the need for more concerted and coordinated negotiations. Annan has made a series of recommendations to the IASC to strengthen the conduct

and coordination of access negotiations, and efforts are being made within the UN to establish guidance on best practice.

One of the difficulties here is securing agreement among UN agencies on who has principal responsibility for negotiating access, and what the fundamental principles for such negotiations should be. For the UN humanitarian agencies, the debate on neutrality assumes particular dimensions as a result of their governance structures. NGO views on whether the UN should secure access on behalf of all humanitarian agencies vary: many argue that access negotiations constitute a key role for the UN to conduct on NGOs' behalf, while others are anxious to maintain their independence in any negotiations.

The increasing focus on natural disasters

The past decade has seen growth in the incidence of natural disasters, and global climate changes suggest that this trend is set to continue. Member States and the staff of humanitarian agencies alike have frequently bewailed the division between those who focus on complex emergencies, and those working in natural disasters. For institutional and strategic reasons, these divisions may become more permeable.

Conclusion

In the days following the attacks on the US on 11 September, the UN Security Council found itself at the symbolic centre of unprecedented consensus and interest in cooperation. The 'war on terrorism' has highlighted the importance of new international partnerships, of which the UN is the pre-eminent symbol. The focus on the movement of terrorist groups and their illicit support networks has reminded governments once again of their relative impotence, as well as challenging them to collaborate to effect some kind of control over the global political economy. The previously neglected plight of Afghans was once again on the political agenda. At the

same time, the UN found itself sidelined by a coalition of the willing – albeit the broadest such coalition since the Second World War. The humanitarian label was once again appropriated to give legitimacy to partisan political ends. As the military conflict appeared to subside in early 2002, so UN Member States and donors once again turned to the UN's machinery for nation-building, whilst showing little interest in ensuring that the institution – and the interim Afghan administration – had the requisite tools for the job. Thus, the events in Afghanistan highlighted the paradox of the UN: at once at the centre of things, and the institution of last resort.

Current trends suggest that international responses to the need for assistance and protection will be determined by where in the world these needs reside. Enthusiasm in some quarters for the 'regionalisation' of the UN – that is, sub-contracting peace operations to regional organisations – will leave civilians caught up in conflict at the mercy of local interests, rather than international ones. Most regional organisations have limited resources, and their members lack the will for sensitive tasks such as intervening in local armed conflicts or protecting human rights (CIC, 2001). This raises concerns as to whether an increased reliance on regional bodies will result in unequal access to aid and protection in different parts of the world. Far from subsidiarity, such sub-contracting seems to imply the abdication of internationally-agreed obligations.

It remains possible that Annan's determination to push states' protection responsibilities up the international agenda will have an enduring impact. It is, however, equally likely that narrow definitions of national interest and security will win out over any notions of the rights of individuals. The rhetoric on conflict prevention, now infused with the prevention of terrorism, persists. But there is little sign that UN Member States are able to change their behaviour in such a way as to fulfil the logic of their rhetoric and address the underlying causes of conflict. This would mean regulating the global political economy in ways that deliver social justice, and establishing mechanisms of accountability that are as stringent on the powerful as they are on the weak.

Chapter 4

Trends in US humanitarian policy

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Humanitarian assistance has occupied an increasingly uncertain place in US foreign policy since the end of the Cold War.¹ Although the US remains politically and financially the most significant single national actor in the humanitarian system, it has allowed both its input and its influence in the system to wane. Despite the five-fold increase in humanitarian needs across the globe in the last decade, the percentage of GNP allotted by the US government to foreign humanitarian assistance has stood at or below 0.1% – lower than at any time in the past 50 years.

For more than three decades, the US government employed development assistance as a means of gaining and bolstering allies against the spread of communism, while relief assistance was, in principle, delivered on the basis of need alone. In the years immediately after the fall of the Soviet Union, Washington found itself without an underlying strategic rationale for foreign aid at a time when global demand for it was increasing. During this period, US policy-makers experimented with using relief aid as a political instrument, for instance as a potential contributor to conflict resolution. Chastened by perceived failures of this strategy in Somalia, Sudan and Afghanistan, and under criticism by humanitarian groups, the government has since abandoned an activist approach to humanitarianism. Officials now speak of aid in more non-committal terms, as a policy instrument that can complement, or provide an alternative to, diplomatic pressure and military action.

US humanitarian policy has been complicated not only by a less coherent sense of the national interest, but also by the tension between the executive and legislative branches of government and the perceived rift between domestic and international interests. Numerous conflicting influences from domestic politics have a large and poorly understood impact on policy-making. On the one hand, many members of Congress have displayed an unprecedented activism in foreign policy, promoting individual interests in specific regions or emergencies. On the other, key legislators have attacked foreign aid as squandering American tax dollars to little effect, and in regions of little strategic import. Polls show that Americans have largely accepted this notion. At the same time, the public has proved

quite susceptible to media images of humanitarian disasters, prompting calls for the government to act. Additionally, there is the long-standing but largely unspoken political use of foreign aid to appease domestic interests and lobbies.

The third complicating factor lies in the divergent interests and agendas of the numerous agencies and offices that comprise the US humanitarian response mechanism. US government officials concede that the institutional architecture for providing humanitarian assistance is fragmented and badly out of date, perhaps even structurally unfit to meet the challenges of today's complex humanitarian emergencies. However, plans for major institutional reform begun under President Bill Clinton have not been picked up by his successor, George W. Bush. Meanwhile, the US is leading the trend towards the bilateralisation and privatisation of aid, stressing corporate participation and implementation by non-governmental, particularly faith-based, organisations.

This chapter discusses trends in US humanitarian policy, assesses how these trends are reflected in the changing architecture of US assistance and analyses their impact on the international humanitarian system. Its key conclusions are that, in 2001–2002, the major tendencies in US humanitarian assistance are set to continue: contributions will become smaller and increasingly bilateral, the privatisation of the delivery system will continue, and the retreat from the political application of aid in conflict situations will be sustained. In the wake of the terrorist attacks of 11 September, the Bush administration is refocusing its foreign policy, and the implications for humanitarian assistance remain to be seen. However, it is likely that the major trends will hold. Although the total volume of US emergency aid will probably increase in response to needs in Afghanistan and the surrounding region, other emergencies may receive scant attention, and even fewer resources.

Aid and America's post-Cold War foreign policy

Modern US humanitarian assistance began with the Foreign Assistance Act of 1948, which authorised the Marshall Plan for the reconstruction of Europe following the Second World War, and established the Economic Cooperation Agency, an early precursor of USAID. In the early days, Washington was unapologetic about its use of

¹ In addition to cited sources, the background research for this paper drew upon the work of the Resources for Humanitarian Assistance project, a long-term programme of policy research and international consultations undertaken by the Center on International Cooperation (CIC), New York University.

aid for political purposes. Later, however, a conceptual line was drawn between long-term development assistance and life-saving emergency relief, and relief activities took on a mantle of neutrality.

This changed in the 1990s, as the US began to explore the direct use of humanitarian assistance to achieve political ends. Policy-makers saw the famine in North Korea in 1995 as a potential leverage point, and attempted to extract political concessions in exchange for food aid. Likewise in Serbia, the US and European governments hoped to shore up pockets of opposition by giving aid to certain municipalities, and withholding it from others. This met with vehement opposition from the majority of American NGOs, as well as quieter pressure from some key humanitarian officials within the US government. The dispute reached its climax over an amendment to the Foreign Operations Bill, signed into law by Clinton in November 1999, that explicitly permitted US food aid to be given directly to armed rebel groups seeking independence for southern Sudan. Opponents of the bill argued that such a policy would violate core humanitarian principles of neutrality and impartiality, and would in fact worsen the humanitarian situation by complicating access for aid agencies and exacerbating political tensions. Instead, NGOs urged the government to pursue more aggressive diplomatic action and political engagement to seek a resolution of the conflict. The bill only permitted, and did not direct, USAID to follow through with this policy, and the Sudan initiative was ultimately dropped while Clinton was still in office. Upon assuming office, Secretary of State Powell, who has taken a more engaged management role with USAID than his predecessors, made it clear that humanitarian assistance in the future would be delivered on the basis of need alone.

Paradigm lost: searching for the national interest after the Cold War

The debate over political conditionality on aid seems to have been decisively settled with the principle that no specific conditions will be placed on the delivery of emergency relief assistance. Of course, humanitarian action can never be truly neutral in its impact when the provision of assistance inevitably affects the course of a conflict. Nor can it be truly impartial, unless the US and the international donor community's response matched precisely assessed need. Furthermore, while not discounting the notion of a moral obligation to help victims of war and disaster in other countries, the US government has historically conceived of foreign aid *in general* as serving the national interest. What is less clear is precisely where the US national interest lies.

In a 1999 article entitled 'Redefining the National Interest', Joseph Nye, Professor of Public Policy at Harvard University, observed that low-level, indirect threats to US interests, such as the conflicts in Bosnia, Kosovo, Rwanda and Haiti, had 'come to dominate today's foreign policy

agenda' (Nye, 1999). This was due, he argued, to the disappearance of the 'A list' threats to survival posed by the Soviet Union, coupled with the impact on public perceptions of media images of human suffering. Nye maintained that a country's national interest is broader than its strategic interests (military or economic). It may also be an expression of public values, such as those set on human rights: 'A democratic definition of the national interest does not accept the distinction between a morality-based and an interest-based foreign policy. Moral values are simply intangible interests' (Nye, 1999). Al Gore echoed this sentiment in his presidential campaign in 2000, insisting that American values were part and parcel of the country's interests. Other analysts have similarly noted that humanitarian values have come to play a greater, and at times a central, role in US foreign policy (Weiss, 1999). The ill-fated intervention in Somalia in 1993, for instance, saw the first use of US troops in a purely humanitarian mission. Similarly, the interventions in Bosnia in the mid-1990s were defended on human rights and humanitarian grounds, even if strategic and political issues were also at stake. Conversely, the failure of the US to intervene in the Rwanda genocide was regarded by the Clinton administration not as a strategic but as a humanitarian failure. The subsequent 'Clinton Doctrine', unveiled after the NATO operation in Kosovo, called for the US to intervene anywhere in the world where crimes against humanity were occurring.

It is too early to evaluate the long-term impact of 11 September on the shape of US foreign policy, and on how the US defines its national interest. Even before these events, a number of policy analysts and members of Congress were warning of the risks of using a purely humanitarian rationale for intervention, and Bush had advocated US military intervention only in the defence of vital national interests, or on behalf of human rights or humanitarian concerns in rare, carefully-chosen instances (McManus, 2000). US policy-makers may now see the kind of position elaborated by Nye and Gore as a luxury unique to the brief period at the end of the twentieth century when the US enjoyed a seemingly unchallenged global hegemony and an economic boom. Between the end of the Cold War and the September attacks, it seemed that a door had opened, allowing conflicting influences from US domestic politics to shape foreign policy. Now, in the light of the new threat to US security, this door may close again, and humanitarian concerns may again be relegated to the 'B list'. On the other hand, where states are fragile, criminal or non-existent, the US may still decide that humanitarian and human rights concerns are a vital component of its foreign policy agenda in the 'war on terror'.

The domestic politics of US humanitarian aid

To understand the evolution of US humanitarian assistance, one must examine the domestic political environment in

which humanitarian policy is crafted and carried out. The separation of powers in the US government has historically complicated foreign policy-making, and domestic interests exert conflicting influences. These influences played a key role in shaping US humanitarian assistance during the 1990s.

Congress and foreign policy

Congress exercises control over foreign policy primarily through control of the national budget and international expenditures. Opposition majorities in both the House of Representatives and the Senate, the two chambers of Congress, continually frustrated Clinton's foreign policy objectives. During the 1990s, Congress used its spending authority to withhold UN dues, reduce funding for international financial institutions and hack away at foreign aid.

Congress also became more active in foreign policy, in effect 'competing with the White House to control international affairs' (Patrick, 2002). The number of international affairs committees prominent in the making of foreign policy increased (with, for instance, important roles being played by the Appropriations, Banking and Agriculture Committees), and individual legislators developed their own foreign policy platforms (Lyman, 2002). Some members of Congress adopted pet humanitarian projects, catering to key domestic constituencies, private interest groups and public opinion. Others denounced foreign aid and called for its radical rethinking, if not its outright end in its current form. Some, like Senator Bob Dole, did a little of both. Dole, a proponent of limits on foreign aid, led a caucus of five representatives with large Albanian-American constituencies in their districts.² This group was able to bring attention and resources to the aid of Kosovo Albanians through high-profile visits to the region and excess appropriations ('supplementals').

Other domestic constituencies

Other domestic interests, notably industry, have also influenced humanitarian assistance policy. Public Law 480, which established the Food for Peace Program in 1954, was designed as a farm subsidy, providing the mechanism through which the government buys up agricultural surplus to use in food aid programmes overseas. For years, US NGOs have bristled under USAID's 'Buy America' stipulation, which requires grantees to purchase only US-made vehicles, and the rule that requires all pharmaceuticals used in US-funded aid programmes to be approved by the Food and Drug Administration, and hence purchased from

US firms, despite the fact that locally-produced drugs are much cheaper and can be delivered much more quickly.³

Another constituency with a bearing on aid policy is the so-called Christian Right. Although the influence of this lobby is less easy to quantify than that of industry, it is a formidable force in US politics. Agencies undertaking reproductive health and family planning services, required in relief as well as development contexts, are constrained by the anti-abortion movement. According to USAID regulations, NGOs receiving USAID funding and any of their sub-grantees must certify in writing that they do not provide or promote abortion as a method of family planning.

Public attitudes

US public opinion on the subject of foreign aid is hard to pin down. While largely sceptical about the value of aid programmes, particularly development assistance, Americans profess a sense of moral obligation to respond to humanitarian catastrophes and to aid the poor. Although foreign policy rarely plays a crucial role in presidential elections, candidates routinely cite public opinion as the basis for their stance – for or against – on military intervention for humanitarian purposes. Although most Americans would be expected to object to a broad humanitarian interventionist doctrine, with each new crisis the calls go out for the US government to launch some manner of response.

Roughly one half of one per cent of the US national budget goes to foreign aid. Of this, half is directed to military aid and financial assistance to strategic allies for national security purposes. This leaves roughly one quarter of one per cent of the annual budget for both development assistance and humanitarian relief, or around four tax dollars per American (Krugman, 2000). Yet according to a 1990s opinion poll, the average American voter believes that 15–20% of the budget goes to overseas assistance, and feels that this is too high. When asked what a reasonable figure would be, most quoted 5–10%. Meanwhile, conservative interest groups and members of the government have encouraged the belief that American tax dollars are being sucked into the vortex of corrupt governments in the developing world.

Despite the belief that the government spends too much on foreign aid, the American public has repeatedly rallied around US action in humanitarian disasters over the past decade, with 'the biggest headlines and the most horrific TV footage typically drawing the biggest efforts' (Hirsch,

² Along with Dole, the Congressional Albanian Issues Caucus comprised Senator Alfonse D'Amato and House members Benjamin Gilman, Susan Molinari, Eliot Engel and Tom Lantos.

³ Humanitarian agencies working under grants from OFDA are at times allowed to waive these regulations by virtue of the 'notwithstanding' clause of the Foreign Assistance Act of 1961, Section 491, which states that no statutory or regulatory requirements shall restrict USAID/OFDA's ability to respond to the needs of disaster victims in a timely fashion. But the matter is dealt with on a case-by-case basis, and often hinders timely relief efforts.

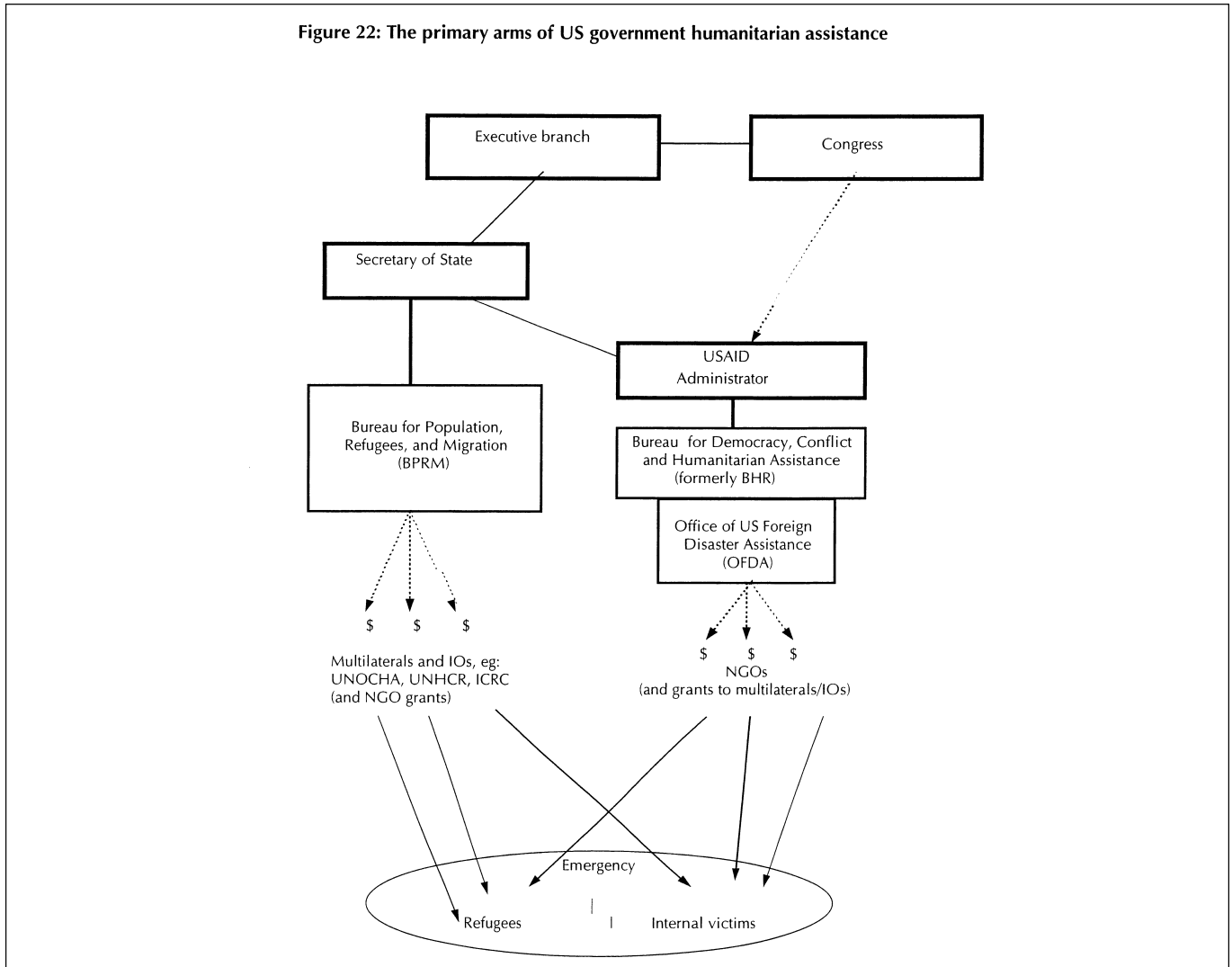
2000). This may explain why Congress, while cutting US relief aid overall, has increased its use of specially-earmarked funds for specific emergencies. The conflicts and humanitarian crises that do not receive much media (and hence public) attention, such as the war in Sudan, civil strife in Sierra Leone and the border war between Ethiopia and Eritrea, accordingly do not enjoy US government intervention at anywhere near the same level as the ‘surge spending’ for high-profile emergencies, though the victims in each of these cases greatly outnumber those in, for instance, Kosovo (roughly 860,000 at the height of the refugee crisis, compared to Sudan’s 2.37m displaced people).

Private giving to international relief and development assistance increased from \$1bn to \$3bn during the first half of the 1990s, with these donations rising sharply during times of peak media interest in a crisis, and later falling as media and public attention shifted elsewhere (Frohardt, Paul and Minear, 1999). However, American charitable donations to overseas causes are a tiny fraction of overall charitable giving, amounting to just 1% over the past ten years, and going mainly to religious organisations. At the same time, the US is home to billionaire ‘mega-donors’ like Bill Gates, Ted Turner and George Soros, all of whom focus their philanthropy on international causes.

The state of US humanitarian structures

A snapshot of the US government’s current humanitarian architecture, depicted in Figure 22, shows USAID and the State Department as the two chief pillars, effectively dividing the humanitarian assistance mandate between them. USAID’s Bureau for Democracy, Conflict and Humanitarian Assistance (the renamed and augmented Bureau for Humanitarian Response (BHR)) houses OFDA, the most vital and visible of the US government’s assistance bodies. The State Department’s Bureau for Population, Refugees and Migration (PRM) provides relief aid to refugees, as well as undertaking non-emergency population and resettlement activities. OFDA is mandated with non-food assistance for victims of natural disasters and internal civil strife, and channels the bulk of its resources through NGOs. The PRM focuses on refugees from armed conflict, and works mainly through multilateral organisations, such as UNHCR, the ICRC and OCHA. Although the PRM is the primary source of US relief assistance to multilaterals, OFDA also provides funding to OCHA, and often works closely with the agency during emergencies, by virtue of OFDA’s role as overall coordinator of the US government response.

Figure 22: The primary arms of US government humanitarian assistance



Other key players include the other offices in USAID's Bureau for Democracy, Conflict and Humanitarian Assistance, such as the Office of Food for Peace, which oversees the donation of large-scale food assistance for emergency relief and food security projects (referred to as Title II assistance after Title II of Public Law 480 which created the channel), and the Office for Transition Initiatives (OTI), which was established in the 1990s to promote democracy and peacebuilding in transitional and recovery situations, and to fill the gap between relief and development assistance. The US Department of Agriculture works with the Office of Food for Peace in allocating surplus agricultural commodities for food aid, and can also contract directly with NGOs for food distribution programmes. In some emergencies, the Department of Defense's Office of Peacekeeping and Humanitarian Affairs provides OFDA and its NGO grantees with logistical support and military cargo space for relief supplies.

The evolution of humanitarian structures

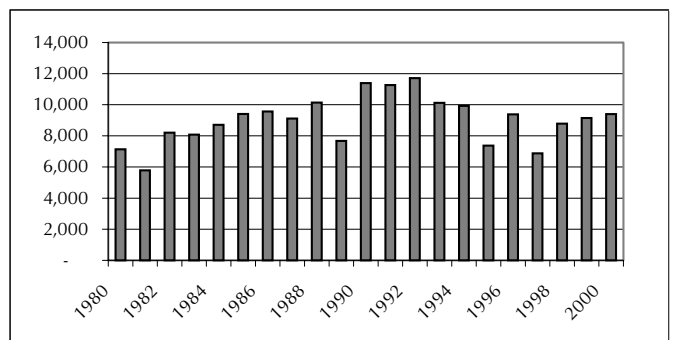
The institutional history of US humanitarian structures since the Second World War is characterised by a continuous cycle of institutional growth, leading to rising dissatisfaction as the system becomes fragmented and incoherent, followed by legislative and bureaucratic attempts at reform. When the Marshall Plan concluded in 1951, it was succeeded by a series of new initiatives and structures established under the Mutual Security Acts of 1951, 1954 and 1957. The Economic Cooperation Agency was replaced in 1951 by the Mutual Security Agency, which united military and non-military foreign aid programmes with technical assistance. In 1953, the Foreign Operations Administration replaced the Mutual Security Agency as an independent assistance agency outside the State Department, but a year later its functions were moved back into the department as the International Cooperation Administration (ICA). Because it was placed within the State Department, the ICA had less operational autonomy than its forerunners, even though the scope of its activities was much broader. In 1961, the Foreign Assistance Act separated military aid from civilian relief and development assistance, and existing aid programmes were reorganised under a new executor, USAID. OFDA was created in 1964 to provide rapid assistance for victims of disasters overseas. Although it has been amended over the years, the Foreign Assistance Act and its institutionalisation in USAID remain largely intact, and provide the basis of US foreign aid policy.⁴

⁴ The most significant change came in the Foreign Assistance Act of 1973, which delineated specific functional sectors of foreign assistance for programmatic focus and budgeting purposes: food and nutrition, population planning and health and education and human resources development.

Financing trends

Since the volume of humanitarian relief rises and falls sharply according to the occurrence of major emergencies, a more balanced picture can be derived by examining the trends of overseas development assistance (ODA) as a whole. Overall foreign aid from the US has fluctuated over the past 15 years, with a pronounced dip in the 1990s. The sharpest drops in aid levels (in budget years 1995 and 1997) correlate with the administration's efforts to balance the budget in 1994, and the Republican Party's takeover of Congress in 1996. The renewed upward trend in 1998–1999 has been attributed to the repayment of \$400m in arrears to the World Bank, followed by the Kosovo campaign and Hurricane Mitch, but it is too soon to tell if this upswing is a 'trend or a hiccup' (Lancaster, 2000). As of 1999–2000, aid had returned to around the 1986 total of \$10bn. However, the percentage of the national budget going to foreign relief and development assistance was less than 0.1%, lower than in any other advanced industrialised nation, and the lowest level in the US in decades.

Figure 23: Trends in US ODA, 1980-2000 (US\$m)



In 2000, roughly \$1.4bn or 14% of US foreign aid went through multilateral mechanisms such as UN agencies, international organisations and development banks. The lion's share – \$8bn – flowed bilaterally to other nations. That figure includes economic development assistance, about a third of which goes through NGOs; debt relief; and the Peace Corps programme. On average, only around 10% of total US ODA goes to emergency relief.

USAID

When the Foreign Assistance Act created USAID as executor of assistance programmes in 1961, the new agency was intended to consolidate and rationalise foreign assistance activities. Subsequently, policy-makers have attempted (most recently in 1989, 1991 and 1994) to overhaul the Foreign Assistance Act with bills aimed at creating leaner and more flexible assistance structures. None has gained a majority of votes in Congress. During the Clinton administration, Vice-President Gore spearheaded a special project on reforming USAID, which included bipartisan consultations with legislators. Republicans in

Congress were seeking to dismantle the agency and merge its functions into the State Department. The White House, with the support of the US NGO community, favoured keeping USAID intact. The reform project resulted in a compromise, with USAID maintaining its separate agency status, but with the Administrator now required to 'report to and be under the direct authority and foreign policy guidance of the Secretary of State' (US government, 1998). The USAID Administrator's reporting directly to the Secretary of State was intended to 'enhance the cohesiveness' (US government, 1998) of aid and foreign policy, yet retain USAID's freedom to pursue long-term development agendas more or less independently of short-term foreign policy goals. While the agency was left structurally intact, the reform project culminated in a staff reduction from 10,000 to 7,300 positions, the closure of 28 missions and a budget cut of 30% against levels in the 1980s. Former USAID Administrator Brian Atwood, speaking in 1998, lamented these austerity measures, accusing Congress and the White House of crippling USAID's mission:

[F]or too long, we in the foreign policy community have gone all too quietly into the night. We have accepted drastically reduced budgets. We have written hostility to international engagement off as some curious piece of Americana. We have not stood our ground ... This is a time when US leadership is indispensable in dealing with economic and political transitions around the globe. Yet to fight our battle, we set out every day knowing that we can only respond with an underwhelming display of resources and capabilities ... Every day we are forced to make budget decisions that are a devil's bargain: Whether to cut back on people, training, programs, security or which countries that we operate in. The idea of setting clear entry and exit strategies becomes almost impossible as we find ourselves spread thin around the globe. We find ourselves in a position where we are showing the flag without realistically believing that we can achieve fundamental change in a set period of time. (Atwood, 1998)

Long a poorly understood and ill-appreciated institution, USAID has sunk deeper into crisis in recent years, and is now 'widely regarded among the American electorate and policy-makers alike as wasting the public's money' (Bishop, 2001). This perception is not entirely unfounded. For example, after spending some \$100m on a computer system to provide a universal accounting mechanism, the agency conceded that it simply did not work. With each office forced to create its own supplemental spreadsheets, the initiative actually set back management progress by years. USAID's implementing partners can attest to the fact that the procurement and contracts operations, chronically understaffed and maddeningly slow, are a textbook bureaucratic disaster, which hit its lowest point in 2000–2001. Delays of up to four months between approval of a project and the signing of the finished contract have been commonplace. By its own admission, the agency has a demoralised workforce, and has yet to present to the public a picture of its work that is both accessible and engaging.

USAID Administrator Natsios, who was sworn in on 1 May 2001, is reorganising the agency in an attempt to address the management and morale crisis, while incorporating the themes and policy concerns emphasised by the White House. As his first initiative, Natsios has begun to reorganise USAID's offices and activities into 'Four Pillars' (USAID, 2001a):

- Economic Growth, Agriculture and Trade;
- Global Health;
- Democracy, Conflict and Humanitarian Assistance; and
- the Global Development Alliance.

This is partly an actual reorganisation, and partly a conceptual overlay intended to make USAID's activities more understandable to the lay person, and to fit with what Washington now considers to be key themes in foreign aid: privatisation and conflict prevention/peacebuilding. The first three of the pillars are new functional bureaus (the 'pillar bureaus'), replacing the old Global and BHR bureaus. (The four regional and three management bureaus remain unchanged.) The Global Development Alliance was created as a vehicle for cross-sectoral collaboration, bringing corporate and non-profit actors into the circle of government. Additionally, the trend towards decentralisation seen in the humanitarian field generally is also occurring in the USAID system. Natsios has said that he intends to relocate more decision-making authority with local mission directors.

USAID has set as its goal the creation of 'capable states' along the liberal-democratic model: 'USAID's responsibility is structural engagement: creating an environment of lawfulness through democratic practices and market economies, which in turn create stable countries' (USAID, 2001b). Bush has stated that he does not intend the US to engage in 'nation-building' in conflict and recovery situations. USAID has taken this cue to promote an agenda of nation *strengthening* before the fact. The agency now emphasises pre-crisis early warning, and 'preventive development' and democratic institution-building. This focus aims to address root causes of conflict, avoid the explosion of political conflicts into violence and humanitarian catastrophe, and to allow for a quick transition from relief aid to longer-term peacebuilding and recovery activities. Many of these functions are located in the new Bureau for Democracy, Conflict and Humanitarian Assistance. Conflict management is relatively new in US humanitarian policy, and is more a search for new ideas than a set of policy prescriptions. Through information exchange forums such as ConflictWeb and grant programmes like the Conflict Quick Response Fund of USAID's Regional Economic Development Services Office for Eastern and Southern Africa (REDSO/ESA), the agency looks to NGOs, with hopes to 'support innovative, catalytic, and facilitative activities in conflict prevention, mitigation and response' (ConflictWeb, 2001).

In addition to implementing programmes, USAID is the executor for most government monies allocated for foreign assistance purposes. In 1991, for example, USAID assumed management authority over new aid money specifically for the former Soviet Union and Eastern Europe, and later developed programmes and opened missions in these countries. (At \$1.3bn, this represents the third-largest bilateral aid channel.) Including its annual operating costs of \$520m, USAID administered \$7.7bn of US relief and development assistance in 2000. Natsios intends to continue the long-standing struggle between USAID and Congress to remove some of the special earmarks that Congress has placed in the foreign assistance budget. Before the events of 11 September, Natsios had indicated that he would seek increased aid funding under the FY2003 budget. By late 2000, Congress had authorised \$40bn in emergency funding, of which an initial \$320m was earmarked for new humanitarian needs in the Afghanistan region.

providing ‘non-food’ emergency assistance. To the rest of the international assistance community, OFDA is the face of US bilateral relief aid. Over 70% of OFDA funds are programmed in grants to NGOs, both international (53%) and indigenous (18%). The remainder goes to UN agencies (27%) and other international organisations (2%) (OFDA, 2000). Overall, funding in US assistance is increasingly bilateral; the 70% of its funding that OFDA channels through NGOs is up from roughly 60% in 1997. Any NGO – whether US or foreign-based – may be eligible for an OFDA grant, but OFDA tends to favour larger NGOs with more developed infrastructures, and with which it has an established prior working relationship.

The other offices in the revamped bureau include the Office of Food for Peace, which manages food aid programming; the Office of Private and Voluntary Cooperation, which coordinates USAID–NGO partnerships; the Centre for Democracy and Governance, formerly under the Bureau for Global Programs; and the newest office – the OTI – created to address the ‘relief–development gap’. (This is a mistake according to some observers; although the OTI has funded some successful programmes, these could have been done through OFDA without the mandate confusion and additional costs entailed in setting up a separate financing and management body.)

The humanitarian assistance bureau and OFDA

USAID’s Bureau for Democracy, Conflict and Humanitarian Assistance comprises several offices. The most active and visible is OFDA, which is mandated with

Figure 24: The main humanitarian assistance providers in USAID

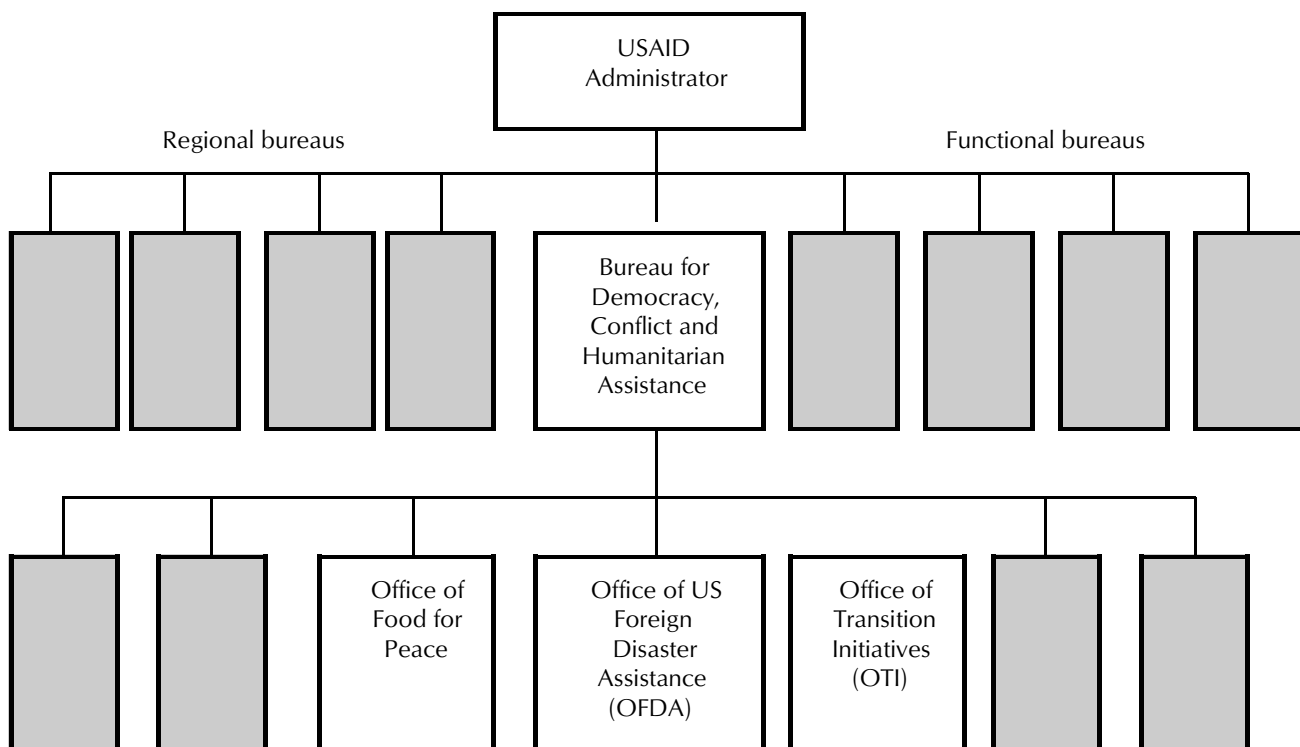


Table 2: US humanitarian assistance for FY2000 by region (OFDA funding)

| | Africa | Asia/Pacific | Europe/ Middle East | Latin America/ Caribbean |
|--|---------------|--------------|------------------------|-----------------------------|
| Funding allocated* | \$121,293,244 | \$18,096,167 | \$33,170,963 | \$3,232,072 |
| No. of emergencies of greatest humanitarian impact (as of January 2000)** | 11 | 3 | 7 | 2 |

Sources: *OFDA; ** US National Intelligence Council

OFDA enjoys the most flexible funding of any US government foreign aid body. The Office of Food for Peace's resources are tied to Public Law 480. The PRM's funding is a fixed amount in the annual budget. In contrast, OFDA's budget waxes and wanes as emergencies occur and members of Congress get roused to action. For example, approximately \$280m came into OFDA as supplementals for Kosovo. OFDA's International Disaster Account (IDA) stands at about \$225m. These funds do not even need to pass through the Bureau, but are signed off by the USAID Administrator directly to OFDA. While the funding may be unpredictable, this does not seem to have hampered OFDA in recent years; as former OFDA Director H. Roy Williams put it in an interview in August 2001, 'When there is an emergency like Mitch, the money will come'.

In 2000, of the \$175,792,446 in bilateral funding through OFDA (see Table 2), 70% went to Africa, 10% to the Asian/Pacific region, 19% to Europe and the Near East, and 1% to Latin America and the Caribbean.

OFDA also has discretionary authority to disburse an initial sum of up to \$25,000 from the IDA immediately a disaster is declared, and maintains five regional stockpiles of relief commodities, such as plastic sheeting, tents and water purification equipment. OFDA's Disaster Assistance Response Teams (DARTs) were established to make the donor function more responsive and decentralised. The teams are deployed in acute emergencies to conduct needs assessments, consult with the field staff of potential implementing partners and pre-approve unsolicited NGO proposals more-or-less immediately. Although Washington retains final approval authority, the DART vetting method expedites the review-approval process, which then becomes something of a rubber stamp, enabling NGOs to move ahead with implementation confident that the funding will be forthcoming. The DART scheme won praise as a boon to rapid response, and has significantly improved the relationship with NGO implementing partners at field level. The information channel it provides between the field and Washington has become critical to USAID funding decisions.

Another OFDA innovation aimed at speeding up response, which most agree has not lived up to its potential, is the Indefinite Quantities Contract (IQC) arrangement. In 1996, OFDA requested proposals from organisations that had rapid response capabilities in various fields to bid to be part of the IQC consortium. The International Rescue

Committee (IRC), CARE and International Medical Corps were chosen to form the lead consortium for the Water, Sanitation, Health and Nutrition IQC. The intention was that OFDA would trigger the IQC if an emergency occurred in an area where no US NGO was working. OFDA would then underwrite the consortium's start-up costs, eliminating the financial risk – if not the initial burden – shouldered by NGOs in launching an operation. Yet while OFDA has triggered the IQC four times, the consortium has not been awarded a contract.

The State Department and Colin Powell

If USAID/OFDA is the US government's vehicle for bilateral assistance, the PRM represents the multilateral side of the coin. The PRM has an annual budget of roughly \$700m, which is divided between the Migration and Refugee Assistance account for migration and refugee assistance and resettlement (roughly \$660m in 2001), and the Emergency Refugee and Migration Assistance (ERMA) account (\$20m). Most of the ERMA money is channelled through UN agencies and international organisations, while a small portion goes to NGOs in direct grants.

Although the US media portrays Powell as being sidelined in the Bush administration by others of a more unilateralist bent, since entering office he has focused US attention on the AIDS crisis in Africa, and has effectively ended the debate over political conditionality on aid in favour of a needs-based policy. Through his office, Powell, who has a personal interest in humanitarian affairs (a portrait of George Marshall hangs in his office, and he founded an NGO himself some years ago), has effected a unification of sorts between USAID and the State Department's assistance functions. Since 1998, the Secretary of State has exercised direct authority over USAID, and is the starting-point for government funding allocated to the agency. Powell enjoys a close and harmonious working relationship with Natsios, who says he welcomes the direct authority of the Secretary's office (Bishop, 2001).

Merging the parts? The state of the debate on institutional reform

Despite the good relationship between Natsios and Powell, the problems stemming from the institutional division

between USAID and the State Department in humanitarian assistance remain. Although the USAID Administrator answers to the Secretary of State, USAID's status as a freestanding agency and PRM's remit to provide relief aid to refugees create a difficult split. This 'bifurcated system' has caused problems in responding to complex humanitarian emergencies, which often involve a fluid mix of IDPs and refugees. When all of these players are in the field, coordination problems inevitably result.

Since the waning days of the Marshall Plan, US legislators and government officials have attempted to reform humanitarian assistance by consolidating and rationalising activities undertaken by different departments and offices, and making management systems leaner and more efficient. In the aftermath of the Kosovo crisis, then Secretary of State Madeleine Albright questioned whether the 'bifurcated system' was the most efficient way of managing US humanitarian assistance, and commissioned the 'Interagency Review of US Government Civilian Humanitarian and Transition Programs' to study the issue and make recommendations for reform. Chaired by Assistant Secretary of State for Policy Planning Morton Halperin, the review cast a highly critical eye over the US government's humanitarian performance in Kosovo and other recent emergencies. Chief among the cited deficiencies in Kosovo was the failure of the various governmental actors to speak with one authoritative voice for US humanitarian policy. Humanitarian voices in government were left out of military planning, mandates overlapped, efforts were duplicated, and the coordination that did take place was achieved through personal relationships and *ad hoc* meetings, as opposed to formal channels. In response to escalating criticism in the media about the humanitarian toll of the bombing campaign, the White House established the Kosovo Coordination Council, a temporary forum much like those arranged around other past emergencies. This allowed for communication among the various governmental and non-governmental humanitarian actors, but was left out of the higher-level military and political planning process. The report found similar problems in the other cases it examined, including Afghanistan, where for 20 years the US humanitarian programme had functioned through 'ad-hoc, mid-level coordination' between the State Department and USAID. The report pointed to 'mandate overlap and some duplication of effort', confusion about which agency had the authority to carry out US policy and other management issues resulting in 'less than coherent leadership on complex humanitarian issues in the foreign policy making process' (US government, 2000).

The report presented three options for improving and/or restructuring the emergency assistance functions of USAID and the State Department:

1. Make discrete institutional changes to improve and formalise the *ad hoc* communication and coordination system that now exists between the two bodies and

vis-à-vis the rest of the government, including a 'designated humanitarian seat' at high-level foreign policy discussions.

2. Designate a 'lead agency' at the onset of each emergency, on the basis of the type of crisis and the relevant capacities of the agencies.
3. Consolidate the two agencies into one, to be located:
 - a. in the State Department;
 - b. in USAID; or
 - c. outside USAID and the State Department, as a separate humanitarian assistance agency.

Any one of the three sub-options under Option 3 (consolidation) would involve 'major legislative, bureaucratic, and financial challenges', but the officials involved in the review process expected that the exercise would lead there. After the Halperin Report was released in April 2000, serious discussion began around option 3(b), merging PRM's refugee functions into USAID. Although the report included no concrete recommendation, this was Halperin's favoured option and was supported by most stakeholders. As Halperin envisaged it, a special Under Secretary of State would be appointed as a Deputy Administrator for USAID, to oversee the humanitarian assistance wing. In an emergency, the President would designate the Secretary of State to oversee US response, and the Secretary of State would designate the Under Secretary. Refugee resettlement and population functions would remain with the State Department. The national budget would be unaffected, since there is no overall 'USAID' line item in the foreign operations budget approved by Congress, only various lines for development and emergency assistance.

Many interested parties thought the consolidation would make more sense under USAID for management reasons, as the State Department is not set up to manage emergency relief operations. It would also be harder to remove humanitarian relief from USAID, not least because practitioners argue that relief and development activities cannot be separated. If OFDA was removed from USAID to form either a separate relief organ together with the refugee functions of PRM, or incorporated wholesale into the State Department, the result would be a gutting of USAID that could prove fatal.

The follow-up to the Halperin Report simply ran out of time before the administration changed in 2001. Although there are rumours that the subject will be picked up again, nothing has been announced publicly. With Natsios a former OFDA head and a relief specialist, one would assume he would be in favour of the consolidation-under-USAID option.

Efforts at overcoming fragmentation in US humanitarian policy below the structural level have also failed. In 1997, the Clinton administration initiated Presidential Decision Directive (PDD) 56 on 'Managing Complex Contingency

Table 3: US NGO funding sources (2000, US\$)

| | Total revenue/ support | US government support ¹ (USAID and other) | US gov't support as % of total revenue | Other governments and IOs | Private contributions, revenue and in-kind |
|------|---------------------------|--|---|---------------------------------|---|
| CARE | 446,273,000 | 240,905,000 | 54% | 121,486,000 | 83,499,000 |
| CRS | 382,865,000 | 237,227,000 | 62% | 18,022,000 | 127,616,000 |
| IRC | 157,448,000 | 57,933,000 | 37% | 61,727,000 | 37,788,000 |
| SAVE | 143,624,709 | 67,852,976 | 47% | 8,673,635 | 67,098,098 |
| WV | 469,114,000 | 75,588,000 | 16% | 11,330,000 | 382,196,000 |

Source: USAID (VolAg Report 2000)

Note: ¹ Includes PL 480 donated food and freight costs

Operations' (US government, 1997) in order to create an inter-agency planning and training mechanism for coordinated military and civil humanitarian action in response to complex emergencies. Through PDD 56, the State Department, the Central Intelligence Agency (CIA), the Pentagon and other government agencies were to collaborate on a comprehensive programme for training personnel and planning joint operations for peacekeeping missions. However, bureaucratic and budgetary barriers to merging the civilian and military planning processes proved intractable, even to direct orders from the President, and the Directive was never fully implemented. Nearly two years later, a study on PDD 56 commissioned by the Joint Chiefs of Staff found that many agencies slated to participate in the joint planning and training were not doing so, and that the White House National Security Council, in particular, had failed to 'step forward in the leadership role' (Scarborough, 1999).

The US NGO community

USAID registers 439 US-based NGOs as funding partners, the largest number of such organisations in any OECD nation (USAID, 2001c).⁵ In 1999, their combined revenue and in-kind support from public and private sources totalled \$12.3bn, of which \$1.5bn came from USAID. In its annual reports on its voluntary agency partners, USAID takes pains to point out that 76% of combined agency revenue comes from private sources, with just 12% contributed by USAID, and the same amount from other sources, such as UN agencies and other governments (USAID, 2000). However, these figures belie the importance of US government funding to the small group of large organisations that constitute the major American players in the humanitarian field. Out of over 400 US organisations registered with USAID in 2000, the five largest aid programmers – CARE, Catholic Relief Services (CRS), the IRC, Save the Children and World Vision – account for around 30% of the US government's total annual support to NGOs. For the largest

of these five, CARE, government funding constituted 54% of total revenue in 2000. Of the five, all but World Vision and IRC typically rely on US government sources for more than 50% of their funding in any given year. Humanitarian NGOs rely heavily on their relationships with OFDA, not only for funding, but also for the credibility this affords them in the field.

Often the first line of information on conditions on the ground, NGOs have the potential to exert a significant influence on US humanitarian policy, especially if programme officers in Washington accept the information, including mortality data and IDP numbers, unquestioningly. During an emergency, data is usually soft and elusive, and the emotional impact of some emergencies can lead NGOs to unwittingly exaggerate the severity of conditions. It is also not unheard of for two NGOs doing health assessments in the same place at the same time to come back to OFDA with major differences between their findings. OFDA staff thus attempt to extrapolate from field reports to make their own assessment of the emergency, even if this means putting the brakes on interest from Capitol Hill.

In the wake of 11 September, NGOs have steeled themselves for lean times. Most were already suffering financial hardship as a result of the economic slowdown of the previous year. Direct mail contributions to many organisations were down by 40% or more, foundation grants were far fewer, and those NGOs (like many foundations) that invested their reserve assets in the stock market faced hard choices. Even CARE, the largest and most well-endowed of the NGOs, has cut budgets and instituted hiring freezes.

Natsios is serious about 'making greater use of faith-based organisations to dispense aid, as well as paying more attention to religious leaders abroad' (Bishop, 2001). He has strong views on the role of religious faith in humanitarianism, complementing Bush's faith-based agenda. It is unclear what impact this will have on grant-making patterns and field operations, or how it may square with USAID's policy of not funding any activities that 'involve religious proselytism' (religious NGOs such as World Vision are required to maintain separate programme and financial categories for religious and secular

⁵ This section is drawn from Shep Forman and Abby Stoddard, 'International Assistance Organizations', in Lester M. Salamon (ed.), *The State of Nonprofit America* (Washington DC: Brookings Institution Press, 2000).

development work). To wary NGOs and government officials, the faith-based initiative reflects a serious misunderstanding of what humanitarian assistance is about, needlessly polarises the NGO community and risks pitting Judeo-Christian values against the culture and beliefs of other religions, notably Islam.

Paradigm found? The emergence of a new security framework

While it is still too early to gauge the effects of 11 September and its aftermath on humanitarian policy, two opposing forces seem to be at work. On the one hand, the downward trend in US ODA before the attacks looks likely to continue, particularly given the current recession. Add to that the billions of dollars that Congress has come up with for domestic recovery and one could predict that foreign humanitarian assistance would be one of the first casualties of the 'war on terrorism'. On the other hand, humanitarian assistance has become increasingly intertwined with national security objectives in the protracted campaign against terrorism-sponsoring regimes. The most obvious prediction for the short term is that there will be a surge of aid to Afghanistan and surrounding countries to reflect America's new security interests.

Aid workers who remember how the US government's humanitarian assistance to Afghanistan during the Soviet occupation shrank to minimal levels in the 1990s now hear echoes of the Cold War in the flood of funding coming back to the region. A key question is whether the next foreign aid budget will show an appreciable difference in the level of US humanitarian assistance apart from the \$320m in 'new money' for Afghanistan, or whether development funding and relief aid for other areas of need will be siphoned off for strategic allies. The downturn in the US and global economy and the loss of the budget surplus make the latter a distinct possibility. Nevertheless, many current and former US humanitarian policy-makers believe that the September attacks will force Washington to reengage with the rest of the world, and to map out new areas of multilateral cooperation. An integral part of this reengagement, they claim, will be a rejuvenated US foreign assistance programme covering all areas of need, and at levels far above the 0.1% of GNP of recent years. Neither security nor prosperity can be achieved alone. Humanitarian voices within the US government and in the NGO community will accordingly emphasise America's interconnectedness with the rest of the world, capitalising on what may be a new understanding on the part of the American public of what it means to live with insecurity.

Chapter 5

Trends and risks in EU humanitarian action

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This chapter examines the relationship between the EU's institutions and member states and the humanitarian assistance provided by ECHO. It describes the development of the EU and its governance structures, and traces the expansion of European activity into foreign and security policy-making. In many ways, the deeper engagement with more explicitly political, rather than exclusively economic, matters has strengthened the Commission's humanitarian operations. Yet at the same time, the increasing overlap between these functions risks subverting humanitarian assistance by knitting it too closely with the politics of the EU's foreign relations.

Rather than trying to disentangle the complex linkages between humanitarian intervention and foreign policy and security agendas in any one emergency, this paper takes a broader perspective, analysing instead the wider institutional relationship between the CFSP and ECHO. It concludes that the risk that humanitarian assistance within the EU will be subsumed within political objectives to do with, for instance, conflict management or institution-building has passed, and the CFSP has begun to evolve in a way that appears unlikely to impinge upon the functioning of ECHO. If anything, the tendency to manipulate and

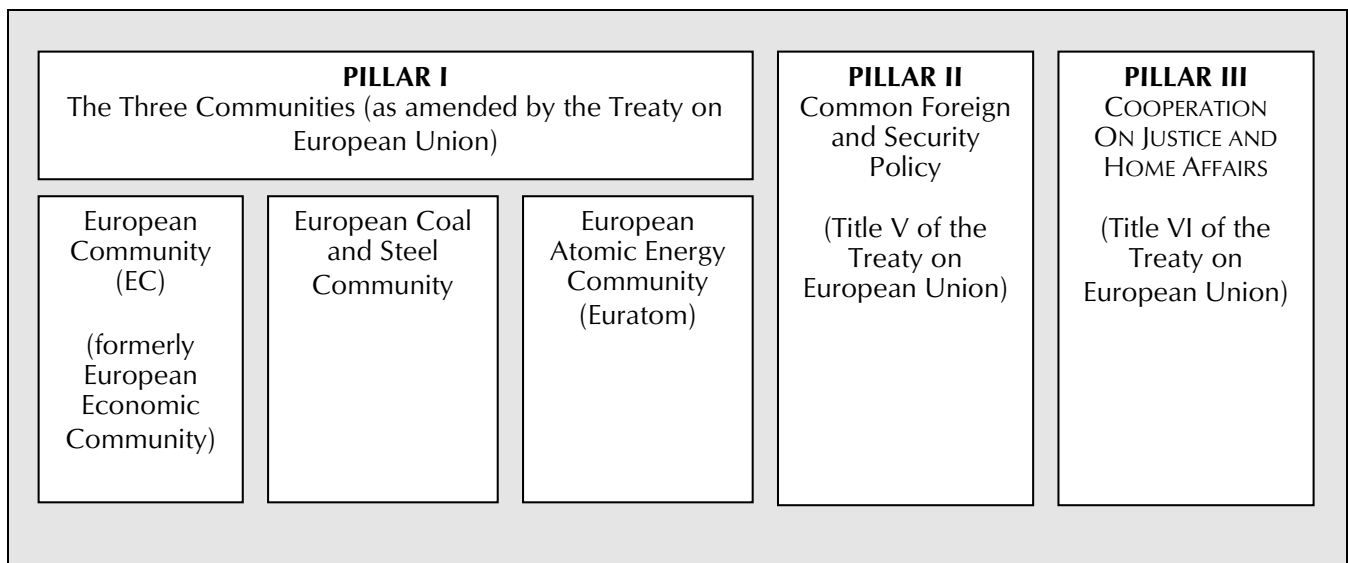
politicise the EU's aid function has lessened with the establishment of dedicated conflict management tools. Rather, the main risk is of over-specialisation, with the humanitarian aid system becoming significant only in those parts of the world where Europe does not want to intervene in any systematic way.

Power and change within the European institutions

The overall framework

The EU was created by the Treaty of Maastricht in 1992, which modified the previous three treaties of the European communities and instituted the Treaty of the European Union (TEU). In international legal terms, the EU constitutes a single entity composed of 15 member states. The Maastricht Treaty based the EU's activities on three 'pillars'. Pillar One incorporated the three founding treaties forming the European Community (EC); Pillar Two established the CFSP under Title V of the TEU; and Pillar Three established EU cooperation on matters of justice and home affairs.

Figure 25: The three pillars of the EU



The First Pillar: civil power

The EU is governed by five institutions: the European Parliament, the Council, the European Commission, the European Court of Justice and the European Court of Auditors. In addition, heads of state and government and the Commission president meet at least twice a year in European Council summits.

The European Commission is the engine of policy within the EU. It comprises 20 Commissioners, organised into several services and 25 Directorates-General, in charge of sectoral policies in, for instance, agriculture, transport and energy and financial and economic affairs. Decision-making is very integrated, giving the European Commission the exclusive right of initiative for all legislative measures. Of relevance here is, for example, the Regulation governing humanitarian aid. This is currently due for renewal in a process involving Parliament, Council and a number of Commission services in a highly codified process. The Commission, as the implementing body, executes the EC budget, and is legally responsible for it. The structure and volume of this budget is decided by both the Council of Ministers and the European Parliament.

The DGs most relevant to humanitarian action are DG Relex (external relations), under British Commissioner Chris Patten, and DG Dev (development cooperation and humanitarian aid), under the Danish Commissioner Poul Nielson. These are the services most particularly involved in the financial assistance provided by the EC to third countries. ECHO answers to Nielson. With some 4,000 staff involved with external relations, an external aid budget of nearly €10bn (£6.1bn) and 126 diplomatic missions around the world, the Commission has become a significant actor in international relations, particularly in the economic sphere.

The Commission has a legal responsibility to defend Community interests, rather than the interests of the member states. By contrast, the Commission's counterpart formation, the Council, is directly aligned with the priorities of member states. The Council holds regular meetings on topics such as general affairs, agriculture and development, bringing together the 15 ministers concerned. It is served by a Secretariat-General, with a permanent structure staffed by civil servants. This body is under the Secretary-General, who is also the High Representative for the CFSP; this post is currently held by Javier Solana. In a direct, though not subordinate, relation to the Council is the Committee of Permanent Representatives (COREPER) and the Political and Security Committee. These bodies, which supervise the EU's responses to crises, are made up of senior civil servants from member states. These officials may be based at diplomatic missions in Brussels, or they may travel from their capitals for specific discussions.

Legislative power within the EU is held by the Council of Ministers (or Council of the EU) and by the European

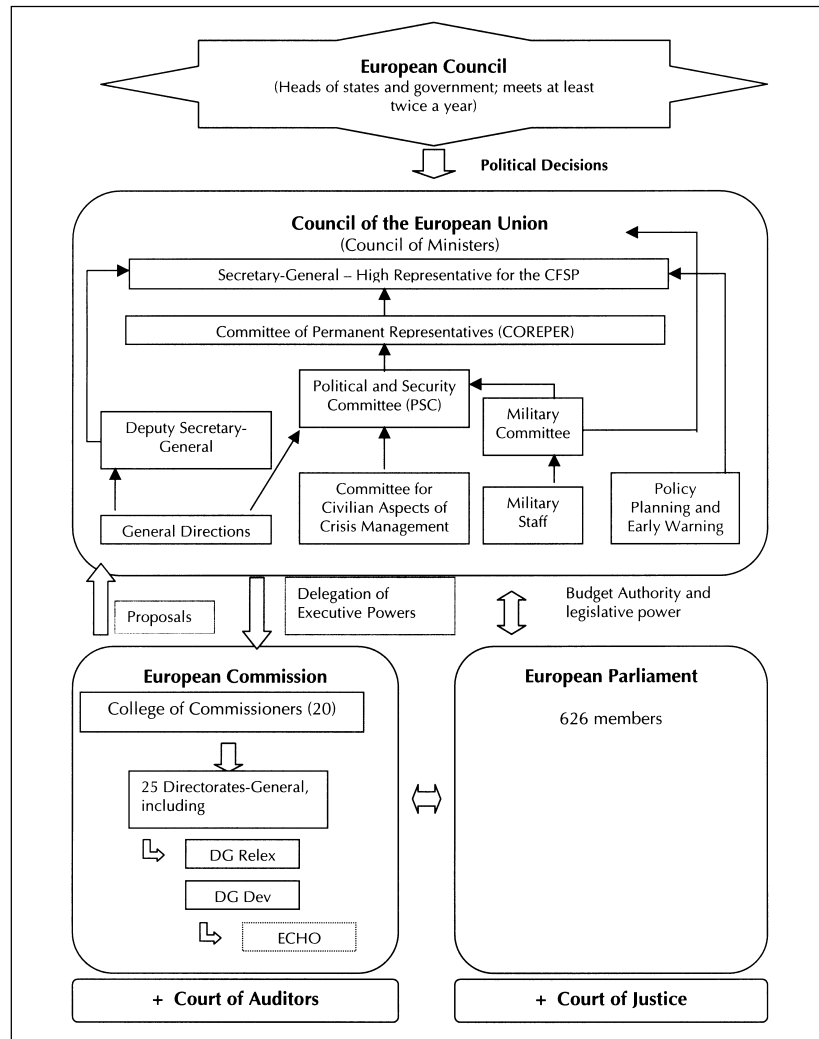
Parliament. The Council adopts regulations, decisions and directives, as well as declarations and conclusions (which are not legally binding), based on the Commission's proposals. However, it must delegate executive power to the Commission. Overall, member states keep an eye on the implementation of Community policies, but the Commission remains *de facto* the central executive body, as well as the initiator of every Community decision. How this balance of power plays out depends on the interests of member states, as well as on the legal standing of Commission actions. Specific procedures have been established (so-called 'comitology') to allow for control by member states. These procedures are managed by consulting, management or regulation committees instituted to govern particular regulations. This has been the case since 1996 for the Humanitarian Aid Committee (HAC), which oversees ECHO and is governed by the Humanitarian Aid Regulation.

The Second Pillar: foreign and security policy

The CFSP belongs to the realm of inter-governmental policy-making. This means that it is always an expression of the consensus of all member states. Initially at least, this meant that decisions had to be unanimous. Although consultation mechanisms have been designed, the Commission and the Parliament do not intervene directly in decision-making, but do so in a supporting capacity. In theory, the Commission is fully associated with the work of the CFSP, and the European Parliament may be consulted on the main aspects and basic choices in external relations policy. However, these mechanisms, as well as the right of initiative of the European Commission, have remained essentially unused. Only the European Parliament has sought to fulfil its role by formulating recommendations and by debating an annual report on progress on implementation of CFSP, as stipulated under Article 21 of the TEU. Thus, within the framework of the Second Pillar, it belongs to the Council alone to decide on Common Positions and Joint Actions. (Common Position defines the position of the EU on a thematic or geographical question; member states are supposed to lead their national policies according to these Common Positions. A Joint Action is adopted where an operational intervention by the EU is considered necessary; it defines their objectives, their scope, the means to put at the disposal of the EU, the conditions of implementation and, if necessary, their duration.)

The lack of flexibility in the decision-making process contributed to the absence of CFSP decisions in emergencies. Instead, member states tended to operate bilaterally, or through Commission instruments. The key obstacle from the point of view of humanitarian aid has been the absence of operational means available to the Council. Even though the competence of the Second Pillar in humanitarian matters and crisis-management was confirmed in May 1999 with the entry-into-force of the Amsterdam Treaty and its 'Petersberg Tasks', the only means

Figure 26: The EU's common institutional framework



proposed were military units of the Western European Union (WEU).¹ These could be deployed for humanitarian tasks, peacekeeping and crisis management, including peacemaking. However, the WEU was never really an operational organisation in itself, as it mainly depended on member states contributing men and equipment, even if an agreement with NATO allowed recourse to some Alliance forces. The WEU was never called on for Petersberg Tasks, and its cooperation with the EU remained limited. ECHO officials never attended WEU meetings.

In an effort to strengthen the CFSP, the Amsterdam Treaty introduced 'constructive abstention'. While unanimity remains the main principle in decision-making, member states that do not want to follow a course of action can remain silent, without blocking the adoption of an EU decision unless the number of states abstaining represent more than a third of weighted votes. Another significant change is that the Council can now adopt a Joint Action or take a Common Position on the basis of a Common

Strategy on a qualified majority vote. This Strategy is adopted by the European Council, as the Treaty explains, 'in areas where the Member States have important interests in common'. To date, three Common Strategies have been adopted: on Russia, on Ukraine and on the Mediterranean region. The same applies where the Council takes any decision implementing a Joint Action or a Common Position that has been adopted previously. An exception is made in cases where a state is opposed to a decision for 'important and stated reasons of national policy'. In this case, there is no vote.

Rectification: EU crisis response

There has been a general reappraisal of the role of defence in the European context. The Balkans operations between 1992 and 1999 showed that more effective resolution of crises depended not only on more coordinated diplomatic mechanisms within the EU, but also on an ability to undertake offensive missions when applying international sanctions and negotiating positions (Gnesotto, 2000). While emergency humanitarian aid remained important, a new form of politically-determined assistance was required for more forceful interventions. The demands of reconstruction,

¹ The 'Petersberg Tasks' were crisis-management tasks of a peacekeeping or humanitarian nature which the EU member states agreed to collaborate on. They were announced in a declaration issued at Petersberg castle in Germany.

for example in the Bosnian city of Mostar, highlighted that existing multilateral instruments were too cumbersome to make the rapid impact required in support of peace processes. This perception was particularly strong at the political level in France, the UK and Germany. This re-evaluation coincided with a decision to promote the use of domestic resources for crisis response in foreign emergencies. Many European countries, although not the UK, have highly developed semi-military capabilities, related to the police and national rescue forces, which are used in domestic natural disasters. Such forces include the Swedish Rescue Services, the German Interior Ministry's Technisches Hilfswerk (THW) and the Protection Civile in France. These pre-existing capabilities offered solutions to the problem of aid budget restrictions and the need for extremely rapid deployment, while giving greater visibility to individual member states.

On the basis of guidelines established in Cologne in June 1999, the European Council in Helsinki in December 1999 tackled the question of what military capabilities were required for the implementation of the Petersberg Tasks, and duly set 'Headline Goals' and 'collective capability goals' for the Rapid Reaction Force (RRF). The RRF will in due course form the military component of the EU's crisis response capability, with a military force of 50,000–60,000 troops deployable within 60 days and able to sustain deployment for at least a year (Helsinki European Council, 1999). The member states also decided to enlarge the scope of crisis management, from exclusively military activity to civilian crisis management (European Parliament, 2001; ICG, 2001a and 2001b). Under Title V of the Amsterdam Treaty, the WEU was partially integrated into the new European Security and Defence Identity (ESDI). This step was taken in Marseilles in December 2000, when the ministers of the WEU Council issued a Declaration stating that the WEU would keep only residual functions, and would leave all its responsibilities related to crisis management to the EU. This means that the WEU structures linked to crisis management – for example, the military staff – are transferred to the EU. Missions still being undertaken by the WEU (demining in Croatia and police work in Albania) will continue until the end of their mandate, or will be passed to the EU. The WEU will limit itself to enforcing the modified Brussels Treaty, especially Article 5, which covers contributions by its member states in the event of an attack on a member of NATO.

Following this crucial move, institutional reforms were decided within the Council of the EU, and new structures were created. The Political and Security Committee (PSC) was established by a Council Decision of 22 January 2001 to supervise the implementation of EU decisions in response to crises. As soon as the Treaty of Nice is in force (it was signed in December 2001 and is awaiting ratification), the PSC will assume responsibility for crisis management under the direction of the Council. Made up of representatives of ambassadorial rank from each member state, the PSC will make proposals to the Council

on overall EU strategy in a given crisis. It will issue guidelines to, and receive advice from, the Military Committee and the Committee for Civilian Aspects of Crisis Management. The Military Committee and the Military Staff were also established on 22 January 2001. The first, officially named the European Union Military Committee (EUMC), is composed of military representatives of member states' Chiefs of Defence, and is designed as a Council Group giving military advice to the PSC and directing the work of the EU Military Staff (EUMS). The latter will draw up the strategic military options in Petersberg-type operations, for the Council to evaluate. It will describe the outline military solution and the required resources and constraints, and make recommendations on the choice of the operations commander and operation headquarters.

Another structure, the Civilian Crisis Management Committee (CIVCOM), was created by a Council Decision of 22 May 2000. It will receive guidance from and provide information to the PSC in four priority areas: policing, strengthening the rule of law, strengthening civilian administration and civil protection. CIVCOM is drawing up an inventory of resources required for non-military crisis response and conflict prevention in these areas. Finally, a Policy Planning and Early Warning Unit (PPEWU) – now called the Policy Unit – was created following a joint declaration of the member states in the Amsterdam Treaty, and placed under the authority of the High Representative for the CFSP. This unit is mandated to monitor and analyse trends in areas covered by the CFSP, to provide assessments and to advise the EU on strategies to be adopted within the framework of foreign policy. It is also to provide advanced warning of potential crises and their impact on the EU. It was, however, stipulated that adequate cooperation with the Commission must be established to ensure the coherence of policies under the first and second pillars.

In the language of the EU, 'civilian crisis management' covers both conflict management and conflict prevention. Following the submission of a joint report by the Commission and the High Representative for the CFSP to the Nice European Council, conflict prevention became one of the Swedish presidency's priority areas in the first half of 2001. Under this presidency, the scope of civilian crisis management was further extended to take in 'post-conflict management', which includes measures such as the deployment of civil police in post-conflict situations. This civilian presence was previously provided by the Commission, and it is unclear how the new crisis management bodies will coordinate with existing Commission activities. CIVCOM, for instance, will focus on policing, strengthening the rule of law, strengthening civilian administration and civil protection. These are all areas where the Commission is already deeply involved.

What is being witnessed here is the appearance of a new type of emergency actor, with much closer links between

military activity, assistance to civilians, information campaigns and relief aid (considerable work has been done, for example in the UK's Defence Evaluation and Research Agency (DERA), on psycho-political assessment methods and strategic planning to coordinate aid agencies and military resources in promoting stability in an area). Rather than coming under ministries for overseas aid or foreign affairs, these activities relate to ministries of home affairs and defence. Even if the application of these instruments will probably be limited to areas that the EU considers strategic, thereby excluding large parts of the world, these developments could easily be seen to compromise the neutrality of the humanitarian aid administered by the Commission, which has been little involved in the creation of these new structures. Thus, although it is still unclear to what extent the RRF could be deployed in situations where force is required, it appears that the humanitarian and peacekeeping tasks referred to in the Amsterdam Treaty would include the delivery of supplies for humanitarian purposes and the protection of vulnerable groups. Even though the EC's legal basis for providing humanitarian aid reaffirms the apolitical nature of such assistance, the people of recipient countries might not be able to distinguish between the actions and mandates of the various bodies. Rather, they are likely to see humanitarian projects as being undertaken by the EU as a whole. The logistical support of humanitarian interventions by military forces is sometimes necessary, and can be particularly helpful in remote places, or when speed and security are paramount. But there is a risk that a European flag flying over military units involved in such operations could cause confusion. How can a recipient country trust that an RRF operation will keep to humanitarian action if the same institutional framework can be used for peace enforcement?

Continuity and change in the Humanitarian Office

The development of EU humanitarian policy

Although the European Commission was not formally given authority in the humanitarian field under the provisions of the Treaty of Rome, which established the European Community in 1957, the humanitarian dimension of EC policy stretches as far back as the 1970s. Spending in this area began to increase in earnest in 1991, with nearly 800m ECU, drawn from the EC budget reserve, devoted to the humanitarian crisis in Iraq after the Gulf War of 1990–91. Steps were taken to make the Commission a coordinator of member state actions, such as the direct intervention of the UK's Overseas Development Administration in northern Iraq in 1991.

As the scale of humanitarian activity increased, so it became clear that the small secretariat of specialists, located in DG VIII (development cooperation), needed augmentation. Confronted by the evidence of inadequate preparation in the Gulf crisis, and then by the potential for war in the

former Yugoslavia, the Commissioners then in charge of external relations agreed on the need to establish an administrative structure exclusively dedicated to the management of humanitarian assistance. Manuel Marín, Commissioner for Development, created an office within the Commission, nominating another Spaniard with a reputation for dynamism and single-mindedness, Santiago Gomez-Reino, to head it.

Gomez-Reino left his stamp on the burgeoning structure. He kept it independent from development cooperation, maintaining control of the many budget lines scattered across different geographical regions and managed by varying procedures. No Council Regulation had been foreseen to cover humanitarian aid (apart from Article 254 in the Lomé Convention for ACP countries), and hence no management committee was established as a link with member states. This was justified by the fact that humanitarian aid was not considered by the Commission as a *significant action* (that is, it did not have a political connotation requiring Council oversight), as defined in the EC Financial Regulation, but rather as emergency aid. ECHO, as the office came to be called, was given a derogatory status (Tiberghien-Declerck, 2000). All dialogue with member states developed in the field, on a country-by-country basis.

A second major turning-point came in 1995, with the renewal of the Commission (which occurs every five years). This led to the appointment of a new Commissioner, Emma Bonino, specifically responsible for humanitarian issues, as distinct from development policy. This was more than a strategic decision; it was a political signal illustrating the will of the EC to be present in the main crisis areas, in parallel with the emergence of the CFSP. The Commission declined the option offered by the Financial Regulation limiting ECHO to interventions in emergency cases alone, and proposed a Regulation specifically related to humanitarian aid. This contained a broader concept, including in particular rehabilitation (albeit 'emergency rehabilitation'). Some member states, chiefly the UK, the Netherlands, Denmark and Sweden, became concerned about ECHO's expanding remit. It was felt that closer supervision of Commission spending decisions should be enforced. There was a push for greater accountability to member states, and better coordination in the field. The subsequent adoption in 1996 of Council Regulation 1257/96 concerning humanitarian aid, and the EC Communication on Linking Relief, Rehabilitation and Development (COM96-153), confirmed this approach. Gomez-Reino was replaced by a career diplomat, Alberto Navarro.

Nonetheless, throughout the 1990s much remained the same at ECHO, in terms of both budgets and structure. Although humanitarian aid was explicitly seen as non-political, the criteria for and method of intervention by the EC were never precisely defined, leaving a wide margin for interpretation. While most operations were effectively

entrusted to partner organisations, ECHO kept the legal option to intervene directly in the field. Moreover, its scope of action was kept widely defined: while assistance, relief and protection were considered core operations, short-term rehabilitation and reconstruction, as well as preparedness for natural disasters or 'comparable exceptional circumstances', were also seen as relevant. ECHO therefore continued its involvement in a broad range of activities, financing health, water and sanitation operations, emergency food supply and urgent medical items, as well as road repairs to allow access to victims, disaster preparedness and prevention programmes, social integration projects and assistance in housing reconstruction. This, combined with aid provided directly by member states, made the EU the world's largest humanitarian donor in the 1990s.

In the late 1990s, conflicting views began to be expressed, both within and outside ECHO, on what its strategic role should be. Was ECHO designed to address all suffering generated by natural and man-made disasters? If so, was its budget adequate? How long should it remain involved in crises, and how could the link with development aid be ensured after ECHO's activities were phased out? Was the office an adjunct of EU bilateral aid, or was it to be an umbrella for all humanitarian aid from EU states? Was its aim to help develop European civil society's international solidarity, or to take a lead role in financing the UN? These questions remained unanswered, in part because of the relatively large proportion of ECHO's decision-making that took place internally.

Preserving autonomy

Over the years, ECHO has proved surprisingly successful at insulating itself from external intervention by member states and the other external relations services, and from the CFSP. This is partly the result of the political need for unanimity in decision-making in the CFSP, which effectively meant that decisions on intervention were dominated by the Commission, or by individual member states, such as the UK in Sierra Leone. This did not necessarily mean that ECHO's assistance was not endowed by the EC with a secondary political aim. In Bosnia, for instance, ECHO was used for purposes of crisis management. Similarly, in Cuba, North Korea and Palestine, ECHO aid was given to alleviate human suffering, and so reduce the risk of turmoil, and to improve the image of the EU. Prolonging humanitarian operations into post-crisis situations, as in Niger, Bosnia and Rwanda in 1998, was seen as a way of preventing conflict from escalating where structural assistance could not be provided. However, where decisions to attach such political objectives to humanitarian assistance were made, this was at the initiative of the Commissioner, and was not influenced by member states.

To understand the nature of ECHO's autonomy, some administrative detail is necessary. With the 1996 Regulation

on Humanitarian Aid, a new consultation procedure was introduced. This gave to member state representatives, meeting in the HAC, the opportunity to express their views on all decisions on amounts exceeding €2m, except in emergencies, where ECHO can decide on interventions costing up to €10m without consultation. However, far from opening up debate on ECHO, the HAC effectively contributed to its isolation. This is because of three separate factors, one related to procedures, one to representation and one to strategic relevance.

The committee's procedures combine features of the procedures of both consultative and management committees. When a consultative committee is instituted, member states are informed of the measures foreseen by the Commission and have no decision-making power; they are only asked for an opinion, which is not legally binding. By contrast, a management committee must be consulted, and is entitled to give a negative opinion. On most occasions, the procedures used by the HAC have been those of a management committee, which are slow, and inhibit member state vetoes. The third option, where the member states decide jointly with the Commission, has never been used (it has been envisaged for military operations and direct Commission implementation, none of which has taken place).

The second factor relates to representation on the committee. The officials attending HAC meetings often do not come from the ministries that fund the Commission directly, or that govern its foreign policy orientation (these tend to be ministries of finance and foreign affairs). Representatives at the HAC often function as technical liaison, and have little contact with the CFSP components of the Council, complicating the coordination of policy-making between and within member states, and between member states and the Commission.

The third factor relates to policy relevance. Some member states do not attach any importance to the EC's providing humanitarian aid, seeing the Community more as an additional source of funds for an area in which they claim some capacity. These states – notably the three Nordic countries and the Netherlands – regard the UN as a preferable partner. As a consequence, these states have transferred to ECHO long-standing professional concerns about impact, effectiveness and transparency, expressed for example in the priority given to evaluations. This clashes with ECHO's priorities, which are financial reporting, management capacity and procedural compliance. The concern about evaluation has replaced concern about the strategic implications of humanitarian aid in certain contexts.

This group of states is aware of the irony of having ECHO serve as an additional layer in the funding process. Why should funds be given to ECHO, to then pass on to the UN, which, more often than not, will fund their national NGOs? Why not choose the UN as the nexus of

Table 4: EU humanitarian aid, 1991–2001 (€m)

| 1991 | 1992 | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 |
|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|------|
| 195.32 | 368.04 | 605.01 | 764.17 | 692.09 | 656.65 | 441.61 | 517.66 | 812.91 | 491.71 | 473 |

coordination in the first place, as the UN makes humanitarian coordination more all-encompassing than ECHO's merely European structure, and would reduce the number of intermediaries, and hence the rigidity of operations?

In some states (particularly France and Germany), the foreign affairs departments dealing with humanitarian assistance have little influence on decisions on foreign and European policy. These civil servants believe that states should only be involved tangentially in humanitarianism, which should be an expression of *personal* solidarity. The Commission consequently has a limited but legitimate role to play in this area, as both a European and a multilateral actor, with the aim of bringing it closer to European society. By contrast, in the UK, Denmark and the Netherlands, for

example, humanitarian aid departments spend between five and ten per cent of total overseas development assistance, and are likely to have a more clearly articulated policy, in competition with the Commission.

In the larger member states, legal services in foreign affairs ministries disapprove of efforts to use the Commission as a platform to advance foreign policy goals. The efforts of Bonino in Afghanistan, for instance, are seen in this negative light, and are discreetly opposed as beyond the competence of the Commission. Member states feel that the presence of the Commission in international emergencies is important as a sign of the presence of the EU. This visibility should not, however, lead to political interventionism. Some member states, engaged in a deliberate process of integrating humanitarian aid into foreign policy objectives (in particular the UK in 1998–99), have felt that it was important to keep one 'pure' instrument of intervention within reach.

This complex of thinking contributes to the relatively low profile of ECHO's humanitarian decision-making. Yet there is a clear rationale for states to pool efforts in larger emergencies. From this standpoint, the HAC's role is to

circumscribe the use of ECHO funds, using broad political parameters. This it has done quite effectively. For example, the larger member states interviewed in the course of the two large evaluations of ECHO (the so-called Council Evaluation covering the period 1992–96, and the Article 20 Evaluation) favoured the decentralisation of aid strategy to the national level, reducing the quasi-monopoly on decisions currently exercised in Brussels, and making ECHO more attuned to European diplomatic interests (particularly those of the French, British, Germans and Dutch, because of the scale of their diplomatic missions). However, the limited role of the EC's in-country Heads of Delegation imposes restrictions on such a decentralisation in ECHO, with the net result that ECHO's autonomy in Brussels is relatively undisturbed.

ECHO has greater budgetary autonomy than any other service within the Commission. (Until recent years, ECHO's average annual budget award was around €600m, with a clear downward trend over the last two years. Its largest-ever budget was in 1999, during the Kosovo crisis, when it spent €813m.) Recent modifications to the budget structure allow greater flexibility in the commitment of funds. During the 1990s, the budget for humanitarian aid was divided into six different budget lines, according to geographical destination or theme. These budgetary rules meant that it was not always easy to transfer funds from one line to another. Now, the bulk of the humanitarian budget is under a single budget line, without geographical or thematic distinctions. In addition, since 1993 ECHO has been able to benefit from an emergency reserve of €200–300m, for meeting major unexpected crises. In practice, this has been fully utilised each year. For 2001, the reserve amounted to €208m. Additionally, where a member of the ACP group of states is involved, ECHO can draw from emergency assistance monies within the European Development Fund (EDF), which is not included in the European Community budget and requires approval by a different committee. The amounts drawn can range from a few million to several hundred million euros; more than €236m were drawn in 1994.

Table 5: ECHO decision processes for humanitarian operations

| | Emergency | Non-emergency | Remarks |
|---|----------------|----------------|---|
| Delegation procedure (decision by the director of ECHO) | Up to €3m | n/a | Only new emergencies Within 72 hours Max 3 months |
| Habilitation procedure (decision by the Commissioner in charge of humanitarian aid) | Up to €30m | Up to €10m | Max 6 months |
| Written procedure (decision without debate by the College of Commissioners) | More than €30m | More than €10m | Global Plans |

There are different budgetary procedures according to the degree of emergency and the size of the operation (see Table 5). For example, in non-emergency situations ECHO presents its proposals for intervention through country Global Plans (mainly involving budgets exceeding €10m), setting out the respective roles of the different partners financed in the area, and the overall amount dedicated to the crisis. These plans are submitted to the College of Commissioners according to a written procedure. This means that the decision is taken without debate by the College.

Since June 2001, a new 'delegation procedure' has allowed for even greater flexibility. This procedure is exclusively dedicated to new emergencies, and allows the director of ECHO to decide on commitments of up to €3m within 72 hours. Operations under this procedure cannot last more than three months and must be undertaken by a partner organisation. The delegation procedure was used for the first time on 26 June 2001, in the response to an earthquake in Peru. Only ECHO and the Rapid Reaction Mechanism (RRM, used for crisis management) are allowed to use it.

The web of humanitarian actors on which ECHO depends for implementation constitutes a further influence. ECHO is locked into a relationship of mutual dependence with NGOs, the Red Cross movement and, to a lesser extent, the UN humanitarian agencies. All operations depend on a proposal coming from these bodies. Yet ECHO can play on the competition for funding, while, for the NGOs, ECHO is often the only alternative source of funds to their national governments. The EC regulation concerning humanitarian aid mandates no specific intervention method or procedure, and keeps open the option of the Commission acting directly if necessary. ECHO is legally allowed to implement interventions itself, and direct interventions used to represent up to 7% of the budget.

However, since 1993 ECHO has established partnerships with nearly 200 NGOs and international organisations, and these are the real foot-soldiers of EC humanitarian policy. The terms of these partnerships, based on a close control of inputs rather than on long-term effects, have been regularly reviewed over the years. The current Framework Partnership Agreement (FPA) has been in place since January 1999, and a new version is still being negotiated. The FPA is restrictive, and it is difficult for NGOs to negotiate the conditions of a contract (Tiberghien-Declerck, 2000).

A number of principles have been established to guide the selection of implementing partners. These include:

- proven performance in the area concerned, both in the field and in terms of sound financial management (by setting these criteria, ECHO is aiming to improve its performance assessment methodology); and
- the core capacities and mandate of the NGO (ECHO is to prioritise intervention by organisations acting within their main areas of expertise and competence).

ECHO is also attempting to establish an operational dialogue with partners, in order to improve their performance and the quality of operations funded. Thus, ECHO will assess each operation and provide partners with regular information on its assessment of their overall performance. It therefore appears that, nominally at least, quality and performance are to be the main criteria guiding the choice of partners in a crisis. However, ECHO has stated that it will also seek to maintain well-balanced partnerships with an array of organisations, particularly international organisations, namely the three most active UN agencies – WFP, UNICEF and UNHCR – and the ICRC.

Table 6: EC contracts for humanitarian assistance (% of the annual budget)

| Partners | 1997 | 1998 | 1999 |
|--|-------|-------|-------|
| EC Commission (direct – mostly logistics, information provision and studies) | 6.4% | 6.6% | 3.1% |
| Member states' specialised agencies | 1.2% | 1.4% | 0.8% |
| Other governments | – | – | 0.1% |
| EC NGOs | 48% | 59.7% | 63.6% |
| Other NGOs | 1.8% | 3.1% | 3.5% |
| Local NGOs | – | 0.1% | 0.3% |
| UN | 31% | 18.5% | 19.8% |
| of which: | | | |
| UNHCR | 16.3% | 10.7% | 13.7% |
| WFP | 11.5% | 4.8% | 5.1% |
| UNICEF | 2% | 2.3% | 2.7% |
| Other international organisations | 11.6% | 10.5% | 7.4% |

Reviewing the role of ECHO: the turning-point in 1999

In early 1999, a combination of factors affected ECHO's role in a more fundamental way than the development of the CFSP or the introduction of new procedures for the management of aid. ECHO was faced with:

- a corruption scandal in the Commission, which prompted the resignation of the College of Commissioners and the nomination of a new Commission more aligned with the member states;
- the Kosovo crisis, which highlighted the ambiguous and sometimes fraught relationship between humanitarian and military interventions; and
- the trend towards the development of a genuine European foreign and security policy, with its focus on conflict prevention and crisis management, involving new decision-making structures and new means of intervention.

With the arrival of the new Commission, portfolios were reallocated, and development and humanitarian responsibilities were once more brought together under a single Commissioner, Poul Nielson. Nielson soon made clear his intention of bringing ECHO back to its core mandate, namely assistance, relief and protection. ECHO began focusing on immediate, life-saving relief in emergencies and maintaining its operational independence in non-military crisis management. Thus, after eight years of expansion, ECHO reined itself in. A new director, Costanza Adinolfi, took over, with a focus on improving management, rather than imposing an 'ECHO stamp' on crises; that is, a focus based on supporting partners' performance, rather than overruling them.

This evolution towards a more focused role was supported by two long-term factors, the first relating to the emergence of new EU instruments for crisis management as described above, the second to a convergence of assessments by external observers and member states. In 1998–99, in accordance with Regulation 12557/96, an evaluation of ECHO was undertaken. Among the concerns that this evaluation raised were the dangers of intervening in the 'grey zone' between stable conditions and acute emergency, and the absence of quality criteria in interventions. The evaluation proposed three options:

- limiting ECHO's actions to emergencies only;
- explicitly extending its mandate to include operations in the 'grey zone'; or
- creating within the Commission a new instrument for long-term planning, in charge of 'grey zone' situations.

Member states were reluctant either to see an extension of ECHO's mandate, or to further upset the reform of the Commission by pushing for drastic changes. They supported a realignment against core functions, as well as, through a

different logic, the creation of a new instrument. ECHO personnel also wanted to implement the mantra of the previous Commission: 'do less and do it better'. The Commissioners themselves did not see the 'grey zones' as a difficulty, but did believe that ECHO had strayed too far from its core purpose. As a consequence, the first option was chosen, and ECHO concentrated on improving its planning and contractual instruments, in particular the Global Plans and the FPA. The European Parliament stressed the need for the Commission to develop a proposal for reorganising EC assistance, in order to avoid overlaps between its services and to clarify the role of the RRM it intended to create (Imbeni, 2000). The Parliament also invited the Commission to draw up a clear strategy, defining the role of ECHO in external and development policies.

This trend towards ECHO specialisation has coincided with the development of separate, dedicated capabilities in conflict management. The RRM, first drafted in late 1999, was approved in February 2001. It was 'designed to allow the Community to respond in a rapid, efficient and flexible manner, to situations of urgency or crisis or to the emergence of crisis'. Modelled on ECHO procedures, this mechanism has removed pressure on ECHO to engage in politically-motivated operations, because it is itself explicitly a political instrument aligned with the CFSP.

ECHO has scaled down its more political interventions. The humanitarian operations in Cuba, Rwanda, Bosnia and Kosovo, for example, have been phased out. Although existing instruments, apart from the RRM, remain extremely slow (the human rights and democracy projects take an average of 12 months between the approval of a proposal and its implementation), a general mood of caution has emerged.

The RRM's objective is to establish an accelerated decision-making procedure for the mobilisation and rapid deployment of specific financial resources while regular procedures associated with each relevant programme are undertaken. The RRM is, therefore, to draw on existing Community legal instruments and budgets, as listed in the Annex to the Regulation, including food aid, rehabilitation and reconstruction, human rights initiatives and decentralised cooperation, as well as all 'geographical' Regulations. The RRM will also be financed through a separate budget line of €40m. Budget authorities set a ceiling annually for the funding of interventions under this Regulation.

The scope for action under the RRM clearly overlaps with ECHO's activities. Whereas the RRM is able to intervene in situations of urgency or crisis, it is possible that ECHO will also fund some of these interventions. The RRM Regulation states that 'the activities covered by the ECHO regulation, and eligible for funding there under, may not be funded under this regulation'. But it adds that, in specific security or crisis-management circumstances, 'the Commission may, however, decide that intervention by

means of the Rapid Reaction Mechanism is more appropriate if combined with ECHO action'. There are, of course, clear distinctions; the International Crisis Group (ICG), for instance, states that 'humanitarian action is focused on the individual. Interventions under the RRM are rather aimed at the preservation or re-establishment of the civic structures necessary for political, social and economic stability. While ECHO is politically neutral, the RRM is intended to operate in the context of crisis management' (ICG, 2001b). Yet humanitarian interventions are complex and intensive coordination will have to take place in circumstances where both the RRM and ECHO are active – especially in view of the fact that RRM interventions are not bound by the same obligations as ECHO with regard to political neutrality. This coordination still has to be put in place.

Looking ahead

The new operational context

Even if humanitarian aid does not continue to grow at the rate seen during the 1990s, it will remain a key feature of the international scene for decades to come. This chapter suggests that assistance will increasingly be defined by three geopolitical scenarios, reflecting the significant proportion of funding received by humanitarian operations from Europe and North America. These scenarios are particularly visible in the CFSP process, with the differing emphasis it places on Europe's 'near abroad', and on its ancillary role in support of bilateral or UN efforts.

In the first scenario, assistance is part of an overall strategic response, which includes military and civil administration components, and in some cases police forces. These are the operations in which the European Commission's Crisis Management and Conflict Prevention Unit will come into play. There will also be some funding of NGOs. The second scenario covers the provision of humanitarian assistance of the palliative type. The provision of this assistance is likely to be increasingly conditional, and will probably be increasingly linked to development and protection. Finally, there will be 'no-go' areas where there are known to be needs, but where access is impossible due to the overwhelming force of a regional power, such as Russia in the Northern Caucasus.

The signs of this three-way cleavage can be found in institutional dynamics. There has been a marked movement away from the UN General Assembly as a source of legitimacy for action. ECHO has contributed to this disaffection by giving a decreasing proportion of its aid to UN agencies. Geopolitically, strategic operations are openly projecting force on behalf of alliances of states, rather than seeking more universal legitimacy from the UN or the OSCE. The European Community has also developed resources which are aimed more at European defence than at fulfilling UN principles. This has resulted in humanitarian

operations being dominated by civil protection bodies, often funded not by external relations services, but by interior ministries. In France, the budget for civil protection has grown ten-fold in the last five years, and the Emergency Cell of the Ministry of Foreign Affairs works more with civil protection bodies than with NGOs. Similarly, complete multi-sector teams were deployed in Albania in early 1999. In the UK, DFID has relied on contractors for entire components of its crisis response. In Kosovo, the Commission has done more direct rebuilding than it has financed humanitarian aid through ECHO.

The current OECD and UN financial tracking systems have not adjusted to this trend. They remain focused on crises in which states have recourse to NGOs and the UN as mediators. In these cases, such as in Angola or Sudan, the risks of becoming directly involved are greater than the benefits. For this scenario, ECHO remains eminently suitable as a link to the aid world. It has become more focused on humanitarian needs, even though these needs are often defined by those people who can be accessed, captured on camera and helped through projects. The temptation to intervene in political emergencies is less the result of pressure from the new institutions. The need remains, however, for the 'de-politicisation' of certain crises, and hence for ECHO to stick to its policies within the CFSP framework. ECHO will remain influenced by the work of the NGOs it funds. These are not actors following a contractual agenda. However, they are influenced by the structure and flows of funding, and if the CFSP instruments of intervention continue to develop, they will see their role becoming more constricted. As a result, the CFSP would appear to have a direct influence on European Commission humanitarian aid, but not a controlling one.

ECHO's strategic response?

Will ECHO allow itself to be pushed into a more marginal role? The elaboration of the office's mission statement in 2001 should have been an opportunity for it to highlight its own perception of its new role as regards the new operational context – especially since this document is not legally binding. According to this statement, 'ECHO's main mission is to fund the coordinated delivery of Community humanitarian assistance and protection through partner humanitarian organisations'. It is clear that the Commission explicitly positions itself as a funding agency. Stating that ECHO's main mission is to fund the delivery of humanitarian assistance reflects the fact that it will focus on its partners to relay EC humanitarian policy, making the office more suited to strategically less sensitive operations. As regards the scope of ECHO's action, the statement specifies that the aim of assistance is to 'save and preserve life, reduce or prevent suffering and safeguard the integrity and dignity of third country populations affected by humanitarian crises'. In addition, ECHO-funded assistance is aimed at facilitating, 'together with other instruments', the subsequent return of populations to self-

sufficiency wherever and whenever possible, 'to permit the phasing out of ECHO funding in good conditions'. 'In that perspective,' the statement says, 'ECHO is actively engaged in implementing LRRD strategies (linking relief, rehabilitation, development) and in developing stronger cooperation with other Commission services or other donors.' In other words, this mission statement and the 1996 Regulation provide for a continuation of the same range of humanitarian actions. Neither criteria nor explicit limits are fixed, but the emphasis on emergency situations makes clear that non-emergency activities are to be handed over to other services. It appears therefore that the new element is not so much the need to *phase out* ECHO activities, as the *phasing in* of other Commission services.

What are the favoured areas of intervention? The programming priorities are:

- interventions are to be based on needs;
- there will be a specific focus on 'forgotten crises';
- specific attention will be paid to unstable post-crisis situations;
- strategic orientations must be consistent with and complementary to the priorities of other key players; and
- there will be more regular evaluations of ECHO's interventions.

On this basis, ECHO has named some priority areas for intervention:

- the Balkans;
- the Great Lakes region;
- the Horn of Africa; and
- protracted humanitarian crises in Afghanistan, the Northern Caucasus, Colombia, coastal West Africa, Tajikistan and Western Sahara.

This list highlights that ECHO is seeking to retain its role in many of the areas where it operated during the 1990s. But it also shows that the office is less oriented towards the Middle East, an area of particular strategic importance for the EU. ECHO has also stressed its willingness to make 'significant efforts' to allocate 'adequate' resources to 'forgotten crises'; in other words, it is open to the 'niche function' which the new foreign policy environment may give it.

Has ECHO really set new priorities, apart from its role in the Balkans and in its traditional areas of operation? It is evident that ECHO must keep a certain degree of flexibility to be able to face any crisis that may arise and that, as a result, it cannot be too restrictive in the geographical definition of its scope of action. However, the main selected areas of intervention are more-or-less the same as previously, at least in terms of financial outlays in each region, with the exception of the Middle East.

It is obvious that most of the countries mentioned in the mission statement are given as examples, and that no real

commitment can be made. ECHO is essentially reactive. It is intent on leaving the implementation of structural assistance to other actors, focusing instead on emergencies. But withdrawal from certain countries does not depend exclusively on ECHO, and must be programmed in coordination with all the actors working on long-term rehabilitation and development, particularly within the Commission. The 'friendly phasing out of operations', as it is curiously described in ECHO's strategy, must therefore be understood in the light of the emerging instruments of the CFSP and crisis management in the EU. It is not dictated by them, but an essential complement to them.

Conclusion

While the EU is defining its area of strategic intent – its 'near abroad' – it is also developing specific security and intervention instruments, which are often based on foreign policy and interior ministry concepts. If these come to be in considerable demand, it is reasonable to expect that ECHO will become relatively less important in relation to the CFSP, and more important to countries of limited strategic significance.

This development will increase the gulf between high-priority strategic countries, and countries in which Europe has only short-term interest. This latter group will host the consensus operations of 'Wider Peacekeeping', where intermediaries become important after the initial, national responses. In these operations, ECHO will develop its skills and unique role, often in parallel with the UN.

Finally, the third type of territory, the 'no-go' areas for international intervention, will remain so for ECHO, because of the blocking influence of the individual member states and the Council, as well as ECHO's inability to acquire significant policy stature.

There could then be a choice for ECHO between two scenarios:

- ECHO becomes the conduit for assistance where the EU cannot become directly involved. This makes it a primary actor outside of large-scale strategic operations. It continues to operate on essentially humanitarian principles, meaning that its relationship with the UN remains ambiguous.
- ECHO becomes the link between civil society and the European crisis response mechanisms. In this case, it becomes increasingly the translator of political directives and strategies at the humanitarian level.

The first scenario would seem more likely, in part because the Commission will maintain its ability to insulate ECHO from the wider politicisation of humanitarian aid – thanks to the complex combination of factors that make up the EU's foreign interventions.

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Annex

List of interviewees

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| Omer Bakhet, Head, Emergency Response Division, UNDP | John Mitchell, Senior Humanitarian Adviser, British Red Cross Society |
| Christian Captier, Director of Operations, Action Contre la Faim (ACF) | Johan Schaar, Head, Division for Humanitarian Assistance and Conflict, SIDA |
| William Carlos, Emergency Advisor, Ireland Aid | Ed Schenkenberg, Coordinator, ICVA |
| Matthew Carter, Emergencies Officer, CAFOD | Ed Tsui, Director, Policy, Advocacy and Information Division, OCHA |
| Austen Davis, Director, MSF-Holland | |
| Martin Griffiths, Director, Henry Dunant Centre | Interviewees for Chapter 4, 'Trends in US humanitarian policy' |
| Allan Jury, Director of Strategy and Policy Division, WFP | James Bishop, Director, Disaster Response Committee, InterAction |
| Basil Lucima, Regional Humanitarian Coordinator, Oxfam GB | Morton Halperin, Senior Fellow, Council on Foreign Relations, Former Assistant Secretary of State for Policy Planning |
| Wayne Macdonald, Head of Evaluations, ICRC | Roy Williams, Director, Center for Humanitarian Cooperation, Former Director of OFDA |
| Simon Mansfield, Africa and Greater Horn Department, DFID | |
| Anita Menghetti, NGO/IO/Donor Coordinator, OFDA | |